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INFORMATION BRIEFING ON EMERGENCY  
PREPAREDNESS

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TRANSCRIPT OF PROCEEDINGS

Public Meeting

Before the U.S. Nuclear Regulatory Commission:

Gregory B. Jaczko, Chairman

Kristine L. Svinicki, Commissioner

William D. Magwood, IV, Commissioner

William C. Ostendorff, Commissioner

Participants:

NRC Staff and FEMA:

Bill Borchardt, Executive Director for Operations

Brian McDermott, Director, Division of Preparedness and Response, NSIR

Robert Kahler, Chief, Inspection and Regulatory Improvements Branch, Division of Preparedness and Response, NSIR

Corey Gruber, Assistant Administrator, National Preparedness, FEMA

James Kish, Director, Technological Hazards Division, FEMA

Bill King, Chief of the Technological Hazards Branch, National Preparedness Division, FEMA Region V in Chicago

State and Local Representatives

Kevin Leuer, Director, Preparedness Branch, Minnesota Division of Homeland Security & Emergency Management

Patrick Mulligan, New Jersey Department of Environmental Protection Bureau of Nuclear Engineering

Non-Governmental Organizations

Mary Lampert, Director, Pilgrim Watch

Deborah Brancato, Staff Attorney, Riverkeeper

Industry

Thomas Joyce, President and Chief Nuclear Officer, PSEG Nuclear

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

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CHAIRMAN JACZKO: Good morning, everyone. Before we begin today's meeting on emergency planning, I thought I'd take a moment to acknowledge, this is Public Service Recognition Week, and it's always a great opportunity to thank the staff at the agency, for everything that they do on behalf of the American people. Throughout my time on the Commission, I've always been impressed by their expertise, their experience, and, ultimately, their dedication to our important mission.

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We're privileged today to have with us some fine public service employees from another agency as well, so thank you, as well, for your service. I know it's been a busy time for FEMA, with dealing with the situation with the tornadoes and other storms. So, again, it's always a tremendous reminder of the dedicated work that public servants do, and so I just wanted to take that opportunity to recognize that before we start our meeting today on emergency preparedness.

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The issue, then, for today is the draft final rule on emergency planning, which is an effort that's been ongoing now for several years, and has been a very involved process that I think has demonstrated the best in our ability to coordinate, and communicate, and work together to solve some important challenges.

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Effective emergency planning is one of the key tenets of our defense-in-depth philosophy for protecting public health and safety. And even as we work hard to ensure that licensees prevent accidents from happening in the first place, we also require, ultimately, that licensees develop the strategies to

1 mitigate and contain them in the event that they do.

2           And in line with our national approach to emergency preparedness,  
3 we recognize that this is a shared responsibility of federal agencies, state, and  
4 local authorities, and ultimately the private sector. That's why we've gone well  
5 beyond what is formally required to involve all of these different stakeholders in  
6 the process of developing this rule, and I, as I watched this, it has really been a  
7 tremendous effort, from what I've seen. I think it ultimately serves as a good  
8 model for how we should approach our rulemaking in this and other areas.

9           The rule in front of us, I think, in particular, is very timely. We are  
10 doing an ongoing review of efforts and activities related to the situation in Japan,  
11 and certainly one of the areas we're looking at is emergency preparedness. But I  
12 think the rule we have in front of us is something that I think is only going to do  
13 enhancements to our existing rules and regulations, and so the Commission was  
14 interested in moving this meeting forward, moving the activity forward, to  
15 complete this activity, hopefully, in a more timely way.

16           So again, I think this will be a great opportunity to talk about the  
17 rule and what kind of changes we'll see. And, again, I want to thank our  
18 colleagues from FEMA who are here today, and thank them for their strong  
19 partnership in working with us on this important rule.

20           So, if my colleagues have any comments they would like to make?

21           Okay, we'll turn it over to you, Bill.

22           MR. BORCHARDT: Good morning. While the recent events in  
23 Japan certainly underscore the importance of emergency planning and  
24 preparedness, and although we don't know the lessons to be learned from that  
25 event, or if additional emergency preparedness program changes in this country

1 are going to be required, the current rulemaking does address several key areas  
2 that will enhance the overall state of preparedness.

3 For example, two of the areas include a provision that would help  
4 ensure that there's adequate on-shift staffing at each nuclear plant, that, in order  
5 to deal with a wide range of emergency events, and also a provision that would  
6 require more challenging drills and exercises. These and other provisions of the  
7 EP rulemaking will further ensure effective emergency response capabilities are  
8 in place as part of our defense-in-depth approach to nuclear safety and  
9 protection of the public health and safety.

10 FEMA and the NRC have worked closely throughout the  
11 rulemaking process, and even before the rulemaking process began, to ensure  
12 that the final rule and guidance address important on-site and off-site issues in  
13 an integrated manner. FEMA has updated its off-site EP program guidance  
14 documents in conjunction with the final rule changes and the NRC guidance  
15 documents. These documents were issued for public comment at the same time  
16 as the proposed rule, and FEMA intends to issue the final documents along with  
17 the final rule.

18 FEMA and NRC staff also formed a team to jointly resolve  
19 comments affecting both on-site and off-site programs. I'd like to take this  
20 opportunity to acknowledge the efforts of the leadership team at FEMA for  
21 helping ensure our agencies remain aligned throughout the rulemaking and  
22 guidance development process, and for also ensuring that their stakeholders are  
23 fully engaged in the process, as well. I'm going to now turn the presentation over  
24 to Brian McDermott.

25 MR. MCDERMOTT: Thank you, Bill. Good morning. My

1 presentation will discuss briefly the evolution of NRC's emergency preparedness  
2 regulations. The basis or objective for radiological emergency planning is to  
3 reduce dose in emergency situations. And prior to the accident at Three Mile  
4 Island, emergency preparedness, or EP, commanded little attention. It was not a  
5 major consideration in the design or licensing of the first nuclear power plants.

6           However, in 1976, the Conference of Radiation Control Program  
7 Directors requested the NRC to identify the most severe accident for which off-  
8 site plans should be developed. In response, the NRC and the EPA formed a  
9 task force, and in 1978, that task force issued a report that became known as  
10 NUREG-0396. The report concluded that a spectrum of accidents should be  
11 considered as the basis, rather than an individual worst case. The report also  
12 introduced the concept of emergency planning zones, or EPZs. A 10 mile radius,  
13 short-term plume exposure pathway EPZ, and a longer-term, 50 mile, longer-  
14 term ingestion pathway EPZ.

15           The choice of that EPZ size really represented a judgment  
16 regarding the extent to which detailed planning must be performed in order to  
17 assure an adequate response base. In some cases, only a small portion of that  
18 zone would be involved in response to an accident, but for the worst possible  
19 accidents, protective measures would need to be taken outside these planning  
20 zones. In these situations, emergency planning would provide the framework for  
21 expanding additional actions beyond the areas, as needed.

22           Following the accident at Three Mile Island in December of 1979,  
23 following the recommendations of the Kemeny Commission, President Carter  
24 directed that FEMA would be the lead agency for off-site emergency planning. In  
25 response to this, the NRC and FEMA staff developed an MOU to address the

1 coordination between the agencies going forward. FEMA assumed the  
2 responsibility for evaluating state and local emergency plans and NRC retained  
3 its responsibility for determining the overall state of emergency preparedness,  
4 relative to the licensing of new facilities and continued operation of the existing  
5 facilities.

6 In 1980, the NRC approved revised regulations that incorporated  
7 additional emergency preparedness requirements. Changes that we're  
8 discussing today are the first major changes to those regulations since that time.  
9 An important stipulation in the revised regulations was that NRC would not issue  
10 a new operating license without a satisfactory emergency plan.

11 Over the next several years, issues arose over the decision by  
12 some state and local governments to withdraw from emergency planning for the  
13 Seabrook and Shoreham power stations. In October of 1987, the Commission  
14 approved changes to the regulations that would allow issuance of an operating  
15 license based on the development of a comprehensive utility off-site emergency  
16 plan.

17 Now, since that time, we've seen an increased level of cooperation  
18 between utilities in state and local organizations regarding emergency planning.  
19 And today, relationships between all organizations involved in radiological  
20 emergency planning are reinforced by the national response framework for all  
21 hazards.

22 Following the events of September 11, 2001, the NRC staff  
23 engaged in three major reviews related to EP. The first was a review of the  
24 emergency planning basis, because the impact of hostile actions had not been  
25 contemplated at the time the basis was established. That review concluded that

1 emergency planning basis remained valid. Vulnerability studies showed that the  
2 timing and magnitude of releases related to a hostile action would be no more  
3 severe than the accident sequences already considered in the planning basis.  
4 The staff did recognize, however, that hostile action events could present unique  
5 challenges for emergency response.

6           Second review examined preparedness and response actions  
7 specifically for security-related events. That resulted in the issuance of a bulletin  
8 that contained five areas of enhancements. The industry responded to that  
9 bulletin, voluntarily implementing many of these enhancements. Third review  
10 was a top-to-bottom review of emergency preparedness program and NRC  
11 regulations.

12           On September of 2006, the culmination, really, of these three  
13 reviews, was provided in a SECY-06-0200. And the paper identified 11 high  
14 priority issues and one administrative issue for rulemaking. In January of 2007,  
15 the Commission directed the staff to proceed with that rulemaking activity. Slide  
16 three, please.

17           Expanded process was used for this EP rulemaking due to the  
18 anticipated level of stakeholder involvement. Goals were to maximize the  
19 stakeholder participation and accessibility, and then, to ensure we had an  
20 effective exchange of information with all the stakeholders. During the draft  
21 preliminary stage of the rulemaking, we engaged stakeholders in multiple forms,  
22 provided preliminary rule language, and had public meetings specifically to obtain  
23 feedback on the preliminary language.

24           Then, in 2009, the actual proposed rule was published along with  
25 the draft guidance for a 75 day public comment period, and there was significant



1 stakeholder interest. As a result, stakeholders asked for more time to review the  
2 documents and digest all the information. The Commission responded by  
3 extending the comment period to 150 days. And during this public comment  
4 period, the NRC staff, along with FEMA, conducted 12 public meetings across  
5 the country engaging stakeholders and also using interactive web conferencing  
6 technology to provide flexibility for stakeholders who were not otherwise able to  
7 attend the meetings.

8           In December of 2009, the Commission was briefed on the status of  
9 the rulemaking, and the SRM from that Commission meeting again directed the  
10 staff to make the rule language and guidance publicly available. And this was  
11 done so in October of 2010, as the rulemaking documents moved forward for  
12 review through the Advisory Committee on Reactor Safeguards. Slide four,  
13 please.

14           This table identifies 12 topics that are addressed in the draft final  
15 rule. Five topics are considered emergency preparedness program  
16 enhancements, and six topics are enhancements specifically related to security  
17 events. Those are designated with an asterisk. And the final topic is  
18 administrative removing completed one-time requirements from the rule  
19 language.

20           The EP program improvements covered in this rule change are  
21 based on three decades of experience with the current rules, also, advances in  
22 communications and information sharing technology, and finally, the lessons  
23 learned from drills, exercises, and real world events since the accident at Three  
24 Mile Island. The new requirements would enhance the level of licensees'  
25 preparedness, and their ability to implement these plans. The new requirements

1 address, in part, security issues identified during the post-9/11 reviews. They  
2 clarify regulations to provoke consistent implementation. They modify other  
3 requirements to make them more effective and efficient. Slide five, please.

4           There are three NRC guidance documents that were developed to  
5 provide additional information regarding the rulemaking topics. NUREG/CR-  
6 7002 provides guidance on the development and updating of evacuation time  
7 estimate analyses. This guidance includes new concepts and key issues such  
8 as staged evacuations, shadow evacuations, addressing the evacuation tail, or  
9 last 10 percent of the evacuated population, and how to update the analyses.

10           Regulatory Guide 1.219 provides guidance on making changes to  
11 emergency plans for nuclear power reactors consistent with the amended  
12 language in 10 CFR 50.54(q). This guidance document addresses acceptable  
13 methods for demonstrating compliance, provides general guidance on the  
14 change process in record keeping, and also provides illustrative examples of  
15 typical changes to aid licensees in evaluating when a potential change could  
16 result in reduction effectiveness, which will then trigger submittal to NRC for  
17 review and approval.

18           The Interim Staff Guidance provides updated guidance on eight  
19 topics covered in the draft final rule. The ISG consolidates guidance changes  
20 that would otherwise span several existing guidance documents. It was  
21 necessary to issue this Interim Staff Guidance in order to provide the revised  
22 guidance at the same time as the rule. And the staff plans to update the existing  
23 guidance documents moving forward with ISG information if the rule is approved.

24           In addition to the eight rule topics, this Interim Staff Guidance also  
25 provides guidance to licensees on integrating off-site emergency response

1 concepts with on-site emergency preparedness programs. A need for improved  
2 integration was a key lesson learned from the hostile action based drill program.  
3 Effective coordination with off-site agencies is already an existing requirement;  
4 however, this current rulemaking does not explicitly require licensees to adapt  
5 the national incident management system used by federal and state response  
6 organizations. Next slide, please.

7           During the 150 day public comment period in 2009, the NRC  
8 received 95 submittals and approximately 700 comments. FEMA during this time  
9 received over 120 submittals and over 2,300 separate comments. A joint NRC-  
10 FEMA panel was formed to resolve these comments and to ensure the  
11 consistency of on-site and off-site guidance. We feel this was a very effective  
12 strategy. In general, the comments were very discerning, pointing out specific  
13 areas where clarification or additional information was needed, and I'll highlight  
14 just a few of these examples on slides six and seven.

15           Regarding the proposed rule change to 50.54(q), commenters  
16 questioned the staff definition of "change," because it broadly included resources,  
17 capabilities, and methods identified in emergency plans. Well, commenters  
18 responded that licensees did not have total control over off-site resources and  
19 capabilities that are discussed in their plans. So the phrase of concern was  
20 removed from the draft final rule and replaced with language that provided better  
21 clarity, recognizing that modification to the emergency plan itself is a change  
22 subject to the 50.54(q) requirements.

23           Many commenters stated that the evacuation time estimate  
24 threshold discussed in the proposed rule was based on a generic 10 percent  
25 population change criterion. Off-site agencies commented that a 30 minute

1 period was the minimum time that would affect a protective action decision rather  
2 than a change in the population. The staff agreed and revised the threshold such  
3 that licensees must now update ETE studies when the longest evacuation time  
4 for either the two, five, or 10 mile zones increased by 25 percent or 30 minutes,  
5 whichever is less. This change ensures the ETE update is completed only when  
6 a population change has a material impact on the evacuation time in the off-site  
7 organizations. Slide seven, please.

8           Commenters questioned the need for the new regulation regarding  
9 the on-shift staffing analysis, since existing regulations already require adequate  
10 on-shift staffing. The staff disagreed with this comment. The present regulation  
11 is general in nature, and our experience has shown that inconsistent  
12 implementation has led to challenges during real world situations. The staff  
13 considers a detailed analysis necessary to demonstrate that on-shift staffing.  
14 The draft final rule will ensure that duties assigned to on-shift staff prior to  
15 augmentation of the emergency response organization are reasonable and not  
16 overly burdensome.

17           Running exercise cycles in variations. Many commenters  
18 suggested that the length of the exercise cycles should be increased to allow  
19 more time to conduct the required exercise elements, increase the variability of  
20 scenarios, and allow more flexibility in the selection and scheduling of exercises.  
21 The staff agreed with the comment, and the draft final rule reflects an increase in  
22 the exercise cycle from six years to eight years.

