

# **U.S. NRC Headquarters Update**

**2019 TOP Workshop  
February 6, 2019**

**Robert Kahler, Chief  
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Division of Preparedness and Response  
Office of Nuclear Security and Incident Response  
U.S. Nuclear Regulatory Commission**



# NRC Commissioners

## The Commission



Kristine L. Svinicki, Chairman  
Began Serving: March 2008  
Term ending: June 2022



Jeff Baran  
Began Serving: October 2014  
Term Ending: June 2023



Stephen G. Burns  
Began Serving: November 2014  
Term Ending: June 2019



Annie Caputo  
Confirmed: May 2018  
Term Ending: June 2021



David Wright  
Confirmed: May 2018  
Term Ending: June 2020

# Discussion Topics

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- Guidance Documents
- Licensee Interactions
- EP Significance Determination Process (EP SDP)  
Focused Self-Assessment (FSA)
- Alert and Notification System (ANS) and Integrated  
Public Alert and Warning System (IPAWS)
- EP Rulemaking Activities
- Risk Perception vs Risk Reality



# EP Guidance Documents

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- NUREG/CR-7248, “Capabilities and Practices of Offsite Response Organizations for Protective Actions in the Intermediate Phase of a Radiological Emergency Response.”
  - Enhance NRC understanding of ORO practices and capabilities
  - Provide technical basis for assumptions used by NRC to model protective actions in consequence studies and regulatory analyses
  - Published June 19, 2018, ADAMS ML18170A043

# EP Guidance Documents

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- NUREG-0654/FEMA-REP-1, Revision 2
  - Reflects changes to NRC/FEMA regulations, guidance, and policies
  - Consolidates numerous supplemental documents and addenda
  - Modernizes guidance technological advances and best practices
  - Office of Management and Budget (OMB)
    - Major or minor “rule” determination

# Licensee Interactions (A, B, C's)

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- Discussions on specific licensee actions need to be coordinated through Office of Nuclear Reactor Regulation (NRR) Project Manager
  - Forecast of planned licensing submittals: Regulatory Issue Summary (RIS) 2015-16
- Pre-submittal conference call/meeting
- Conference call to discuss proposed (draft) requests for additional information (RAIs)
- Follow-up discussions
  - If unsure, ask for clarification
- State consultation (license amendment request)
  - FEMA consultation: Does change impact offsite plans?

# Operating Reactor Licensing (ERO Staffing / Augmentation)

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- RIS 2016-10, “License Amendment Requests for Changes to ERO Staffing and Augmentation”  
(ADAMS ML16124A002)
  - Clarifies use of NEI 10-05 (On-Shift Staffing Analysis)
  - Staff evaluation using NUREG-0654/FEMA-REP-1, Rev 1
- Proposed Revision 2 to NUREG-0654/FEMA-REP-1
  - Letter to NEI, Entergy, NextEra – June 12, 2018
  - Table B-1 and Technical Basis (ADAMS ML16117A427)



# Operating Reactor Licensing (ERO Staffing / Augmentation)

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- Table B-1 (functions/augmentation times) is intended to provide a model to consider in developing a site-specific emergency plan.
- Emergency plan should describe the minimum ERO staffing plan
  - Supporting EIPs can describe any other staff response desired, as long as this staff is not critical to effective emergency plan implementation.