23           There were also several comments pertaining to the use of minimal  
24 or no release scenarios. Some of the comments supported this new concept  
25 while others opposed the new concept. This element was proposed by the staff

1 to increase the variability of scenarios. In the draft final rule, the staff retained  
2 the requirement, but we did work with FEMA to enhance the guidance regarding  
3 options for how the minimal or no release scenario could be accomplished as  
4 part of a biannual exercise. For example, one option allows FEMA to evaluate  
5 the off-site response objectives not demonstrated in the exercise at another time.  
6 Next slide, please.

7           In the interest of time, I was going over some of the -- skipping over  
8 the examples. I'll go back to that one. In the proposed rule, the NRC would have  
9 required licensees to identify and demonstrate that governmental authorities  
10 have the administrative and physical means to provide a back-up method of  
11 public alert notification. Several stakeholders commented that governmental  
12 authorities are generally responsible for alert notification system activation and  
13 implementing the back-up ANS, and that licensees do not control the resources  
14 necessary to implement the back-up capability. As a result of these comments,  
15 the staff agreed, and the draft final rule language was changed to more  
16 specifically reflect the division of ANS responsibilities.

17           The staff -- on slide eight, the staff has been working closely with  
18 FEMA to ensure alignment between our organizations on the content of the final  
19 rule and the development of on-site and off-site guidance. We believe this  
20 coordination has been quite valuable, and we recognize the need to maintain a  
21 collaborative approach with FEMA as we move to the final part of the rulemaking  
22 process. Regarding the cumulative effects of regulation, the Commission  
23 directed the staff to assess cumulative effects of regulation following the  
24 December, 2009 Commission briefing on EP rulemaking. The staff's general  
25 assessment was recently provided to the Commission in SECY-11-0032. I just

1 want to note that the EP rulemaking activities conducted to date closely align with  
2 the staff's overall recommendations provided in the SECY paper.

3           Regarding implementation periods for the draft final rule, they  
4 actually ranged from being essentially immediately effective to allowing several  
5 years for implementation. I'd like to note that a valuable step related to  
6 cumulative effects of regulation and these implementation periods was taken  
7 during the proposed rule stage of the rulemaking.

8           In November, 2010, we held a public meeting with FEMA to engage  
9 licensees as well as state and local officials on the timing of the implementation  
10 of the rules. We received very insightful feedback from approximately 75  
11 industry, state, and local officials. Some of the examples raised, in the proposed  
12 rule language, we required the hostile action based scenario for the first exercise  
13 occurring more than one year after the effective date of the rule. This effectively  
14 required all hostile action based exercises to be conducted within a two year  
15 window. The state officials commented on the difficulties that this would create  
16 for state agencies, in particular in states with multiple sites.

17           After significant dialogue, the staff changed the implementation  
18 period and the draft final rule, extending this period for initial hostile action based  
19 exercises to 2015. In addition, clarification for states with multiple sites was  
20 provided, such that states must fully participate in one hostile action based  
21 exercise by 2015 and partially participate with the remaining sites during their  
22 initial hostile action based exercises.

23           NRC and FEMA staffs are planning a series of implementation  
24 workshops in anticipation of the final rule approval. Our goal will be to help  
25 stakeholders understand the new requirements and share information on ways to

1 effectively implement the rules and guidance. We've already conducted two  
2 public meetings to get feedback from stakeholders on the content and the timing  
3 of those workshops. Our preliminary plans include an informational webinar to  
4 be conducted within one week of the final rule, as an introduction to  
5 stakeholders, some of whom may not have been involved entirely over the six  
6 year process we've gone through, here.

7           In the next three to four weeks, we envision having the initial  
8 workshop in the Rockville area, and then follow that with 10 additional workshops  
9 across the country over a period of several months. The stakeholders were very  
10 supportive of this initiative, but requested additional time for implementation  
11 following learning the information during the workshops, and the staff  
12 accommodated this request by building additional time into the implementation  
13 dates. The staff is also preparing for incorporation of the new rule requirements  
14 in the reactor oversight process, including drafting inspection procedures,  
15 revising the significance determination process, and preparing for the training of  
16 inspectors. Our current plans are to provide the inspector training after the  
17 Commission votes, but before the final rule is published.

18           This concludes my presentation, and pending any comments, I'm  
19 going to introduce Mr. Jim Kish, the Director of the Technical Hazards Division at  
20 FEMA, who will discuss emergency planning and preparedness from his  
21 agency's perspective.

22           MR. KISH: Well, good morning, and thank you very much for the  
23 opportunity to participate in today's very important proceedings. The events  
24 following the earthquake and the tsunami in Japan, and, to a lesser degree, the  
25 recent tornadic activities in the southern United States over the past two months,

1 have sharpened significantly the focus on emergency preparedness efforts of  
2 both the nuclear power industry and the jurisdictions that surround those  
3 facilities. These momentous events, thousands of miles and an ocean apart,  
4 provide the backdrop for today's discussion regarding joint NRC and FEMA  
5 efforts to finalize updated rulemaking and program guidance.

6           Today, I want to take the opportunity to talk about progress that  
7 FEMA has made towards finalizing an updated REP program manual, and,  
8 including what efforts we've undertaken to achieve that conclusion, and what  
9 remains to be accomplished, and then our strategy to both complete and  
10 implement those updates. I also want to introduce to the Commission several  
11 additional guidance efforts, one identified from the President of the United States,  
12 and another from the head of FEMA, that bear on future efforts to ensure that our  
13 emergency preparedness efforts remain to be consistent with those being  
14 undertaken to strengthen the nation's all hazards preparedness efforts. Next  
15 slide, please.

16           Okay. As you can see from the topics listed here, emergency  
17 preparedness is a high priority for the administration, as well as for the nation's  
18 emergency manager, Mr. Fugate. Following the tragic events stemming from the  
19 earthquake and the tsunami, Administrator Fugate directed FEMA to take actions  
20 to examine steps that could be taken to more comprehensively integrate the  
21 Radiological Emergency Preparedness Program within and across FEMA. I  
22 would also point out that the President's recent guidance under Presidential  
23 Directive Number Eight on preparedness created an additional impetus for our  
24 drive for that. But the good news here is that the efforts that we have undertaken  
25 jointly with the NRC over the past several years already set us up for a course to



1 meet those challenges from the President, and from the FEMA administrator.

2 Slide, please.

3 In publishing this policy, the President directed efforts of the federal  
4 government to develop, and I quote, "An integrated, all of nation, capabilities-  
5 based approach to preparedness." Central to this policy is development of a goal  
6 that identifies core capabilities, an integrated system to guide activities to achieve  
7 those goals, and a means to track the progress towards achieving those goals.

8 These simple concepts, I would point out, have been the cornerstone of the  
9 nation's Radiological Emergency Preparedness Program for the last 30 years.

10 Now I'd say that because those are the fundamental concepts of the REP  
11 program, I submit it's incumbent upon the program stewards, the NRC and  
12 FEMA, for both on-site and off-site preparedness activities to be cognizant of the  
13 actions that the nation takes and then to help inform development of those  
14 systems and efforts to meet the goal, so as to ensure that the best practices that  
15 the REP program has formed over those decades are utilized to the greatest  
16 extent to shape the nation's efforts to achieve that goal. A challenge is to ensure  
17 our joint REP emergency preparedness program gains and maintains that  
18 integration that the President directed, and it's also an opportunity to use the  
19 results of those decades of professionalism from the REP program to help shape  
20 that preparedness system. Slide, please.

21 From FEMA's perspective, Mr. Fugate recently affirmed the vitality  
22 of the REP program, and having been a county manager that was responsible for  
23 a power plant in the county that he was responsible for organizing emergency  
24 preparedness for, and then as a state director that had three facilities within his  
25 state jurisdiction to be responsible for, he speaks from a pretty firm experience

1 and knowledge base on just exactly how strong that REP program is. The  
2 challenge he brings to his current duties as the leader of FEMA is to more  
3 credibly ensure that those strong programs at the local level are better integrated  
4 within and across FEMA. He indicated that FEMA will have the resources to help  
5 in a domestic nuclear plant incident, although current all-hazards plans and  
6 trainings may need to be updated to integrate current REP planning, training, and  
7 exercise activities within and across FEMA. Again, there was a recognition that  
8 the REP program has a very strong foundation. FEMA will continue to take steps  
9 to examine its operational procedures, aiming at a more integrated REP that is  
10 better coordinated within FEMA headquarters, elements, the National Exercise  
11 Program, and through the FEMA regional administrators within their programs.  
12 Slide.

13           The list in front of you at this slide summarizes related emergency-  
14 preparedness and planning efforts that are currently underway. These initiatives  
15 range from statutory, under the Post-Katrina Emergency Management Reform  
16 Act, to regulatory, through the Federal Radiological Preparedness Coordinating  
17 Committee, to policy/doctrine under NIMS and the National Response  
18 Framework and the associated frameworks that are directed by Congress to be  
19 built and implemented. The Post-Katrina reform act establishes statutory  
20 foundations for NIMS, the NRF, and recovery frameworks. These endeavors are  
21 in varying stages of completeness and being fielded. Each of them has, as its  
22 core, elements that go into the heart of the President's preparedness policy  
23 directive. And the core element from PPD-8 is not to start with a blank sheet of  
24 paper but to vector, or to align existing activities to the degree possible and  
25 integrate them better and so state that integration.

1           And so we are in a position that is very consistent and allows us to  
2 take advantage of the aforementioned work. I reference Comprehensive  
3 Preparedness Guide 101. That is a document that describes how to conduct  
4 planning for state and local jurisdictions across the nation. We've implemented  
5 close coordination with the authors of CPG 101 from the FEMA REP program to  
6 ensure that what they produce has a vitality and a link across to the existing REP  
7 program, and as the program is updated and modernized to include these all  
8 hazards looks, we'll continue to make sure that that's consistent across the  
9 country.

10           When it was established, the Federal Radiological and Emergency  
11 Preparedness Coordinating Committee was designed to assist FEMA in  
12 providing policy direction for the program of federal assistance to state and local  
13 governments in their radiological emergency preparedness and planning  
14 activities. And in the ensuing decades, more specifically since 9/11 and the  
15 inception of numerous, related preparedness efforts, it seems logical to consider  
16 modification of the foundation for the Federal Radiological Preparedness  
17 Coordinating Committee, so as to include contemporary radiological threats such  
18 as RDDs and INDs, Radiological Dispersal and Improvised Nuclear Devices.  
19 From a policy perspective, it doesn't seem to be sensible to just have one body  
20 to look only at radiological hazards associated with the REP program when there  
21 is an equal need for policy determinations for other hazards that are radiological  
22 in nature, and it's the same people that do those things across the federal  
23 government in large numbers. So we're looking to broaden the charter of that  
24 and conduct whatever updated regulatory activities will need to be required in  
25 order to do that.

1 I'd also like to highlight that prior criticisms we've heard on not just  
2 the REP program but generally speaking from stakeholders in the FEMA world  
3 about their inclusiveness, and the ability to engage with our stakeholders very  
4 early and consistently throughout the regulatory update process, it has been a  
5 viable criticism, and so we're taking active measures to try to meet those  
6 criticisms, put them behind us, and have a very transparent and effective working  
7 relationship with our stakeholders. Slide, please.

8 As previously stated, efforts to update and align the REP program  
9 foundations have been underway for some time. NRC and FEMA have jointly  
10 undertaken to introduce elements of the National Preparedness System as well  
11 as to introduce elements that account for more contemporary threats. From  
12 FEMA's perspective, the two documents listed above represent a significant  
13 movement towards achieving the President's stated goal of an integrated system  
14 of national preparedness. In other words, we're well embarked to meet that goal  
15 today. Slide, please.

16 Now that said, I want to acknowledge that this is not an easy task.  
17 Our stakeholders have both been constructive and forthright and in their inputs to  
18 the process of developing the updates to the RPM. In publishing the draft update  
19 through the Federal Register, as Mr. McDermott acknowledged, over 120  
20 submissions, 2,300 individual comments. Each of these comments were  
21 painstakingly reviewed and where feasible, fully incorporated or modified and  
22 incorporated within the final draft of the REP program manual and the associated  
23 Supplement 4. Where it was necessary, comments that extended beyond the  
24 reach of FEMA's specific responsibilities and maybe were jointly actionable  
25 between FEMA and the NRC, we jointly adjudicated those comments and again

1 applied the same metric to, where feasible, incorporate those updates.

2           It was a lengthy process of adjudication, and during that process  
3 we conducted numerous forums where we communicated as effectively as we  
4 could, given the restrictions of the policy to the process within FEMA with our  
5 stakeholder community. And I would also note, following that last statement, that  
6 despite the literally dozens of meetings we held with our stakeholders to have  
7 discussion with them, a full deployment of the pre-decisional draft of the final  
8 REP program manual has not been possible given FEMA's policy development  
9 process. And our stakeholders have noted that with some concern. And I'd also  
10 point to additional actions here; consolidation and retirement. During the REP  
11 program manual update, a key theme was consolidation and retirement of  
12 outdated or unneeded program guides. Literally hundreds of current  
13 interpretations were incorporated into the program manual while 158 previous  
14 guidance memoranda were retired. So we went from a pile of paper that was  
15 about this high, to one that's only about this high. And while we think that's really  
16 good, we still have more work to do in that arena and we plan on doing that in  
17 subsequent revisions.

18           Initial efforts, also, to fully align the REP program manual within the  
19 National Preparedness Initiatives: We developed language and included it in the  
20 update to gain better consistency within the elements of that system, such as the  
21 aforementioned National Incident Management System or NIMS. The National  
22 Response Framework, and the All-Hazards Exercise Methodology that's part of  
23 the National Exercise Program. Slide.

24           The update to the 2002 interim-draft REP program manual,  
25 currently in use, also aims to more fully align the REP program with the All-

1 Hazards Exercise Methodology. Finally, care has been given to preserve  
2 alignment with the associated NRC rulemaking activities. These efforts were  
3 deliberately taken to try and minimize the turbulence to the on and off-site  
4 stakeholder communities. Slide.

5 Supplement 4 adds to or revises evaluation criteria contained in  
6 NUREG-0654. These changes are being proposed to address four issue areas  
7 that were raised by stakeholders or are in response to proposed regulatory or  
8 enacted statutory requirements. Preparing for and responding to hostile-action-  
9 based or HAB events at the nuclear power plants, aligning the off-site  
10 radiological program with the National Preparedness Initiatives and enhancing  
11 scenario realism, Reducing negative training and preconditioned responses to  
12 exercise participants, and, finally, ensuring backup means are in place for alert-  
13 notification systems. Slide.

14 Publication and issuance; the REP program and Suppl. 4, as I mentioned,  
15 are considered pre-decisional and as such are still embargoed and not available  
16 to be released during the concurrence process. Once they are finalized and  
17 approved for release, they will be published and issued through the Federal  
18 Register. We also intend to publish a matrix that reflects the comments we  
19 received, and what the final adjudication status was of all those comments. So in  
20 other words, we're going to show the homework that goes along with that so that  
21 our commenters will have the ability to reference back and find out what was  
22 done with their inputs. The public will be given an opportunity to review the  
23 adjudication decisions and the rationale or justification for those decisions.

24 One key element the stakeholders have voiced, and it was  
25 referenced before, is a desire to participate in the development of the transition

1 plan. In other words, once we finalize your rulemaking and our program updates,  
2 there remains the hard work of actually taking those words and putting them into  
3 action in the field. And we recognize that a fully integrated dialogue is absolutely  
4 essential to ensure we have a successful, orderly incorporation of those updates.  
5 And to accomplish this, FEMA has plans following the final publication to conduct  
6 the public meetings in conjunction with the Nuclear Regulatory Commission, and  
7 following those range of meetings that Brian described for you, we also intend to  
8 have site-specific jurisdictional meetings for up to days. It depends how long it  
9 takes. So that we can discuss in detail with the affected jurisdictions how they  
10 are going to incorporate those updates, and what those effective timelines that  
11 they can meet are going to be. And then we can work together with them to  
12 jointly develop those timelines, so to put it in more simple terms, we're not just  
13 going to throw it out there and walk out there and say, "You got it done yet?" We  
14 intend to publish and have an interactive dialogue with the jurisdictions, and go  
15 out there and work with them to make this happen. Slide, please.

16           A significant cluster of comments from the REP program manual,  
17 Suppl. 4 public comments indicated stakeholder view that a core element needed  
18 for which off-site planning and preparedness-based is in need of review, and I'm  
19 taking about NUREG-0654. And so what we're looking at in conjunction with the  
20 NRC is taking a look at revising or examining NUREG-0654, and that we view is  
21 an opportunity to include those contemporary emergency-planning drivers that  
22 we mentioned before -- FEMA Administrator's intent, President's stated  
23 directives. We also touched on those, and I have not talked about it yet but we  
24 still are anticipating that we will get some lessons that will come out of the  
25 unfortunate circumstances at Fukushima, that we would be able to look at in

1 terms of updating our guidelines and ensuring that we aren't deficient in any of  
2 those areas that maybe the Japanese struggled with a little bit.

3 I'd like to conclude my comments by noting the progress made in  
4 these important endeavors. And it would not have been possible without the full,  
5 engaged stakeholder community -- you're going to hear from some of those  
6 today -- and I'd also like to cite the close coordination between FEMA and the  
7 Nuclear Regulatory Commission staff. These efforts have been and continue to  
8 be very challenging, and only through this open, transparent, and cooperative  
9 environment can we all be successful. And that concludes my comments,  
10 pending any of your questions.

11 CHAIRMAN JACZKO: Well thank you Jim, and I also want to thank  
12 Assistant Administrator Gruber for being here as well, and also for Bill King.  
13 We're going to do this meeting a little bit different, so we're going to ask the other  
14 stakeholder panel to come up. We'll hear from them, ask questions, and then  
15 we'll ask you all back to answer our questions then. Thanks.

16 We'll now hear from a group of stakeholder panels, starting with  
17 Kevin Leuer, who is the director of the preparedness branch of the Minnesota  
18 Division of Homeland Security and Emergency Management. Mr. Leuer?

19 MR. LEUER: Thank you Mr. Chair and members of the  
20 Commission. I'd like to thank you again for the opportunity to present our  
21 concerns as an off-site response organization. It is important that off-site  
22 response organizations have a voice and are able to raise our concerns, and  
23 we've been very participative in the rulemaking process and we appreciate the  
24 opportunity to do that. Next slide, please.

25 Today I'd like to highlight some of the concerns and some key



1 points as they relate to Supplement 3, Hostile Action Based planning, response,  
2 and new regulation impacts in the implementation. These activities that are  
3 being implemented under the new changes impact each emergency classification  
4 level, and we need to make sure that we get those changes right as we work  
5 towards their implementation. We see this as a stairway, as we look at  
6 emergency-classification levels and the new regulations and making sure, step  
7 by step, we get those changes implemented into our core planning and response  
8 activities. Next slide.

9           Off-site response organizations need to have specific flexibility in  
10 implementing the new requirements of Supplement 3. For example, the  
11 population and terrain around the Prairie Island and Monticello Nuclear  
12 Generating Plants are very different, which results in different strategies that we  
13 impose as we look at how we would evacuate populations in those areas. It's  
14 important that the regulation doesn't box us into a one-size-fits-all as we look at  
15 staged evacuation. We need to be able to look at population, terrain, evacuation  
16 routes, and ultimately what's the best for the population in that impacted area as  
17 we implement those staged evacuations. Again, a one size doesn't necessarily  
18 fit all.

19           Around the Prairie Island Nuclear Generating Plant, because of the  
20 river bluffs, if we have a low wind speed below five miles an hour, we need to  
21 evacuate a five-mile, 360 degree because that plume can go in any direction.  
22 We've done testing and analysis on wind stability in that area, and that's the best  
23 for the protection of the population. If we have stronger wind speeds, we narrow  
24 that cone to just look at the two mile and five mile downwind. And in our analysis  
25 as we've looked at the population in those impacted areas, there's only a 10-

1 minute differential between just evacuating the two-mile and then taking the five-  
2 mile area. If we take them all at once, we feel it's better public messaging. It will  
3 lead to a more consistent message for the public, and again our goal is to have  
4 site-specific evacuation strategies, protective-action recommendations that are  
5 developed in collaboration with on-site and off-site agencies so that we make  
6 sure we're doing what's best for the population based on the uniqueness of those  
7 individual characteristics at each site. Next slide, please.

8           As we look at our Hostile Action Based planning, the requirements  
9 must be clear that an integrated plant security response and off-site response  
10 organization response plan is required. The security response and emergency-  
11 planning activities from off-site need to be collaborative, and we should not  
12 sustain independent security and emergency response plans. We have to  
13 validate the resources to ensure that we are not double-counting equipment,  
14 assets, and responders. As an example, our experience in the State of  
15 Minnesota is that there's been the security response plan and the off-site agency  
16 response plan. Hostile Action means they need to be integrated. We need to  
17 share information as we're bringing resources on-site.

18           Our traditional responses haven't involved a massive on-site  
19 response while we're sustaining an off-site response, so we need integration of  
20 that planning and that framework in order to be successful. As we look at the law  
21 enforcement assets in our state as an example, our state patrol helicopters are  
22 used for rural-alert routing. We look at parks and river land areas of helicopters  
23 using notification. Those same helicopters are also used to deploy tactical teams  
24 in the event of a tactical type scenario, and so we need to prioritize where would  
25 those assets be used. And we want to make sure that each plan isn't counting

1 the same asset twice as we move forward. Next slide, please.

2           Guidance needs to be clear on the implementation and planning  
3 assumptions. Are we dealing with a loss of control of the facility and take back or  
4 not? A radiological release or not? Offsite response organizations plan for the  
5 worst case scenario to ensure that they are ready for whatever happens. For  
6 example, in Minnesota we plan and prepare for the 500-year flood because 100-  
7 year-flood events happen frequently. The industry seems focused on a design  
8 basis response planning and not focused on the worst-case scenario of design  
9 basis events. Air, land, and water Hostile Action Based response planning is  
10 needed, and the planning assumptions need to be clear. We are not looking for  
11 easy; we're looking at doing what's best and appropriate for the citizens in our  
12 state. If our planning assumptions are not consistent, our outcomes will be very  
13 different. Next slide.

14           Hostile Action Based response planning introduces a new dynamic  
15 of a large on-site response by off-site organizations, and a large off-site response  
16 implementing protective measures and strategies simultaneously. This results in  
17 several new agencies becoming involved in the response, and the need for  
18 federal participation in planning, training, and exercising. To date, it seems that  
19 we've been challenged with getting some of the federal partners, law  
20 enforcement agencies, to participate in the planning, the training, and the  
21 exercising capacities. In order to have a robust plan, we need to be able to  
22 ensure that we can bring all of those entities to the table. There's also impacts of  
23 some of the unknowns. We know that there's a new exercise, cycle now that is  
24 being proposed. What we don't know are the nuances of what's the criterion and  
25 frequency of demonstration of all of the activities within that eight year cycle,

1 whether it's ambulance service, the day cares, the schools, all of those different  
2 services. So, there's some unknowns out there. We have to look at our hostile  
3 action based demonstration requirements. What are those specifically? Again,  
4 those aren't really defined well for off-site, and we're looking for additional  
5 guidance so we can certainly meet that mark and that measure. And again, the  
6 HC implementation requirements are things that we have to look at in our overall  
7 preparedness.

8           Again, the regulation impacts that are out there impact not only  
9 state and local jurisdictions but they impact the tribal jurisdictions as well. And  
10 it's important that we coordinate that overall response. The situations that we  
11 have when the original 350 reviews were done to today are different. For  
12 example, the Prairie Island Indian community looks much different now today  
13 than what it did twenty years ago in this process. Again, as we look at the overall  
14 rulemaking, it's important that we continue our focus as we move forward. The  
15 next slide, please.

16           The implementation needs to be site-specific. Implementation  
17 plans that allows flexibility to implement what's best for the individual sites and  
18 those areas as appropriate. Again, I'd really like to thank you for the opportunity  
19 to discuss our concerns with you. I want to express my appreciation to the NRC  
20 staff, both at headquarters and the region. They've always been professional  
21 and collaborative and responsive to any of our requests. And I look forward to  
22 any questions you have later.

23           CHAIRMAN JACZKO: Thank you. I'll turn to Patrick Mulligan, who  
24 is with the New Jersey Department of Environmental Protection.

25           MR. MULLIGAN: Thank you, Mr. Chairman. Commissioners, I

1 want to first thank you for the opportunity to speak to you today on this panel. I'm  
2 here today to provide you with the state perspective on the final rule related to  
3 emergency preparedness. I'm going to highlight the positive aspects of the  
4 process that I observed, point out some key areas of concern that I still have, and  
5 discuss the process moving forward. First slide, please.

6 I believe the NRC staff should be commended for their efforts to  
7 include stakeholders in their rulemaking process. NRC was quick to respond to  
8 multiple requests for an extended comment period to review the extensive  
9 documentation associated with the rulemaking. NRC also investigated significant  
10 time and resources in public outreach and meetings that were held across the  
11 many regions of this country. I am extremely pleased with the level of detail and  
12 effort that was put into the document summarizing public comments. While the  
13 remaining few issues that I do not necessarily agree with, the document,  
14 nevertheless, demonstrates that NRC considers all comments received from  
15 stakeholders. Next slide.

16 Of raised concern to me at this juncture is implementation. As you  
17 are certainly aware, both NRC and FEMA will be releasing updated rules and  
18 guidance simultaneously later this year. The level of effort that will be required to  
19 ensure that all requirements of both agencies are met at the state and local level  
20 within the time frames identified will be significant. Add to that the additional  
21 efforts that we will undertake to reevaluate plans, procedures, plant safety and  
22 design as a result of the tragic events at Fukushima site in Japan. I can assure  
23 you that we will all be very busy. I would also remind you that it is difficult to fully  
24 define the scope of the efforts that are going to be required at this juncture since  
25 we have not seen the final draft of the guidance that FEMA will issue. Next slide.

1           Maintaining consistency between NRC and FEMA guidance, as we  
2 move forward, is also a concern. Within the interim staff guidance document  
3 there is a discussion of the criteria that will be used to evaluate the backup ANS  
4 system. The NRC is to be commended for at least attempting to clarify this  
5 complex issue. The problem is if the issue is not adequately addressed in any of  
6 the FEMA documents currently out for review. As Mr. Kish mentioned,  
7 Supplement 4 is still under development. Another potential problem is while the  
8 NRC is proposing changes to Supplement 3, FEMA is also proposing changes to  
9 Supplement 4. When NUREG-0654 was issued, it was issued as a joint  
10 NRC/FEMA guidance document. The concern here is that now NRC and FEMA  
11 are moving forward, working on different documents again, and proposing to  
12 issue separate guidance documents in the future. The concern is and the  
13 caution is to make sure that there is consistent and, as we move forward,  
14 collaboration between the two agencies so that we ensure that we don't add  
15 confusions to the process when we revise future documents. Next slide.

16           ISG also discusses the ANS reliability performance indicator.  
17 There are several important points made in this discussion. First, NRC staff  
18 believes no PI credit should be given for the backup ANS system unless it meets  
19 the same design criteria as the primary ANS system and is part of the FEMA-  
20 approved ANS design report.

21           CHAIRMAN JACZKO: I'm sorry, what is PI?

22           MR. MULLIGAN: Performance Indicator.

23           CHAIRMAN JACZKO: Oh, okay.

24           MR. MULLIGAN: In the final rule, the NRC does not identify a  
25 specific time requirement for backup ANS and hence no credit can be given for

1 the ANS reliability performance indicator. The logical conclusion must be that the  
2 backup ANS system has no effect on public health and safety as there are no  
3 metrics to measure its contribution to ANS reliability PI. The ultimate question  
4 becomes why propose a regulation that has no effect on public health and safety  
5 and has no design criteria? State and county organizations are constantly  
6 exploring new technologies for backup alert and notification and FEMA is working  
7 through coming up with a design criteria for backup alert and notification  
8 systems. And we believe that the current methods under the FEMA regulations  
9 are adequate at this time. Next slide.

10           Next concern relates to creating more challenging and realistic  
11 exercises. In particular, for exercises with no release or minimal releases, it will  
12 be difficult to meet FEMA objectives without some flexibility and creativity. I've  
13 heard some assurances from staff that FEMA will be flexible but that it will be up  
14 to each FEMA region to negotiate an acceptable standard of play. Without that  
15 flexibility, there will be an increase in out of sequence and offline demonstrations  
16 that adds additional burdens on state resources and additional costs to the  
17 licensees for evaluation staff. It also detracts from the overall value of the  
18 exercise as opportunities for all facilities to respond in real time decreases. The  
19 uncertainty of how this process will work is a real concern. Next slide.

20           As we move forward, there are several other projects on the  
21 horizon that, when completed, will add additional work for state and local  
22 emergency response planners and staff. Supplement 3 could potentially be  
23 released concurrent with this rulemaking or shortly afterward, and NUREG-0654  
24 will require another significant effort to review and revise and implement  
25 changes. NRC should take care to closely evaluate the status of implementation

1 schedules for the current rulemaking before finalizing additional rules and  
2 guidance. I also encourage NRC to carefully evaluate the potential changes or  
3 revisions of future documents that would result in the modification of efforts we  
4 are about to embark upon.

5           Finally, I encourage NRC to continue to engage stakeholders in the  
6 process of rulemaking. Include stakeholder, particularly state and local  
7 government input, into the development of draft material to the extent that you  
8 can. Thank you for your time, and I would happily answer any questions that you  
9 may have.

10           CHAIRMAN JACZKO: Thank you. And I'll turn to Mary Lampert,  
11 who's the Director of Pilgrim Watch.

12           MS. LAMPERT: Yes. I'm Mary Lampert, Director of Pilgrim Watch.  
13 Good morning. It's nice to see you all again. Also for the town of Duxbury,  
14 Massachusetts, which is within an EPZ, I have reviewed annually for 23 years  
15 our radiological emergency response plan and standard operating procedures.  
16 So I have some hands-on experience.

17           Slide one is -- move on to slide two. I'm titling this "What's Wrong?"  
18 because I strongly encourage the Commission to postpone approval of this final  
19 regulation because what it says and does not provide reasonable assurance, and  
20 there are many fundamental areas of emergency planning that it fails to address.  
21 And without addressing the fundamental basic areas, you don't have anything.  
22 And when in the town of Duxbury, for example, has talked about the same areas  
23 since the late 1980's, year after year after year. The next slide, slide two, gives  
24 my third reason for postponing because we have lessons already from  
25 Fukushima and we expect to receive -- slide two -- we expect to receive more.



1 And the task force is charged with looking at emergency planning in particular.  
2 And it would make sense before carving into stone what we feel is inadequate to  
3 wait and do it right.

4           What is fundamentally wrong with what you have before you is the  
5 hostile action, for example, is, there's a key word, flexibility. Now, I appreciate  
6 that each site is different, but there are fundamental requirements that the public  
7 needs to assure safety that goes across all. And so to ensure flexibility, what you  
8 have here are capability, not performance standards, which set up specific  
9 criteria that has to be, have to be met so that an inspector could go in, someone  
10 from the NRC, from FEMA, with a checklist and say it is sufficient or it is  
11 insufficient. The way it is now, I frankly don't see how you have accountability  
12 and the ability for enforcement. And without that, you are not providing  
13 protection for the public. In my written documents, I go through each one,  
14 explaining how flexibility is inadequate, and any questions you have would be  
15 welcome.