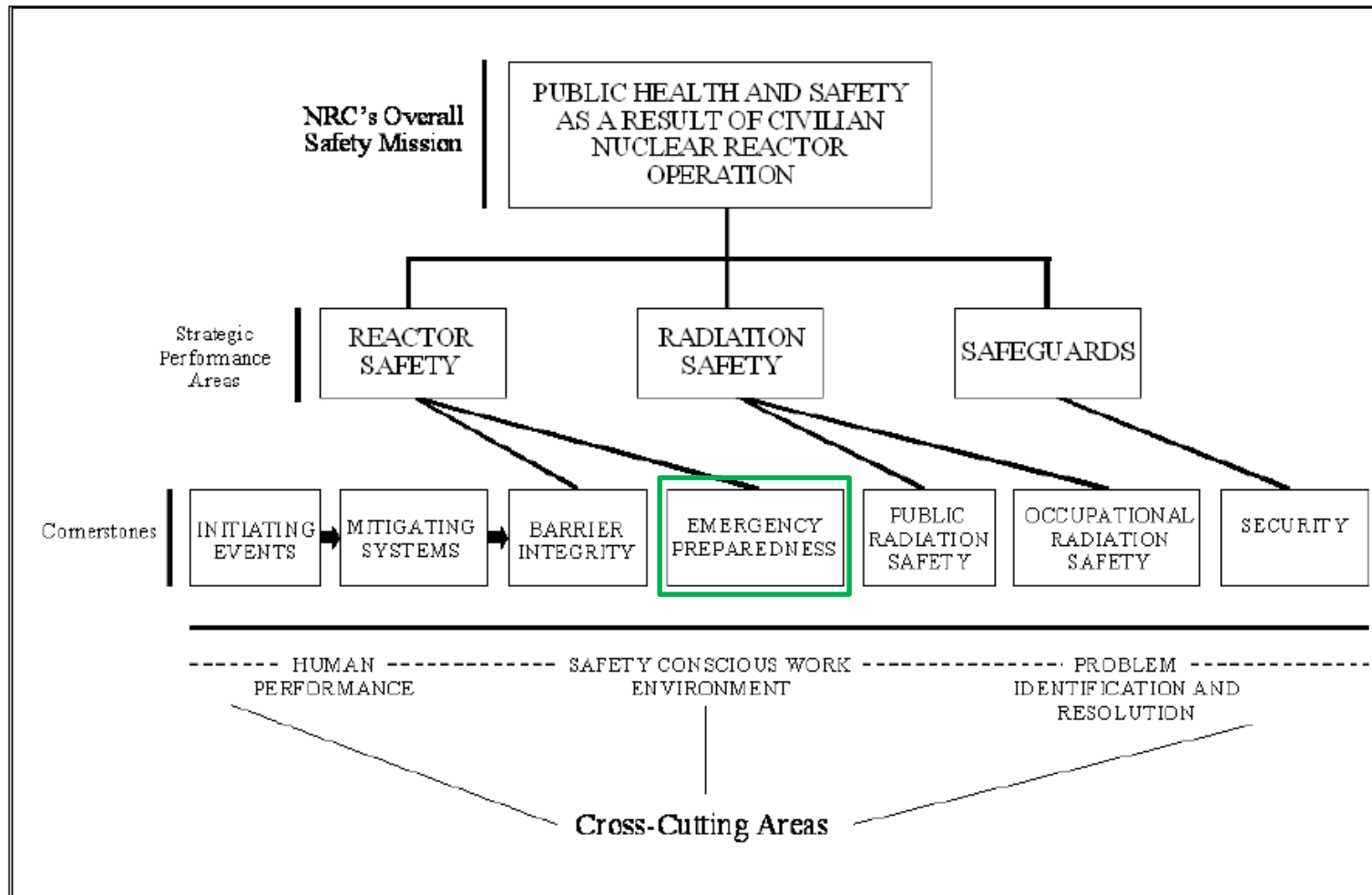
# EP Significance Determination Process (SDP) Focused Self Assessment (FSA)