16           Also, going on to, where are we, slide five, is important of what the  
17 rules do not address. The fundamental issues that, again, are never covered. A  
18 fundamental issue is the size of the emergency planning zone. At Fukushima,  
19 the NRC recommended 50 miles. The explanation was in an abundance of  
20 caution. Well, what's wrong with an abundance of caution here at home?  
21 Therefore, I would recommend 20 to 25 miles is a more reasonable planning  
22 area for the plume exposure pathway for two reasons. One reason is that we  
23 should account for a more substantial accident. We certainly understand the  
24 possibility of hydrogen and steam explosions. We understand the possibility for  
25 spent fuel pool accidents. We understand that more than one percent of the fuel

1 can be released, et cetera, et cetera. I'm not saying plan for the god-awful worst,  
2 but if you just plan for a well-behaved accident, then you will not be ready if there  
3 is something more substantial.

4           You can always go back, but you can't go forward in the midst of an  
5 accident. Second, you have to be prepared, we've gone through seven and now  
6 eight, of the fact that the wind is not as assumed by these plans going in a  
7 straight direction. And river areas and beside large bodies of water, you have  
8 variable plumes. Therefore having this keyhole concept makes absolutely no  
9 sense. Also, now we know from BEIR VII, for example, that thinking,  
10 fundamental thinking is not incorporated in planning, that there is greater harm  
11 from lower exposures. Therefore, the concept of you only have to plan for a  
12 plume exposure was based on old knowledge of the effects of radiation as  
13 opposed to current knowledge.

14           Whipping ahead to slide 10, fundamental in an accident is  
15 notification of the public. Here, they deal with backup. However, there is no  
16 endpoint, and as was explained before, no specific criteria of what this backup  
17 should be. But my point is that if you have multiple redundant primary measures,  
18 you will not require then such a dependency on backup. For example, sirens are  
19 a standard form of primary notification, but I tell you, I don't sleep outside in New  
20 England. I don't work outside in New England. Therefore, you can't hear the  
21 sirens inside. Sirens are an effective outdoor and an important warning system.

22           However, we're in the age of advanced technology. You see the  
23 kids on the subway, and they've got something plugged in their ears. Therefore,  
24 reverse 911 rapid dialing systems should be a requirement. Then you get  
25 notification by telephone, by cell phone, by your computer, et cetera, et cetera.

1 Our town bought it ourselves because we got fed up waiting. Also, portable  
2 electronic reader boards. That should be standard. It's multifunctional also. To  
3 be able to redirect traffic when necessary but it informs people who are in a  
4 vehicle. Last, you have your emergency alert system.

5 CHAIRMAN JACZKO: Mary, I'm going to ask you to try and --

6 MS. LAMPERT: I've only got two more --

7 CHAIRMAN JACZKO: Okay, if you could try --

8 MS. LAMPERT: -- and I paid my own airfare. [laughs] So, then, if  
9 there's evacuation, two key problems are you evacuate and you're supposed to  
10 evacuate to a reception center to be monitored and decontaminated. However,  
11 reception centers are only required to prepare for 20 percent of the population.  
12 One in five. Where are the other 80 percent going, particularly when NUREG-  
13 0654 J.12 says, and it uses the word shall, that 100 percent shall, shall, be  
14 monitored within twelve hours. And by not monitoring, you're not only risking  
15 people's physical and psychological health, but you're assuring that their dirty  
16 cars and dirty bodies are going to be spreading radiation in heretofore clean  
17 areas. It's wrong, and it's also wrong not to consider shadow evacuation outside  
18 the plume exposure pathway.

19 For radiological protection, slide twelve, potassium iodide, I hope  
20 you'll support Congressman Markey's request that the NRC support stockpiling  
21 out to 20 miles. And, also, consider requiring liquid for babies and small children.  
22 Our town, again, bought our own. And the stockpiling of 3M masks in schools, in  
23 shelters, which is very important. For emergency workers, the communication  
24 must be required to be interoperable. Ours are not in our town. Second  
25 protective gear must be required. We bought it for our own, and training for it.

1 The radiological workers center, where they're supposed to be monitored and  
2 dealt with, there should be a requirement for more than one so people can get to  
3 it easily in different areas around and --

4 CHAIRMAN JACZKO: Mary, I'm going to ask you to wrap it up --

5 MS. LAMPERT: I am wrapping up --

6 CHAIRMAN JACZKO: -- so we can move on to somebody else.

7 MS. LAMPERT: I am done.

8 CHAIRMAN JACZKO: Okay.

9 MS. LAMPERT: And I'll appreciate any questions. Or, talking to  
10 you later.

11 CHAIRMAN JACZKO: Okay. Thanks. We'll now turn to Deborah  
12 Brancato, who is a staff attorney at Riverkeeper.

13 MS. BRENCATO: Thank you. Good morning. Thank you for  
14 allowing Riverkeeper the opportunity to continue to inform this rulemaking  
15 process. Riverkeeper is a non-profit environmental advocacy organization  
16 dedicated to protecting the Hudson River. The Indian Point nuclear power plant,  
17 located on the banks of the Hudson River in Westchester County, New York, has  
18 been a source of environmental degradation and safety concern, public concern  
19 for decades. Since the 1960's, in support of our core mission, Riverkeeper has  
20 used litigation, advocacy, science and public education to raise and address a  
21 litany of issues related to the planning including concerns about emergency  
22 preparedness, which is what brings us here today as an interested stakeholder.  
23 Slide two?

24 In Riverkeeper's previous comments submitted to the NRC, on the  
25 NRC's initial proposed rule, we identified two overarching and pervasive

1 concerns. First, that the proposed rule, in many respects, did not require  
2 licensees to be prepared for the “worst” case situations, meaning the full range of  
3 situations that could credibly occur. And, second, that the rule failed to  
4 incorporate performance based standards into the emergency preparedness  
5 regulatory framework. The final proposed rule has failed to address either of  
6 these concerns, and today I would like to once again explain how critical it is for  
7 NRC staff to do so before finalizing the rule. Slide three.

8           First. It is essential that licensees prepare for the “worst”. That is  
9 nuclear power plant licensees must be capable of implementing an effective  
10 evacuation plan under all possible credible circumstances and contingencies.  
11 This is especially critical in light of the recent events at the Fukushima nuclear  
12 facility. So, for example, NRC should provide the same conservative  
13 assumptions that were accorded to American residents in Japan by requiring  
14 evacuation planning for a 50 mile radius surrounding US nuclear plants.  
15 Licensees should be prepared to handle the possibility of a radioactive plume not  
16 moving in a predictable straight-line fashion as is currently assumed due to  
17 reliance on an overly simplistic model of plume transport.

18           Evacuation time estimates must reflect a range of realistic expected  
19 situations. For example, such estimates should account for a shadow evacuation  
20 occurring beyond just 15 miles from a nuclear plant and consider evacuation  
21 during rush hour when roadways are already in gridlock. NRC should require  
22 emergency response personnel to consider how to allocate on-shift multiple  
23 responsibilities not just for design basis threat incidents but also beyond design  
24 basis threat situations. Licensees should be required to have backup power to  
25 their primary alert notification systems and a secondary backup system that is

1 equally as effective as the primary. NRC should require licensees to consider  
2 and drill for rapid escalation to a general emergency, which implicates radioactive  
3 releases beyond the immediate area above allowable levels, as opposed to only  
4 requiring licensees to drill to rapid escalation to a site area emergency. And  
5 lastly, NRC should set threshold criteria whereby licensees would be required to  
6 drill for worst case situations such as fast breaking radiological release due to an  
7 intentional attack on a spent fuel pool. The proposed final rule rejected all of  
8 these suggestions advocated by Riverkeeper. Slide 4?

9           Riverkeeper's next fundamental concern relates to the proposed  
10 final rule's failure to institute performance based standards for emergency  
11 preparedness. As a result, the proposed changes will not alter the procedural  
12 nature of the existing regulatory scheme, which divorces emergency planning  
13 from reality and makes it impossible to measure the actual effectiveness of a  
14 nuclear plant's emergency plan. Riverkeeper believes a performance based  
15 approach is preferable in relation to the particular changes proposed by NRC  
16 staff in the rulemaking and otherwise throughout the regulatory framework. For  
17 example, evacuation time estimates, these are currently a mere procedural  
18 formality. They would be far more useful if they were part of a performance  
19 based approach where licensees would be required to submit ETE studies  
20 demonstrating that evacuation under varying relevant conditions would be  
21 possible within an acceptable timeframe such that the public would be protected  
22 from unacceptable exposure to radiation.

23           Coordinating with off-site response organizations. NRC should  
24 articulate enforceable criteria in which licensees must demonstrate the adequacy  
25 of off-site resources, emergency declaration timeliness. NRC should base this

1 requirement on actual performance not capability. Can the licensee meet the 15  
2 minute requirement. And if the NRC staff is concerned about the need for  
3 flexibility if extenuating circumstances arise, which was discussed in the  
4 summary of the public comments in response to Riverkeeper's suggestion, then  
5 set additional performance standards to account for such a situation. And lastly,  
6 drills, set specific measurable levels of performance to be achieved during  
7 tabletop and full participation exercises. Slide 5.

8 Riverkeeper would also like to make the following additional  
9 recommendations to the Commission in relation to our broader concerns and  
10 echoing what my colleague, Mary Lampert, has suggested as well. First, that the  
11 NRC not finalize this rule until they have considered and incorporated the  
12 relevant lessons learned from Fukushima, and second, that the NRC incorporate  
13 emergency preparedness into plant license renewal reviews, because whether a  
14 plant has adequate emergency preparedness, in light of threats and situations  
15 not previously considered when the plant was initially licensed, should weigh  
16 directly upon whether continued operation would be appropriate. And Slide 6.

17 Bringing you back to Indian Point, which is the plant of primary  
18 concern to Riverkeeper, because it is constantly assaulting the environment, the  
19 environment that we are striving to protect, and posing an unnecessary risk to  
20 our members who live near the plant, Indian Point presents the clearest example  
21 of why Riverkeeper's concerns about the proposed final rule are so critical. If all  
22 credible worst case scenarios were considered and performance standards were  
23 in place to actually measure the plant owner's ability to be able to protect the  
24 public during such scenarios, it is highly doubtful that Indian Point would be  
25 allowed to continue to operate. Severely high population densities surrounding

1 the plant, a unique regional road system easily susceptible to impossible traffic  
2 congestion, limited hospital and other response organization resources, and  
3 other stark realities would make it impossible to adequately protect the public  
4 around the plant in the event of a serious emergency. This has been  
5 corroborated again and again, and yet because of the procedural nature of the  
6 existing regulatory scheme, these concerns are never meaningfully addressed.  
7 The lesson is this, nuclear power plants should not be allowed to operate unless  
8 they are equipped and able to handle a true emergency, and the regulations  
9 must be revised to be able to measure and assess this. Thank you.

10 CHAIRMAN JAZCKO: Thank you. Finally we'll turn to Thomas  
11 Joyce, who is president and Chief Nuclear Officer at PSEG Nuclear.

12 MR. JOYCE: Mr. Chairman, Commissioners, thank you for the  
13 opportunity to be here today. The purpose of my presentation is to provide you  
14 with an industry perspective on soon to be completed emergency preparedness  
15 rulemaking effort. To that end, I'm going to share our principal observations on  
16 the rulemaking process -- thank you -- and the results as we currently understand  
17 them. These observations identify several positive aspects of the rulemaking  
18 effort as well as areas of concern, and I also want to point out some key actions  
19 moving forward. On the next slide, we summarize several positive aspects of the  
20 rulemaking effort, first, making the draft implementing guidance documents  
21 available at the time of the review of the full rule appeared in the "Federal  
22 Register" was very helpful and was the ability to provide and review comments.  
23 Second, we, our partners at the state and local levels, appreciated the  
24 opportunity to engage members of the staff at public meetings held to seek  
25 stakeholder input and answer related questions.



1 Third, each of the guidance documents benefited from the  
2 numerous improvements that the staff made in response to the industry and the  
3 other stakeholder comments. Finally, we believe that several emergency  
4 preparedness program elements will be enhanced by this rulemaking, including  
5 EALs for hostile actions, emergency classification timeliness, a performance  
6 based approach to emergency operating facilities, and protection strategies for  
7 on-site personnel. These observations notwithstanding, the next two slides  
8 present their primary areas of concern with the current rulemaking process in  
9 some of the outcomes. To start, there are several rulemaking elements that we  
10 continue to feel are inadequately justified and do not result in benefits  
11 commensurate with the resources required to implement. These include new  
12 requirements associated with drills and exercise, backup alert notification  
13 systems, the evacuation time estimates, and the emergency plan change  
14 process. We believe that these changes lack a sound technical basis and that  
15 their addition during the rulemaking process could have been managed more  
16 effectively. In light of the significant impacts on both the industry and our state  
17 and local partners, we feel these changes are not aligned with the Commission's  
18 principles of good regulation, and the degree of risk reduction was not quantified.

19 As the next slide indicates, our other concern is that some staff  
20 guidance continues to evolve. As a result, industry cannot fully understand the  
21 rule impacts, complete with its own implementing guidance, and prepare stable  
22 work plans. This concern is particularly strong in the area of the on-shift  
23 collateral duty analysis. What was recently a requirement to assess the effects  
24 of collateral duty assignments on personnel, appears to have evolved into a  
25 requirement to perform a task analysis for all on-shift personnel with emergency

1 response duties. Emergency response task performance in most of these  
2 positions is already analyzed through other required processes, for example, our  
3 operator training program. The industry agrees that a collateral duty analysis is  
4 warranted and that a task analysis for any positions whose emergency task  
5 performance is not currently analyzed be done. We are, however, unclear of the  
6 additional benefit derived by the staff introducing the expanded requirement to  
7 re-perform existing task analysis. Concerning this and other revised guidance,  
8 stakeholders have not been afforded the opportunity to see the changes nor to  
9 comment on them.

10           At this juncture, several actions need to occur to facilitate  
11 implementation of the rule's new requirements. And the first of these -- if we  
12 could have the next slide, please -- the first of these is for the staff to complete  
13 making the changes so that we can see what the final guidance documents are,  
14 so we can better prepare for the implementation. Given the number of  
15 anticipated changes to the requirements the licensees and off-site response  
16 agencies, we request this to be done as soon as practical so that we can finalize  
17 our plans. We would expect, as I'm sure that you do, that each document will  
18 clearly convey all of the requirements associated with the given rule area. For its  
19 part, the industry has also developed several guidance documents with the goal  
20 of promoting effective and consistent rule implementation at each site, and these  
21 documents will require review by the staff and in some cases formal  
22 endorsement. The staff's reviews will contribute to a reliable inspection process.

23           We believe that the planned rule implementation workshops that  
24 will be conducted by members of the NRC and FEMA staffs will be useful to all  
25 the stakeholders, and they need to be conducted. The rule has wide ranging

1 impacts not only on licensees but on our state and local public officials. In  
2 addition to that, the dates that have been set forth in the rule we believe are  
3 doable and that we would ask that no changes be made to those in your review.  
4 Before closing, I do want to highlight that the industry is in agreement with the  
5 staff's position stated in several rulemaking related documents in public meetings  
6 that the regulatory basis for the emergency planning and preparedness of the  
7 U.S. nuclear power plants remains valid. With our current knowledge of the  
8 events in Japan, we would see nothing that would invalidate or change that  
9 conclusion. We would urge that no proposals to modify this regulatory basis be  
10 put forth until lessons learned from Fukushima are fully understood. That  
11 concludes my prepared remarks.

12 CHAIRMAN JACZKO: Thank you. We'll turn to Commissioner  
13 Ostendorff for questions.

14 COMMISSIONER OSTENDORFF: Thank you, Mr. Chairman.  
15 Thank you all for being here today, it's very helpful for us to hear from external  
16 stakeholders and I learned a lot from your presentations. I want to start out with  
17 a question I think I'm going to ask both Mr. Leuer and Mr. Mulligan here, on the  
18 state side. I've heard some concerns, I think from both of you, about the need for  
19 the NRC and FEMA to take into account site-specific considerations for  
20 emergency planning as well as recognize that each individual state has different  
21 approaches as to how they might deal with their own emergency responses.

22 I know that Mr. Kish, from the first panel, and I believe others from  
23 NRC talked about some workshops that would be designed to work towards  
24 facilitating implementation strategies with the states. Recognizing that there is,  
25 there are things that have to be worked out on the implementation of the new EP

1 rule, if the Commission approves it, are there any fundamental or inherent  
2 problems with the EP rule, as you see it, that you think do not lend themselves to  
3 implementation by the states? Mr. Leuer?

4 MR. LEUER: I think one of the challenges is that we haven't  
5 necessarily seen the outcome of all the rules. From what we've seen so far, it  
6 appears that we can do it all, we just can't do it all tomorrow. And so, as we look  
7 at the time lines, I think we need to prioritize hostile action and critical evacuation  
8 things as the first priority and develop a site-specific plan that gives us a time  
9 frame to meet all of those objectives. But it is hard to plan with a little bit of an  
10 unknown.

11 There's a number of comments that were submitted on the REP  
12 program manual that we don't know what those final outcomes are yet, that will  
13 influence our ability to implement in those time frames for implementation. So I  
14 think we don't have enough information to really say that definitively, how long  
15 that will take at this time, and that's why I think we need that site-specific  
16 flexibility. And we want to do what's best for the citizens, we want to prioritize  
17 those public safety items first, and let's get those done, and let's, you know, put  
18 together a plan that gets us to the end goal as quickly as possible.

19 COMMISSIONER OSTENDORFF: Mr. Mulligan, do you want to  
20 add anything there?

21 MR. MULLIGAN: The one thought that I had is, from a rule  
22 perspective, the way the language is written. I don't see any issues in being able  
23 to implement, you know, the rules as they are from the state and local  
24 perspective. Again, going back to that, until we see the final Interim Staff  
25 Guidance documents and all those documents are finalized, along with the

1 FEMA guidance that'll impact us as well, we don't know what the overall  
2 challenges are going to be to that process.

3 So, while we understand the rulemaking language itself and know  
4 that we can certainly meet that criteria, the specifics of that and how that'll play  
5 out over time as we go on through implementation is still not really known for us.  
6 So the implementation schedule and time line may need to be adjusted for site-  
7 specific purposes.

8 COMMISSIONER OSTENDORFF: Based on what you know  
9 today, and your discussions with NRC, FEMA and other involved parties, do you  
10 think there is philosophically an appropriate level of flexibility for you at the state  
11 level to implement based on state considerations, differences in approaches  
12 between, let's say, New Jersey and Minnesota? Do you think that flexibility's  
13 inherent in the rule or not?

14 MR. MULLIGAN: I think the cooperation that I've seen between  
15 FEMA and NRC in the process moving forward, including stakeholders and trying  
16 to come up with the, you know, the best rule and the best guidance that they can  
17 for implementing emergency plans, I think that's encouraging, that we can, that  
18 there will be the flexibility at the regional and headquarters levels for us to do  
19 some implementation that is site-specific and that is sort of creative, to account  
20 for that. So I believe that the partnerships are there. They've been created, and  
21 as long as we continue down that path and there is that flexibility, I think that we  
22 can work within the rules to accomplish what we need at each state and local  
23 level.

24 COMMISSIONER OSTENDORFF: Thank you. Ms. Lampert, I'd  
25 like to turn to you for a minute. I appreciate your examples you bring to us from

1 the State of Massachusetts, it's very helpful. I wanted to get to a question that,  
2 you raised some concerns on the lack of inspectability, the lack of enforceability  
3 of certain provisions here. I wanted to maybe explore that just a bit. Let's put  
4 aside the proposed EP rule and look strictly at the existing NRC reactor oversight  
5 process that has emergency planning as being one of the areas that is inspected  
6 and is subject to enforcement. Are there specific criticisms or concerns you have  
7 with the existing EP structure, as to how it's evaluated under our reactor  
8 oversight program?

9 MS. LAMPERT: I think the thrust of what I had to say answers your  
10 question: that the fundamentals of emergency planning don't make sense. It  
11 doesn't make sense not to require, as I pointed out, multiple notification, primary  
12 notification systems. Now, we can have exercises, the NRC can come in and  
13 say, "Well, let me see your test schedule for your sirens. Did 90 some odd  
14 percent go off at the test? Yes. Check; it's fine." No, it's not fine, because did  
15 anybody hear the sirens when they were inside? No. So the reality is the  
16 evaluation tests whether what is there works. Do the sirens work, not whether  
17 people hear them. And then you could move on. Do they have a reception  
18 center? Do they have this? Do they have this? Yes. But does -- is it sufficient?  
19 No. It was never sufficient.

20 COMMISSIONER OSTENDORFF: Let me just --

21 MS. LAMPERT: And so that's, that's where I'm looking at.

22 COMMISSIONER OSTENDORFF: That's not really my question.  
23 My question, I appreciate there may be differences on what the requirements  
24 are.

25 MS. LAMPERT: Yes.

1 COMMISSIONER OSTENDORFF: I appreciate that you have  
2 some specific examples that were very helpful for us to hear from, where you had  
3 had a different requirement than we either currently have under our existing EP  
4 rule, or a different requirement from what is in the proposed rule. I'm trying to get  
5 at the enforceability, inspectability comments for the existing or proposed  
6 requirements, to see if you think we're not basically inspecting to our current  
7 requirements. Is that a concern you have?

8 MS. LAMPERT: No. That isn't the concern.

9 COMMISSIONER OSTENDORFF: Okay, that's --

10 MS. LAMPERT: The concern is that the requirements are  
11 insufficient.

12 COMMISSIONER OSTENDORFF: Okay. I --

13 MS. LAMPERT: That's a different issue.

14 COMMISSIONER OSTENDORFF: I understand. So let me, if I  
15 can, piggyback from this question. I'll ask both you and Ms. Brancato the same  
16 question. I think, is it, if I heard you correctly, both of you are proposing that the  
17 Commission delay approval of the proposed EP rule until the Fukushima task  
18 force is complete and all potential lessons learned, or most of the lessons  
19 learned, are available? Is that, is that your position?

20 MS. LAMPERT: For the fundamental lessons. We'll obviously, as  
21 we discussed yesterday, be learning lessons for a long time. But I think the  
22 fundamental emergency planning lessons can be learned, and one specific  
23 would be for the type and extent of an accident that we should be preparing for.

24 COMMISSIONER OSTENDORFF: Okay. Let me let Ms. Brancato  
25 speak, if she'd like to, then I want to make a, maybe a clarification comment.

1 MS. BRANCATO: Sure, absolutely. I agree that this current  
2 rulemaking is a very timely and suitable vehicle in which to try and incorporate  
3 those lessons, because, as the earlier panel explained, this has been going on  
4 for quite a number of years, in response, initially, to the terrorist events of  
5 September 11, and the prospect of having to wait another 10 years before any  
6 lessons are reflected in the regulations is just too long.

7 COMMISSIONER OSTENDORFF: I'll just, maybe, as an individual  
8 Commissioner, comment, I think, the Chairman has said in testimony, other  
9 Commissioners, we've discussed this. I just think it's certainly -- our approach is  
10 that we will learn from Fukushima certain lessons on a whole host of issues. Not  
11 real clear on what the time period might be to learn all these lessons, but  
12 certainly, emergency preparedness will be one of the subsets of categories, and  
13 we would anticipate if there are things need to change based on new lessons  
14 learned from Fukushima, we will certainly consider that going forward as a  
15 Commission. I think, Chairman, that's a correct statement from how we've  
16 approached this, but --

17 MS. LAMPERT: Well, I --

18 COMMISSIONER OSTENDORFF: I want to make sure there's not  
19 any confusion on that topic.

20 MS. LAMPERT: No, there is no confusion. However, the point is, I  
21 think we already have learned enough lessons to get going, and we know how  
22 long the process will take with public input, et cetera.

23 COMMISSIONER OSTENDORFF: Okay. Thank you. Mr. Joyce, I  
24 have a quick question for you. On one of your slides you indicated an area of  
25 concern being what I understand is an inconsistency with the NRC's Principles of



1 Good Regulation. Can you provide an example or two of that?

2 THOMAS JOYCE: I think the point is, I would say, one is: This  
3 really came out to be more of a qualitative versus a quantitative type of risk  
4 assessment, where the improvements are. And, you know, for another one, I  
5 would say that the evacuation time estimates and in rolling that requirement in  
6 really looks as if it's in support of another document that is still in a draft phase,  
7 where you would use evacuation time estimates to determine what the pars are,  
8 which is not typically the way people would do it today.

9 COMMISSIONER OSTENDORFF: Thank you. Thank you, Mr.  
10 Chairman.

11 CHAIRMAN JACZKO: Commissioner Svinicki.

12 COMMISSIONER SVINICKI: I want to add my thanks to all of you  
13 being here today. And I note that the format today was such that you didn't really  
14 -- it wasn't possible for you to cover everything, but I just want to assure that, you  
15 might have seen me flipping through as you presented, I was -- each of your  
16 organizations has presented much more detailed comments on the proposed  
17 rule, and so the Commission has a very rich record of comment in front of it. And  
18 so it, for me, today, of course, does not take the place of looking more closely at  
19 the detailed comments that you submitted.

20 And I thank you, and hearing from the previous panel about the  
21 amount of time and the volume of material that you had to look through to  
22 prepare those comments, I want to thank each of you for participating in this  
23 process, which also went on for some period of time. So, my colleague,  
24 Commissioner Ostendorff, I think covered some of the implementation questions  
25 that I might have had.

1           So I think what I might offer to each of you, given that I just  
2   acknowledged that our format didn't give you a lot of time to present, I would ask  
3   if any of you heard anything in the presentations of others that you feel strongly  
4   that you would like to make some comment on, that, if you just took a brief  
5   minute or two, and you had time to do that, is there anything that you heard  
6   another presenter and it motivated you strongly to want to make another point  
7   about something? I would just offer to go down the table, if anyone raises their  
8   hand or catches my eyes, or anything anyone would like to chime in and say.  
9   Yes.

10           MR. LEUER: Yeah, I'd just like to, I think, reinforce the message  
11   about the importance of the outreach once the rulemaking is completed, and the  
12   importance coming out to the states and working hand-in-hand with the regional  
13   staff on an implementation strategy on a site-by-site, as Mr. Kish indicated  
14   earlier, that they intended to do additional outreach once the rule was published,  
15   and looking at coming to the states and being site-specific.

16           And I think it's very important to sit down with the details with the  
17   staff so we get a clear understanding of what the intent of that rulemaking is, and  
18   that's, I think, is a strong emphasis to make sure that we're all on the same page  
19   as we move forward to implement the rule, that we're actually meeting the overall  
20   intent, and that we aren't misunderstanding any of those components.

21           COMMISSIONER SVINICKI: And is that related to your -- I think  
22   you in your remarks had talked about concern about implementation times  
23   because there's still some uncertainty about how final guidance is going to look.  
24   Was that your comment? And is that related to this implementation, we need to  
25   work together on the implementation process?

1 MR. LEUER: That is correct.

2 COMMISSIONER SVINICKI: Okay. Thank you. Mr. Mulligan, did  
3 you have anything?

4 MR. MULLIGAN: The one thing that struck me during, at least  
5 during the first panel discussion, was mention of some of the other documents  
6 moving forward that we're going to be addressing in the near future, 0654 is the  
7 basic document. Supplement 3, I talked about a little bit, but I believe that also  
8 some of the other gentlemen in the earlier panel talked about that.

9 While we're making changes to this rulemaking, I would suggest  
10 that, if at all possible, to bring that out at the same time, so we can address that.  
11 As Mr. Joyce just stated that the backfit analysis for the ETE rule guidance really  
12 is based upon the draft Supplement 3 that has been put out. So, it would make  
13 sense that with this rulemaking that Supplement 3 be put out at the same time so  
14 we can take a look at all that documentation holistically, at the same time, would  
15 make implementation easier for state, locals, and for the licensees, as well.

16 COMMISSIONER SVINICKI: Thank you. Ms. Lampert?

17 MS. LAMPERT: Yes. One other point that has not been made  
18 regarding the importance of more prescriptive performance-based rules is that  
19 communities, towns, are hit by the budget crunch. And so, therefore, we don't  
20 have as much discretionary income. Okay?

21 If there aren't requirements, you aren't going to, our town cannot  
22 squeeze a dime out of Entergy, in our case. And they're nickel and diming us to  
23 death anyway. And so, that is another reason why it's important to have not  
24 wishes, as this seems to me, but requirements, standards, clear standards, so  
25 our emergency management director can negotiate, each town in our area

1 negotiates with Entergy, for the requisite funds, and so there is enough money.

2 I'm from an affluent town, but, and so we do, we pay our part  
3 ourselves for things we need, when we can't get them. But that shouldn't be the  
4 way public safety works. He who pays, gets. And so that's another reason I  
5 think you ought to consider more prescriptive rules.

6 COMMISSIONER SVINICKI: Okay, thank you. Did you?

7 MS. BRANCATO: I don't have a particular response to anything  
8 anybody said, but I was thinking of one comment related to the make-up of this  
9 particular stakeholder panel and hearing from the input of certain state and local  
10 officials, and it just makes me think of Indian Point specifically and how it is  
11 probably the plant in the United States with the -- which faces the most difficulty  
12 in terms of effective evacuation in the event of a real emergency, and I would just  
13 think it would be so critical to solicit and get the input from the local Westchester  
14 County and state officials on this proposed rulemaking, and emergency  
15 preparedness generally.

16 And I do -- it is my understanding that, for example, recently, in the  
17 wake of Fukushima, Westchester County wanted to meet with the NRC and they  
18 were rebuffed, which I'm sure the NRC was very busy responding to the events  
19 at Fukushima, but, for example, they certainly should have been invited to weigh  
20 in, specifically on this very critical issue that is just so relevant to what the local  
21 and state officials are, would be capable of, and what concerns they foster and  
22 hold, so.

23 COMMISSIONER SVINICKI: Thank you for that. Mr. Joyce?

24 THOMAS JOYCE: Yes, if I can just maybe clarify or maybe  
25 enhance some of the comments that were made about the uncertainty and any

1 issues with that, not only for the states, but for the licensees. I said I thought that  
2 the timeframes that were in the current rule for implementation were good  
3 timeframes. That's based on what we know, or what we think we know the  
4 guidance is going to be. And as the guidance changes much more dramatically  
5 through the Interim Staff Guidelines, then we have to go back and look at that  
6 again, then, from the time frame of implementation.

7 COMMISSIONER SVINICKI: And when you made that comment  
8 about we're doable, I think was your word for the implementation, I'm looking at  
9 your nameplate, are you, are you here representing only your fleet, or are you  
10 representing industry today? I don't recall in what capacity you're testifying here.

11 THOMAS JOYCE: As the Chairman of the EP working group for  
12 the industry.

13 COMMISSIONER SVINICKI: Oh, okay. So that's broader, that's  
14 not just --

15 THOMAS JOYCE: Yes.

16 COMMISSIONER SVINICKI: -- the PSEG when you say that?

17 THOMAS JOYCE: It's not just PSEG.

18 COMMISSIONER SVINICKI: Okay. All right. Thank you. Thank  
19 you, Mr. Chairman.

20 CHAIRMAN JACZKO: Mr. Magwood?

21 COMMISSIONER MAGWOOD: Thank you. And I thank all of you  
22 for your participation today. It's always very helpful to read the comments and  
23 then have a chance to speak with you. Let me also, Ms. Lampert, your -- some  
24 of your comments, actually, to Commissioner Svinicki were a little, were actually  
25 helpful in the question that I have for you, but I'll give you a chance to elaborate a

1 bit further. And, by the way, your comments were very, very detailed. I like the  
2 way the way it was organized, very easy to read, I appreciate that.

3           The question about off-site response organizations is one that you  
4 just talked about a bit. And I understand, and I think in the Riverkeeper  
5 comments, I think you also sort of reflected on this, in that there is the problem  
6 that NRC has no jurisdiction over the off-site response organizations. But, as  
7 you pointed out, the licensees certainly have responsibilities that we do have  
8 jurisdiction over, and you've indicated how you think we should approach that.  
9 But I wonder, just from the practicality of how this would actually be implemented.  
10 What sorts of specific guidance do you think we should have in a rule like this  
11 that would affect off-site organizations? Can you give a sort of an example, what  
12 you have in mind?

13           MS. LAMPERT: Can you be a little more specific? I mean, do you  
14 want to talk about hostile action events, or --

15           COMMISSIONER MAGWOOD: No, for example, you mentioned  
16 medical response, for example, but there's also, you know, fire, ambulatory, I  
17 mean, what sorts of, when you raise this issue, was there anything in particular  
18 that you thought, you would like to see the NRC, give specific guidance towards,  
19 for off-site response organizations or anything in particular that comes to mind or  
20 do you just see this is as a very general issue

21           MS. LAMPERT: I can go from one to one, but, I don't know what  
22 do you think?

23           MS. BRANCATO: For example hospital capabilities, in setting a  
24 performance criteria that licensees demonstrate adequate rooms in hospitals to  
25 accommodate the amount of people that could be exposed to unacceptable

1 levels of radiation in a fast acting release and being able to get those people to  
2 medical attention

3 COMMISSIONER MAGWOOD: I appreciate that example, do you  
4 have --again it's not your job to figure out how to do this. I'm just wondering if  
5 you have any thoughts about this. But how would we do that how would we put a  
6 performance based standard in a rule like this, that would be that prescriptive?  
7 You have an idea of what that might look like?

8 MS. LAMPERT: Okay, here's an example, I brought up potassium  
9 iodide, and suggested that you encourage the implementation of the Bioterrorism  
10 Act, which would be out to 20 miles, then what do you do? That is very simple.  
11 There is a requirement, just like you have for the 10 miles, out to the 20 miles.  
12 And it would be the same standard. States that request it shall get it and provide  
13 it to the communities. I said, also that it would be required that they can receive  
14 both tablets and liquids. Because it's foolish what they have now of only tablets  
15 and supposedly in a large day care center the provider -- responsible parties, will  
16 scrunch them up add apple sauce and cherry juice or what have you and by  
17 then the accident is long over. That's easy, that can be prescribed, then  
18 communities get it, free of charge; done. Same would go for protection for  
19 filtration masks, this would be something required to be kept in shelters in  
20 schools in day cares, et cetera. Why? Because the current implementation plan  
21 says that when you go outside with your children from the school or something,  
22 you put a wet cloth over their mouths, your mouth, it's like these mothers are  
23 octopus, they have three kids themselves and their supposed to drive. It's  
24 ridiculous, Kimberly Clark, makes cute little masks which our town bought and  
25 stock piled. Require it. Same for sheltering, require that there's guidance that is

1 explained where you should shelter. Far away from the roof, not against  
2 windows. Why is that important? It's important in hospitals, you know, people  
3 have their beds right beside a window, so you go, "Bing bing bing," at the site  
4 emergency, the nurses would move the beds into the corridor then they would be  
5 an analysis which we did, we hired a physicist to go through our schools and to  
6 go through our shelters and go through which places in fact are suitable. That  
7 would be a guidance, a guidance on protective gear for on-site, for example in a  
8 hostile action event. It talks about general yada ya about how there should be  
9 protection for workers on site in a hostile action event, but it doesn't say what  
10 kind of protection.

11 COMMISSIONER MAGWOOD: You know I appreciate your  
12 comments on that and I know both of you have a strong interest in the KI issue  
13 and the masks and we'll give you a commitment that we'll look at that closely as  
14 we go through this rule. But I wanted to give Mr. Joyce a chance -- I'm sorry,  
15 please.

16 MS. BRANCATO: Sorry, I wanted to pick up quickly on the hospital  
17 example and how to institute that as a performance based standard so I would  
18 suggest looking at a range of different scenarios. For example a fast acting  
19 release scenario where you would configure how much of the surrounding  
20 population could be potentially exposed to radiation, and figure out that number.  
21 And make licensees demonstrate that there would be adequate hospital rooms  
22 and medical attention to accommodate that X number of people and make that  
23 an enforceable local criteria. Where a licensee cannot show that that would be  
24 available, that would be a violation.

25 COMMISSIONER MAGWOOD: Thank you. Mr. Joyce, from your



1 comments, I think the industry is relatively satisfied with the way the rule is  
2 currently drafted in this respect, but I think you've heard some of the comments, I  
3 think you can see the concern that would rise from the way the rule was drafted  
4 that we're showing capability but not necessarily showing a forcible, inspectable  
5 approach to ensure those capabilities are in place. Can you give some thoughts  
6 about that and how we might resolve some of those concerns?

7 MR. JOYCE: Well Commissioner, I think that through the annual  
8 exercises I certainly feel that you have the capability to inspect us to what we're  
9 required to do. I think as we've just gone through some of the beyond the design  
10 basis in response to Fukushima, the NRC has provided another inspection  
11 module to make sure that all of those requirements that we've put in place to deal  
12 with something that was greater than the plant was designed for are in place. I  
13 feel that the staff and the NRC has all of the authority they need to come in and  
14 inspect us for anything at any time.

15 COMMISSIONER MAGWOOD: I appreciate that and it's a good  
16 observation about the exercises being inspectable. Let me -- just a few minutes  
17 left, I wanted to ask Mr. Mulligan and Mr. Leuer a question about -- as a general  
18 matter. We have this new emphasis in the rule on hostile action, which I see this  
19 as a little bit of a game changer in EP planning. It's not a small change, it's  
20 actually a pretty large change philosophically and operationally. I'd just like to  
21 hear your thoughts on this. How big of a transition is this in reality? I know many  
22 states have done a lot of things post 9/11, to deal with various scenarios. Is this  
23 something that will be a natural evolution for you or is this going to be a major  
24 change in how you do emergency planning? Let's start with Mr. Mulligan maybe.

25 MR. MULLIGAN: Since we've already had some experience with

1 the hostile action drills going through different phases as they were implemented  
2 we did recognize a lot of the larger hurdles that are brought up as what we would  
3 normally do for a REP program response. I think a lot of those have already  
4 been addressed, and I know that moving forward continued hostile action drills  
5 will allow us to address some of the other issues that have come up. But it has  
6 been a significant change, it's more of a paradigm shift in how we respond, rather  
7 than a wholesale change in our program, and going to that kind of a response  
8 where there's local law enforcement integrated with on-site security staff and  
9 doing those things. So it was a lot for the law enforcement community to  
10 overcome. Obviously from a technical assessment of an accident, things don't  
11 change a whole lot. So there were some aspects that that really doesn't change  
12 very much of, and there are aspects that it changes significantly. So it's a bigger  
13 task for some of our communities like local law enforcement and coordination at  
14 that level and not so much for others, but it is a significant paradigm shift for us to  
15 try and address that, and like I said we've done some of that work, and we were  
16 certain from the cooperation that we've gotten from on-site security and off-site  
17 organizations such as FEMA and NRC in dealing with that and FBI and  
18 everyone else has been involved with it, I think we can move forward and  
19 address those issues appropriately.

20 COMMISSIONER MAGWOOD: Mr. Leuer anything to add?

21 MR. LEUER: Mr. Commissioner, I would say it is a significant  
22 change for us and it does have a substantial impact as we look at the response.  
23 In particular as we look at air, land, and water attack, all have very different  
24 players involved, so there actually very unique scenarios independently. And as  
25 we look at some of those assessments, some of the other resources that may be

1 providing support for emergency worker deacon, for ambulance services, for  
2 traffic and access control points, are all assets that would be required for various  
3 scenarios in air, land, or water based events at the plant. That means we really  
4 have to do kind of a back fit analysis off-site to be able to say if your role is going  
5 to be respond here for an airplane crash, you can't be doing emergency worker  
6 decon. So it's really taking a look at -- what we had was really a security  
7 response plan that had an integration of assets responding to the site. But it was  
8 outside any emergency classification level perspective and the EP planning. So  
9 it was kind of an independent process.

10 Now as we have done our table tops and we do -- we have this  
11 event going on at the plant then that means we're at a site area emergency and it  
12 means we now need to do all of these tasks, we come up short with the assets to  
13 do that. And we're in the process now of reassigning and looking at that, which  
14 means we bring new people into the program. And what we're really seeing is a  
15 lot of the local assets that were being utilized for traffic and access control,  
16 ambulance, fire service, emergency worker decon, need to be freed up from the  
17 plant just to respond to the site. And we have to identify who else can come in  
18 and do access control, emergency worker decon, ambulance support, all those  
19 other functions that are there. So our traditional response planning hasn't always  
20 looked at this massive on-site response. At the same time we're doing and  
21 implementing protective measures within the 10 mile emergency planning zone,  
22 and I think that's the biggest challenge is, being clear to identify what those  
23 assets are, what their responsibilities are so we can ensure we have an  
24 integrated response, so we don't have gaps that are left behind.

25 COMMISSIONER MAGWOOD: Alright, thank you very much.

1 MS. LAMPERT: I would say that our emergency management  
2 director had the same comment. That they're already short in emergency  
3 responders because of budgets. And it was, "Okay if we're going to be here  
4 whose going to take care of traffic," which you would have, and jobs that have to  
5 be done to protect the public at the same time. And that gets into also, the  
6 importance of interoperability of communication and the assurance that the  
7 mutual aid from other communities is there and they've been incorporated in  
8 training.

9 COMMISSIONER MAGWOOD: Thank you very much, and thank  
10 you for buying that ticket and coming down to visit with us today. Thank you,  
11 Chairman.

12 CHAIRMAN JACZKO: I don't really have any questions, just sort of  
13 a comment on the performance based rule, it's something that I certainly feel  
14 strongly I think the long term direction for the agency should be in that direction.  
15 And we have ongoing efforts to do that, although, generally if the Commission's  
16 approach was to wait until this rulemaking was done to turn to those and begin  
17 looking more fully at ways to deal with this from more of a performance based  
18 standpoint. I certainly think there's a lot of value in that in particular as we look at  
19 the lessons from Japan, it may be that that provides the right frame work to deal  
20 with emergency preparedness.

21 Mr. Leuer you indicated that, and I think Ms. Lampert, you indicated  
22 that there's not always, the keyhole model is not always the perfect model, that  
23 there may be local meteorological phenomenon that will move material outside  
24 the keyhole area, or be different from the gross wind patterns. We've seen some  
25 of that in Japan. Though I think having ability to have an approach to do this is I

1 think a framework that is not tied to these specific planning standards, but is tied  
2 more to some performance outcomes of dose avoided, or dose savings, or you  
3 know, give us a framework to evaluate plans more effectively, and evaluate the  
4 actual plans, not the, Ms. Lampert as you said, to evaluate whether they are  
5 going to work rather than whether or not they're in place. I mean to some extent  
6 that's what we do now. So I certainly appreciate the comments many of you  
7 have made about the need to go in that direction, and I think long term, that's  
8 certainly something I'd like to see. But I think it's a good rule, I think the staff has  
9 made a lot of effort to reach out to various constituencies.

10 I think we'll always have the problem that we can't finalize the  
11 guidance until we finalize the rules. But I think we put out a lot of interim  
12 guidance for people to have a good understanding of what the rule means and of  
13 course the Commission always has the process to change it, so, the staff can't  
14 get it done until we're done. And I hope that we'll move forward and finalize the  
15 rules soon. But thank you all for being here and thank you for your participation.  
16 I was looking at the list from the meeting we did in January, 2010 and I think with  
17 the exception of Mr. Leuer, I don't know that you were here, but, Mr. Mulligan you  
18 were here, Ms. Lampert, Ms. Brancato and Mr. Joyce you were all here. So it's  
19 good to have that continuity as the rules gone forward, so I appreciate you doing  
20 that and for being here again. We'll take a quick break and then we'll hear back  
21 from the staff from FEMA.

22 [break]

23 CHAIRMAN JACZKO: Welcome back, I think we're just going to  
24 go. I don't know if you want to make any brief comments or statements, if not,  
25 we'll just go right into questions, so Commissioner Ostendorff.

1                   COMMISSIONER OSTENDORFF: Thank you Mr. Chairman, I  
2 appreciated your presentations and especially want to single out FEMA for being  
3 here. I really appreciate how you've worked with the NRC, and I think we all  
4 appreciate, on the Commission, how difficult your task is, it cuts across the entire  
5 nation. Not just nuclear issues, but a whole other host of disaster sequences. I  
6 wanted to maybe, at a high level start out with FEMA here, and I'll ask Mr. Kish,  
7 but certainly your colleagues, I'd like to engage them. I'll leave that to you. I  
8 have been aware of two different jobs before coming here; one working for  
9 Congress and one working for the National Academies that post-Katrina, there  
10 had been a significant effort by FEMA to look at issues as to what are the  
11 expectations of the American public for how we as a country respond to  
12 disasters. And I was in the beginning stage of an NAS study, before I came to  
13 the Commission, a little over a year ago, that was looking at increasing resilience  
14 to national disasters, and had worked with Mr. Fugate's chief of staff on that  
15 particular frame of that study with other agencies from the federal government  
16 involved as well.

17                   And I know that one of the very difficult tasks that the inner agency  
18 process has is to establish clear expectations of, after a disaster or an accident  
19 of some type, what are the expectations that the public has about -- I grew up in  
20 Louisiana so I watched Katrina with a lot of interest. Okay well, X number of  
21 weeks or months after a Katrina type hurricane here is what one has for an  
22 expectation for federal or state support for housing of a temporary nature. Let's  
23 use that as an example. We've seen in Katrina, and we've seen it also with  
24 Fukushima, and I believe it occurred with Fukushima, excuse me, with  
25 Chernobyl, pets. What's the expectation when pets are abandoned in an

1 evacuation area? What are the expectations that a pet owner would have about  
2 being able to return to the evacuated area and retrieve that pet? Cattle, other  
3 farm animals, similar kinds of things. So I guess using that as an example I want  
4 to see at a high level, to what extent do you feel like, at your position at FEMA,  
5 there are clear national expectations, or a path to sort out national expectations  
6 for disaster response, evacuation kind of issues, irrespective of what the cause  
7 is?

8 MR. KISH: I'm going to turn this over to Mr. Gruber, in just a  
9 minute, but I wanted to kind of explain the strategy of the panel from FEMA, the  
10 way we structure ourselves today. My job is, as the coordinator for the  
11 Radiological Emergency Preparedness Program, I do policy, I do rules and tools  
12 type stuff, and I give it off to the FEMA regions for the execution. Today, I  
13 brought Mr. King with me, who is the regional advisory committee chairman from  
14 FEMA Region 5. So if we have questions that get more towards the operational,  
15 I'll be turning to Bill and asking him to make those kinds of comments. But your  
16 high level question really highlights the fact that we are not an island. FEMA -- to  
17 answer that question we have to first admit that we are not, we have not  
18 established a little program that stands alone within the preparedness  
19 community. We have to demonstrate those competencies and those  
20 connections across the entire enterprise. I think that's really at the heart of what  
21 the President has directed to be formulated that will provide some of those more  
22 concrete answers to you. However let me just turn to Corey and ask him if he  
23 wouldn't mind commenting a bit on how the whole community approach that  
24 Administrator Fugate talked about, and some of the other programmatic and  
25 systemic things that we've been working on for some time, and how we would

1 address that.

2 COMMISSIONER OSTENDORFF: And if you could please, thank  
3 you, and Mr. Gruber as you do that if you could also comment none of us wants  
4 to be stove piped or insular here at the NRC, we want to make sure whatever EP  
5 rule we end up approving is consistent with the national fabric as to how the big  
6 picture of things, the nation's approaching difficult circumstances.

7 MR. GRUBER: Yes sir, well thank you. And I think I would step  
8 back to 2010 and the publication of the National Security Strategy, I think what's -  
9 - what we might call a paradigm shift there is a discussion that is unprecedented  
10 in the national security strategy that talks about the domestic, the home front, the  
11 homeland security and emergency management in a manner that's not been in  
12 national security strategies in the past. It talks about security and resilience; it  
13 talks about that public engagement and incorporation in due emergency  
14 management or homeland security in a way we haven't in the past. That's one.  
15 And secondly, the policy directive that Jim talked about was just signed on 30  
16 March, has very explicit requirements in their directing the inner agency to do  
17 public education and public outreach and engagement that goes, the way I would  
18 describe it, is extends it beyond what in the past has really been, sort of a  
19 government-centric approach to how we deal with these challenges to one that  
20 now touches elements all across our community. Nontraditional partners, to go  
21 to faith based organizations, go to neighborhood associations, to incorporate  
22 people in the process of building a national preparedness system, of achieving a  
23 national preparedness goal, that the president's instructed us to develop and  
24 Congress has directed us to do.

25 So those are very important I think, key directions policy impetus



1 we've had, that we haven't had, we were operating off a directive that was  
2 published first in 2003. And so it's -- this is light-years beyond that, with what  
3 we've done and how this homeland security enterprise has matured. So very  
4 great emphasis on public engagement and I think that comports very closely with  
5 what the NRC and FEMA have done here and I think we've used many of the  
6 things that we've done in the REP program as models for the way we would  
7 engage the public.

8           And we would address now, in a much broader all hazards scale,  
9 the Administrator has an explicit initiative, it's outlined in our strategic plan. We  
10 call it the whole community, maximum to maximums. Which again talks about,  
11 we can't get there just as a government, we have to enlist the private sector.  
12 He's demonstrated that by, for example, including private sector representatives,  
13 international response coordination center on a daily basis about that  
14 engagement, he's been consistent since his confirmation hearing, in talking  
15 about, that's the pathway to success. He's identified 13 core capabilities that are  
16 essential and indispensable to successful response a requirement to be able to  
17 stabilize incidents in 72 hours. So the only way we're going to do that is not  
18 solely by the state or local emergency management or federal emergency  
19 management agencies. It's really about engaging the public and contributing to  
20 accomplishing that.

21           COMMISSIONER OSTENDORFF: Okay.

22           MR. KISH: I might add based on a conversation that Corey and I  
23 had with some of our DHS partners yesterday, talking the very issues that you  
24 mentioned. In the PPDA the President sets out some paths. He specifically talks  
25 about a series of integrated national planning frameworks. High level

1 documents, we're not talking about detailed operational level planning, but high  
2 level documents that in paragraphs and maybe page or pages, describe specific  
3 responsibilities, roles in missions for under the areas of protection, mitigation,  
4 response, prevention and recovery. And so those five domains there, when you  
5 take a look at that -- each one of those domains has a footprint inside our  
6 program in some capacity. And so the outcome of those five little documents  
7 that I just described to you then has to have a statement that describes how each  
8 one of those little separate buckets interacts with and effects each other bucket.  
9 For example, in the recovery framework, there's a mission that talks about the  
10 long term, you know, get back to the steady state of a particularly affected area  
11 following an incident.

12           But the foundations of recovery operations and recovery activities  
13 probably extends all the way back into, at least, mitigation, and certainly into  
14 response. So you have to enumerate what that recovery mission is going to be.  
15 Then you have to articulate how does that relate back to those other mission  
16 areas? And I think that, when we get all that work fully accomplished, we have a  
17 program that is very well rounded right now, and as I pointed out in my  
18 comments, I think we can form the basis for some of this high level work. And  
19 then actually lead in this area, and not then have to reverse engineer our  
20 program to fit some of those emerging frameworks that the President envisions.

21           COMMISSIONER OSTENDORFF: That's very helpful, and I  
22 appreciate this. Let me ask you this very, one brief question before I close.  
23 Given the precursor of this national framework and the broad perspective that  
24 cuts across all types of accidents and disasters, natural events, et cetera; do you  
25 view the planned, proposed EP rule that the NRC has, that the evacuation

1 strategies, that the evacuation zones, the evacuation time estimates, are those  
2 generally viewed by you at FEMA as consistent with the national approach?

3 MR. KISH: I'd say yes to that. And I know were in a time when we  
4 now have at our disposal the most current census data, so from a population  
5 perspective, some of those drivers that Brian talked about in terms of percentage  
6 changes are now readily available to us and we'll have to take some of those  
7 ETE refresh them, and then too, there's additional information coming from the  
8 GIS side of the house to talk about. You know, road network improvements and  
9 things, so we're -- I don't see this as a one off. I think this is a continuous  
10 process and I know the communities who really are responsible for taking stock  
11 of the viability of those ETEs, I don't know that each one of the 65 site clusters  
12 are all 100 percent behind it, but I think systematically we're in a pretty good  
13 place right now. Always subject for improvement, but I think we're in a pretty  
14 good place right now.

15 COMMISSIONER OSTENDORFF: Thank you. Thank you, Mr.  
16 Chairman.

17 CHAIRMAN JACZKO: Commissioner Svinicki.

18 COMMISSIONER SVINICKI: Well, I want to thank our federal  
19 partners from FEMA for being here today. I was thinking to myself that, sadly,  
20 probably everyone sitting around this table has had an experience with  
21 interagency coordination at the federal level where it takes the form really of  
22 throwing work product over the transom at each other, and I think that what NRC  
23 and FEMA have done here is such a different model. Now, granted, we have to  
24 work together because Congress made a -- we have impinging authorities that  
25 touch each other at site boundaries so we have to work together on these issues,

1 but I think -- and, Mr. Kish, you were at our Regulatory Information Conference,  
2 leading a panel there with Mr. McDermott, and I -- again, I think that it's a real  
3 strength of this process that we've pursued that we're working together.

4           If we can continue that into the workshops that have been  
5 discussed in the implementation period, I think that we'll derive even that much  
6 more benefit, and I think that all of our state partners, and others, and local  
7 responders that have to be a part of this process will derive a lot of benefit from  
8 our continued cooperation at the federal level. So thank you for all you and your  
9 staffs have invested in that. And now, Commissioner Ostendorff mentioned this,  
10 so he made me go to my more detailed binder here, but I noticed in looking at  
11 more detailed comments, and in this instance it's Minnesota's comments and  
12 they're kind of combined on NRC and FEMA documents so I'm not really sure to  
13 whom I should address this, but interesting to me, and again, this isn't really my  
14 area of expertise, but there is -- that we received comment on a statement, a  
15 requirement that said household pets are included in the total EPZ population,  
16 and that if plans are that evacuees' household pets are included in the  
17 population, they have to be monitored to the same standards and have trigger  
18 and action levels for decontamination.

19           I, again, observed both in Japan and in Katrina of course it's  
20 heartbreaking to see people's pets that are really members of their families that  
21 suffer in some of these events, but is this a new requirement? I wasn't familiar  
22 with the fact that -- I know in Katrina people couldn't evacuate with their pets, and  
23 so that was really an issue. Is there anyone who's expert on this particular  
24 requirement or perhaps it's just planning guidance?

25           MR. KISH: Well, you didn't know which way to address that. If it's

1 a hard question, I'm going to give it to Brian.

2 COMMISSIONER SVINICKI: Okay.

3 [laughter]

4 MR. KISH: I don't feel expert to take you to the final conclusion on  
5 that unless Corey has some particular --

6 MR. KAHLER: I don't think this is a new requirement. I believe that  
7 after Katrina, one of the post-Katrina lessons learned was about household pets  
8 and about being able to accommodate them during any type of an evacuation  
9 whether it be REP or whether it be hurricane related, or whatever. So the REP  
10 community is -- we're following up on the FEMA side with their REP program,  
11 annual and such, that they have to also accommodate household pets during the  
12 evacuation process and at the reception centers. And we've heard recently, as  
13 recently as a conference that was held only a few weeks ago, from the State of  
14 Florida on how they are indeed accommodating household pets during  
15 evacuations. The State of Minnesota has also incorporated some of that. So it is  
16 not a requirement that is coming out of the REP community, it is something that  
17 the REP community is ensuring is in line with the federal requirement.

18 COMMISSIONER SVINICKI: Okay, well, that's interesting. And  
19 like I said, I didn't know too much about it. Mr. King?

20 MR. KING: Policy-wise I won't make a comment, but I will tell you  
21 Kevin Leuer spoke to us today and is here in Minnesota and our region has been  
22 one of the leaders in the REP program. In fact, they presented at the National  
23 Radiological Emergency Preparedness Conference on their pet planning, and  
24 they've gone as far as to work with the Remote Sensing Lab for Department of  
25 Energy, who brought out portable monitors for pets, to go through, and practice,

1 and see how that would work, and incorporate those kind of things into planning  
2 and such. I don't think everything across the board -- I'm not going to paint a  
3 picture that, you know, this was all intact everywhere, but this issue is being  
4 promulgated in plans, and in the practice by the REP community, and by the  
5 states, and locals, and looking into this, what level each one is at and then also  
6 the availability of just like that practice with the remote sensing people, the  
7 availability, or the, as you talked about before, what's acceptable levels and the  
8 teams to be able to do that. I truly don't believe that, that's at any means all  
9 played out either.

10 COMMISSIONER SVINICKI: Yeah, I would note that the comment  
11 received talked about some of the logistical challenges that you're mentioning.

12 MR. GRUBER: I might add that it is addressed in the newly revised  
13 comprehensive preparedness guide 101 that Jim alluded to in his briefing. We'd  
14 be remiss if we didn't say not just household pets but obviously service animals,  
15 people with disabilities that have that, so we're addressing that very specifically.  
16 In sheltering requirements we simply can't separate the individual from their  
17 service animal as well.

18 COMMISSIONER SVINICKI: Okay, thank you for that. And again,  
19 it's just -- I mentioned to the previous panel the very rich record of comment that  
20 we have in front of us, so this was just one item that I noted. And Commissioner  
21 Ostendorff brought it up because if you ever have the benefit of meeting a  
22 wonderful canine member of his family, he has a wonderful pet, so again it's -- for  
23 so many of us it would be something very front of mind if we were asked to  
24 evacuate. So thank you for that. The one other thing I'd ask of Mr. McDermott  
25 is, you know, we've heard about uncertainties in the implementation phase, what

1 would you identify as the areas that are going to be kind of the greatest uphill  
2 climb in the implementation phase or the greatest challenges? And seems to  
3 me, previous commenters have talked about really it isn't so much the measures  
4 to be implemented but the timeframes within which they have to implement  
5 those, but where do you think that they're going to have their greatest  
6 challenges?

7 MR. MCDERMOTT: Commissioner, one of the things that I think  
8 we heard from the stakeholders that would be particularly challenging was the  
9 integration of all the different variations on exercise scenarios that we've now  
10 introduced with this draft final rule, the ability of multiple organizations to work  
11 across a state and with interfacing state boundaries on exercises that would  
12 include ingestion pathways, hostile action scenarios, the variations in the types of  
13 scenarios we're looking for, for these organizations to piece all that together in an  
14 integrated schedule.

15 What's layered on top of that are the schedules that state and local  
16 officials have for other types of exercises they participate in, so I think we heard  
17 that message loud and clear during some of the feedback, and we've adjusted  
18 the implementation dates relative to the hostile action based scenario in  
19 particular, to accommodate the need of -- and the flexibility needed to integrate  
20 all those activities.

21 MR. KISH: Yeah, I'd actually like to pick up and kind of dovetail the  
22 back of Brian's remarks, so I think he's spot on in terms of describing the scope,  
23 but from a slightly more operational reaction to your question. For example, we  
24 have in FEMA Region 5, and I'll let Bill kind of fill in the gasps on this, you know,  
25 a large number of plants physically residing in FEMA Region 5. And so there's a

1 fairly comprehensive schedule that's already notched out and laid in for exercise  
2 planning and execution over the next five years. And so to drop a new  
3 requirement into that requires a significant amount of work on the part of the  
4 regional staff in each one of those states, especially states like Illinois where they  
5 have multiple sites, multiple, multiple sites, where they've got to kind of  
6 reconfigure that timeline.

7           So I appreciate the NRC staff willingness to kind of not so much  
8 back away but acknowledge the fact that there's a layer of complexity to this that  
9 may not have been fully accounted for in the original timeline that was published  
10 and sent to the field for reaction. And I also am sensitive to something that Mr.  
11 Leuer said. My personal opinion is you shouldn't schedule an exercise, and  
12 conduct that exercise, and grade that exercise until you've given sufficient time  
13 and guidance to do the planning associated with that. And I think we heard  
14 pretty clearly from the State of Minnesota some of the challenges they face in  
15 terms of identifying new players, roping them in, you know, harmonizing the  
16 different kinds of philosophies between response communities and law  
17 enforcement communities, harmonizing the various plans that they exist,  
18 identifying areas where there's touch points, where they got to de-conflict those  
19 things, put in any necessary training, or maybe even -- there might even be  
20 facilities, there might be equipment issues that they have to deal with, won't really  
21 know that until that full suite of planning, and they walk through those things in  
22 great detail.

23           When that happens, then -- well, while all that's probably happening  
24 -- you got to work with some of those broader issues in terms of the region that I  
25 talked about, in terms of sequencing these exercises so that they're not



1 disruptive, and then there's the budget cycle in the local -- I mean, there's a  
2 whole range of issues. So flexibility is absolutely vital, engagement from Bill and  
3 his staff at those site levels through the states, that's absolutely critical, but that's  
4 a commitment that FEMA's made, and that's something that, you know, we've  
5 looked at each one of Bill and his colleagues, and we've given them the  
6 resources, and we're giving them the impetus to do this.

7 MR. KING: A couple of comments. One is, and it was mentioned  
8 earlier, a little difference in our regulatory processes about being able to share  
9 draft material and information, and I think Kevin touched on that, probably Patrick  
10 also, in the fact that it's a little tough when you haven't seen it yet to be able to  
11 assess how long it's going to take to follow the planning process. You really want  
12 to do that. You want to develop the guidance. You want to enhance the plans  
13 appropriately. Then you want to train the people and then exercise the plans and  
14 procedures for the preparedness of the people, so that whole kind of line of really  
15 what we're trying to do without jumping one of those steps, they're going to have  
16 to see what those new guidance requirements associated with hostile action  
17 based and other things are to be able to accomplish that. I think our states and  
18 locals have been very proactive, as was said earlier, about anticipating the kind  
19 of things, even before the guidance comes out or the Regs are completed, and  
20 the documents, and anticipating, because of the good effort before with the  
21 hostile action based drills that were done, to introduce all of the offsite and the  
22 new people to each of the sites around the country, to have them play together in  
23 this unique type of an event that the -- a lot of players who had not traditionally  
24 come and participated in the REP program exercising process now started to  
25 come together, and they followed up on that at the state and local.

1           So they're moving ahead, even prior to this coming out, but I think  
2 to finally see how long that's going to take and make sure that that's adjusted  
3 appropriately with the other requirements -- ongoing, compliance requirements  
4 that they have for conducting drills and exercises and such in that schedule.  
5 We've all talked about that. Everybody's prepared to work together in doing this.

6           The rollout -- the joint rollout is real beneficial. We plan to follow  
7 that up. Only speak for my region, but I think each region's looking in the same  
8 manner, kind of rolling the sleeves up. After the rollouts are done, the real work  
9 starts, going out and sitting down together, and working through, "Here's the  
10 schedule, here's the new game rules, here's the pieces to the game -- board  
11 game, where do you want to put those?"

12           There's more flexibility for the state and locals in this -- in starting  
13 off this time with what's done during staff assistance, how to meet the  
14 requirements that are there during a staff assistance visit, during a drill, during an  
15 exercise, during an out of sequence event, and make sure that we're consistent  
16 as we start this. Part of the benefit of doing all of this again is to get us all on the  
17 same page. There is flexibility in part of it, but certainly the overarching  
18 documents and what the spirit -- and what we're trying to do within that, that's the  
19 more standardized level. So when we go out and work together with them, we  
20 plan to spend whatever time's necessary together to move those pieces into  
21 where everyone's comfortable, it'll be accomplished.

22           COMMISSIONER SVINICKI: Okay. Well, thank you for that. I  
23 think any process has its implementation challenges, and so this sounds like this  
24 has a lot of moving parts. But I want to thank you all for pledging to continue to  
25 have the effort to coordinate and work together. Thank you. Thank you.

1 CHAIRMAN JACZKO: Commissioner Magwood.

2 COMMISSIONER MAGWOOD: Again, let me add my welcome to  
3 our FEMA colleagues. Earlier in my career, a long time ago now I guess, you  
4 know, I interacted quite a bit with FEMA and the people in the REP program,  
5 people who are long retired by now, I'm sure. But one of the things I learned in  
6 interacting with FEMA back in those golden years was that the REP program was  
7 as much about sort of, I guess, the relationships among the various players as  
8 you went through exercises. It wasn't so much that, yes, everyone paid attention  
9 to the emergency plan, but it was also a lot about making sure that, you know,  
10 the fire department knew, you know, people at the plant, and people at the plant  
11 knew the sheriff, and the sheriff knew -- you know, everybody knew who each  
12 other were; they could sit at the table; they all recognized each other; they could  
13 work well together.

14 Now we're bringing a lot of new players into this game, and what  
15 we -- I think we've even used the phrase "REP community," because I remember  
16 that phraseology used a lot when I was involved. And it was because there were  
17 people who basically did this for a living. There's people, you know, at the utility  
18 side who do this for a living, there's people on the state side who do this for a  
19 living, but now we're going to bring in sort of a new culture, and a lot of new  
20 people, and a different perspective. And in the -- I wonder, if you think -- as you  
21 think about this very thing Mr. King, as you think about this, this implementation  
22 period is going to probably take a significant period of time to sort of -- to bring  
23 this together. Do you see any -- hesitate to use the term, but I'll use it anyway --  
24 do you see any vulnerabilities developing as we go through this change over the  
25 next several years, as we go from the old REP program to what we're now

1 entering into? Or do you think this'll be relatively straightforward? How do you  
2 think about this as we look at phasing this in?

3 MR. KING: I guess I would not think of the vulnerabilities. I do  
4 think care and concern is going to be in place and has been in the adjudication of  
5 the additional comments and integration of the current -- the compliance part  
6 that's been there, the new areas that are being looked at, the REP program  
7 manual draft, the Sups and such that are coming out, I really think the process  
8 that was used looked to make sure that we didn't create gaps. If anything, it's  
9 enhancements and clarifications to that. Now, I'm not saying there aren't gaps --  
10 there aren't things to be worked on. There certainly is -- this is a continuing  
11 process in the planning field and out in the field constantly. But I don't think  
12 we've created new gaps in the development of this or new vulnerabilities that  
13 come to mind for me for offsite in these lines.

14 COMMISSIONER MAGWOOD: Appreciate that. Mr. Kish, the --  
15 oh, I'm sorry, please.

16 MR. GRUBER: Commissioner, just to offer one point and maybe a  
17 little context, you know, for the hostile action based exercises. One of the things  
18 we're doing that I think complements this effort is conducting a series of  
19 counterterrorism awareness workshops in 10 or more urban areas across the  
20 country where we're inviting precisely the actors you talked about, our law  
21 enforcement community, private sector representatives across sectors,  
22 emergency managers, hospitals, and others, to look at how we would deal with a  
23 Mumbai-style attack. And we're doing that in concert with the Federal Bureau of  
24 Investigation, the National Counterterrorism Center, and other people. So again,  
25 while it may not be specifically related to this initiative, it contributes to that

1 because it begins to create those relationships so then when we move into the  
2 hostile action based exercise process, we've already done some of that  
3 groundwork, you know, to create those relationships, and to have partners that in  
4 the past, although I think this changed a lot since 9/11, weren't habitual partners  
5 to one another.

6 Now I think in law enforcement, and emergency management, and  
7 all these other disciplines, we recognize the value of that, and we're doing it and  
8 demonstrating that. And one of the things we're doing in the course of that is  
9 capability reviews to identify what assets, what resources are available around  
10 that urban area, across an entire state, and we can use that to help contribute to  
11 this process.

12 COMMISSIONER MAGWOOD: Appreciate that.

13 MR. KISH: I think that's a great question, and I'd like to contribute  
14 in thought on this. I mentioned earlier in responding to Commissioner  
15 Ostendorff, we talked about some ongoing efforts in terms of introducing the  
16 areas of responsibility over prevention, protection, mitigation, response, and  
17 recovery, and trying to meet the President's endgame that he's described under  
18 his recent directive. When you start walking through that line, you naturally  
19 identify some of these actors that haven't traditionally been part of the  
20 community, so to speak. Mr. Leuer spoke to the need to have more -- he talked  
21 about federal players, and I'll just take a specific example, you know, should  
22 there ever be any type of a terrorist attack against a nuclear power plant in the  
23 United States, most certainly you would have a range of federal capabilities that  
24 don't traditionally play in that community. Well, if we're effective in meeting the  
25 president's challenge here, you will have identified those capabilities and who's

1 responsible for them, and they will have connections to this program. And so we  
2 can get to some of the hearts of those issues because I think you're exactly spot  
3 on when you said relationships are as important as the procedures that we  
4 follow.

5           COMMISSIONER MAGWOOD: Appreciate that comment. Wanted  
6 to sort of switch gears a little bit, Mr. Gerber, give you a chance to talk about just  
7 a little bit. You've heard about -- I think the Chairman just sort of led off talking  
8 about this, we formed a task force to look at lessons learned from Fukushima. I  
9 imagine FEMA's doing something similar on a broader scale, just curious if -- I  
10 don't know anything about this. Is there something you could sort of give us an  
11 overview of what's going on?

12           MR. GRUBER: Obviously, we were in a supporting role in  
13 that process, but we did identify a series of lessons, and I think many of us in this  
14 room probably have been at roundtables and seminars that are still exploring  
15 what we've learned in Japan. I was just at one a week ago with some of your --  
16 the staff, NRC staff, where we had one at the Center for Naval Analysis that was  
17 in Japan supporting Pacific Command and others, so we're bringing back their  
18 lessons. We have a specific program, inside FEMA -- Remedial Action  
19 Management Program, and a corrective action program, and they're charged  
20 with taking those lessons and then assigning responsibility to some component  
21 of FEMA to resolve those. But I think many of those lessons are still unfolding.  
22 Tomorrow, as a matter of fact, some of our staff and members from the  
23 government of Japan are on the Hill meeting with Senator Inouye's staff to talk  
24 again about some of the issues related to housing, so I think we're still, albeit it  
25 seems like a long time now, early in that process and still learning from their

1 experience.

2 MR. KISH: I think I'd like to add a couple things. One, that there  
3 shouldn't be any single spot where these lessons are being examined. I think  
4 there's enough information and there's enough of an operational response  
5 underway following the Daiichi situation, that all of the responsible agencies that  
6 have missions under that type of situation really should be looking at this. It  
7 came up in a meeting we had, high-level meeting. We were talking with the  
8 Environmental Protection Agency about some things that the Japanese are  
9 dealing with right now as emblematic of a particular task that the EPA has, to  
10 develop some long-term recovery things. So I think we should be touching the  
11 lessons and the information on an ongoing basis. It shouldn't be just isolated. A  
12 week and a half ago, I had a chance to meet with Mr. Miller from the task force,  
13 and meet some of the task force members and talk a little bit about where they're  
14 going with the EP side. And I think they're heading in the right direction, but I  
15 offered to Mr. Miller that if he had any desire to include FEMA, any of FEMA --  
16 not just Jim Kish but any of FEMA -- as a consultant to take a look at some of  
17 those broader issues that they're dealing with, we're certainly willing to come and  
18 be a part of anything that the NRC task force is working on, because it's a vitally  
19 important process they're involved in.

20 COMMISSIONER MAGWOOD: Thank you very much.

21 MR. KING: If I could, one more follow-up comment from me. You  
22 asked on vulnerabilities, and I'll put this two ways. I think that one of the things  
23 that our Administrator has recently -- it was mentioned earlier -- has charged us  
24 is to, as a federal community, to start participating more frequently with the  
25 integrated plans, as the entire agency, in response to exercises, and planning

1 events and things. We've comfortably called ourselves the Island of REP in the  
2 past, where we did mainly our compliance role rather than as much of the  
3 integrated all-hazards and the response role together. We've experienced that  
4 some, I think, with the last full federal exercise. It's been quite a lot of years ago  
5 at Zion. So I think as we move forward with the Administrator's charge to start  
6 identifying those opportunities to start playing more frequently, some of what you  
7 talked about is the people starting to meet each other, and work together, and  
8 build those relationships, and work out. They're going to find gaps and things  
9 that need to be fixed, but that's healthy. That's what we need to do, and get out  
10 there more frequently, so I think that's a big part.

11           The second thing that was done, I think last August, was a  
12 principal-level exercise that the Administration participated in -- and others,  
13 maybe some of yourselves -- in identifying more policy-level issues related to a  
14 major incident in the country, and I think that's also healthy, and the identification  
15 of those gaps so that people can start working those. So there are some  
16 vulnerabilities. In a way, they're going to be identified through the enhancement  
17 of our program. But they need to be. And that's a good, healthy process.

18           COMMISSIONER MAGWOOD: Great, thank you very much.  
19 Thank you. Thank you, Chairman.

20           CHAIRMAN JACZKO: Brian, I had one question on the rule. The  
21 change in the evacuation-time-estimate updating -- before, we had a fairly clear  
22 criteria: I think it was a 10 percent change in the population about every 10 years  
23 or something. I think every 10 years, unless there was a 10 percent change in  
24 population. Looking at the new language, it's not clear to me how that's going to  
25 work. It almost seems like you have to know the answer before you know you



1 have to make the change. Can you maybe explain to me? Maybe I'm not  
2 reading it right.

3 MR. MCDERMOTT: Yes, sir. The change, the way we've  
4 proposed the language today, really reflects some of the feedback we've  
5 received from the off-site responders, off-site response officials. And it has to do  
6 with what would really make a difference to them in terms of their using the  
7 information to alter the protective-action decision. And what we heard from them  
8 was that if a change in the population didn't result in more than a 30-minute  
9 change in the evacuation time, that they wouldn't see it necessary as making a  
10 change in their plans.

11 CHAIRMAN JACZKO: I guess that's -- how do they know that if  
12 they don't update the ETE's?

13 MR. MCDERMOTT: And there are a variety of ways. What we  
14 understand is that as communities grow and as part of the planning they do, is to  
15 look at the populations and how those change. So it wouldn't necessarily be  
16 reliant on the decennial census data as the only driver for recognizing that there  
17 were changes in the population. I'll ask Bob Kahler to add to that, if he could.

18 MR. KAHLER: Yes, part of the guidance document that we put out  
19 there, and even getting input back from those who are experts in areas of  
20 evacuation studies, says that whenever you make an evacuation-time-estimate  
21 study, you can actually do what's called a sensitivity analysis, based upon the  
22 current population: What change in population for those certain type evacuation-  
23 route scenarios and such would need to be increased in order to increase a time  
24 of about 30 minutes? Or we even put to a more conservative route: We said 30  
25 minutes or 25 percent population change, but whichever is less, with 30 minutes

1 being at least a trigger point.

2           We are also, in that guidance document, stating that they are to  
3 look at that sensitivity analysis result that they received on an annual basis.  
4 Between decennial census -- we did not have this before -- such that if your  
5 sensitivity analysis shows that a 10,000-say-number population change would  
6 change the longest evacuation time by 30 minutes, then you would know that  
7 when you go back once a year, if there's a 10,000 change in population then you  
8 need to go back and update your ETE. Because we were looking at when off-  
9 site agencies would need to change their strategies in protective-action decision-  
10 making, and it seemed as if what we were receiving back was a 30-minute  
11 change would necessitate them to reevaluate their strategies. And we tended to  
12 agree with that because of how our studies were showing our protective-action  
13 strategies. We have an ongoing parallel research study that was going on with  
14 the rule that showed that evacuation time estimates for staged evacuation and  
15 such -- that time periods of when changes in strategies should occur were in  
16 parallel with that 30 minutes, also. So we felt we were in agreement with that  
17 and that's why we did change from 10 percent population change to a time-frame  
18 for evacuation times.

19           CHAIRMAN JACZKO: So the annual sensitivity study, will that be  
20 inspectable?

21           MR. KAHLER: Yes.

22           CHAIRMAN JACZKO: Is that an enforceable -- it's in the guidance,  
23 so if somebody doesn't do the sensitivity studies --

24           MR. KAHLER: It's also in the regulation; it says on a decennial  
25 census or when there is a 25-percent change in population, or 30 minutes,

1 whichever is less, that is part --

2 CHAIRMAN JACZKO: But it doesn't have language on needing to  
3 do the annual sensitivity studies.

4 MR. KAHLER: Not on the annual sensitivity study, no. That's on  
5 how do you determine that 30-minute change. That's provided in guidance, yes.

6 CHAIRMAN JACZKO: I mean, I certainly think it seems like a  
7 reasonable approach. I'm just -- want to make sure we haven't made it an  
8 impossible situation to ever --

9 MR. KAHLER: Matter of fact, that feedback was received by those  
10 who actually performed the evacuation-time-estimate studies for the licensees.  
11 They said, "We can do this. As a matter of fact, it is part of what we do for other  
12 communities and such. So this is something that we could easily include within  
13 our studies."

14 CHAIRMAN JACZKO: I mean, so could we put in the rule  
15 language that -- do the annual sensitivity studies?

16 MR. KAHLER: We have in the rule language that they are to look  
17 at it annually as to whether or not there's a 25-percent change of population --

18 CHAIRMAN JACZKO: I'm sorry, that's the rule language?

19 MR. KAHLER: Yes, yes.

20 CHAIRMAN JACZKO: Okay, okay, so then that's the hook.

21 MR. KAHLER: It's in how you determine it is not in the rule  
22 language.

23 CHAIRMAN JACZKO: Okay, got it, got it. I understand that.

24 Thank you. Well, that was the main question I had. Any other comments that  
25 you had? Any things you heard from the stakeholders you wanted to respond to

1 or address, Bill, or Brian, or anybody?

2 Well, again, I want to thank everybody for coming and for all the  
3 hard work on this rule. I think it's been a long time to get to this point. Obviously  
4 it's not perfect, but I think there's a lot of good in here and I think there's  
5 important improvements and enhancements we'll make to the EP. And I think as  
6 many of you have commented, the task force is looking at these issues as well,  
7 so we anticipate that there may be other issues coming forward. And I would  
8 certainly note that I share some of the frustrations about the time it takes. If we  
9 have lessons from Japan, I think we need to really set ourselves a standard of  
10 getting those done in some time less than 10 years. But I think this is a good  
11 rule, and I'm hopeful that we'll move forward on it soon. Thank you.

12 [Whereupon, the proceedings were concluded]