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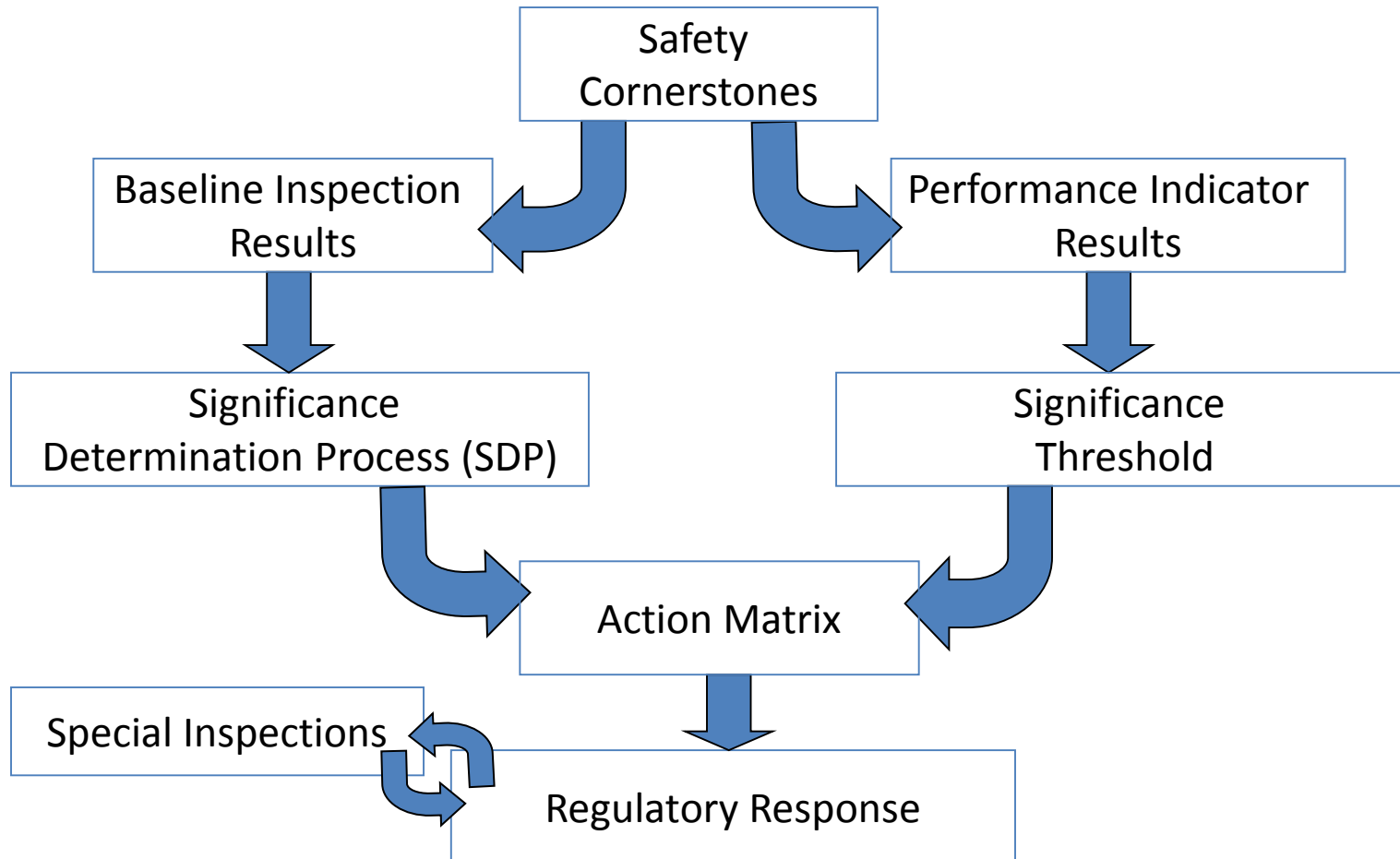
- December 12, 2017, Nuclear Energy Institute (NEI) submitted letter
  - “Recommendations for Improving the Emergency Preparedness Significance Determination Process”
  - ADAMS Accession No. ML17354A094).
- February 7, 2018, NRC responded via letter
  - “Receipt of Nuclear Energy Institute Recommendations for Improving the Emergency Preparedness Significance Determination Process”
  - (ADAMS Accession No. ML18024A427).
  - “...take a fresh look at the EP SDP” and to “...convene an expert team to evaluate the EP SDP based on the NRC’s experience with the EP SDP as well as inputs from external stakeholders.”
- During 2018, NRC HQ and Regional staff conducted an FSA
  - procedural reviews, EP Inspector surveys, and review of external stakeholder comments and/or suggestions.
  - Public Meetings
    - June 25, 2018, introduced FSA intent and purpose
    - January 10, 2019, provide tentative results and project plan

# EP Significance Determination Process (SDP)

## Focused Self Assessment (FSA)



# EP Significance Determination Process (SDP) Focused Self Assessment (FSA)



## BASELINE INSPECTION PROCEDURES

- .01 Exercise Evaluation (biennial exercise)
- .02 Alert and Notification System Evaluation
- .03 ERO Staffing and Augmentation System
- .04 Emergency Action Level And E-Plan Changes
- .05 Maintenance of Emergency Preparedness
- .06 Drill Evaluation (resident inspector)
- .07 Exercise Evaluation - Hostile Action (HA) Event
- .08 Exercise Evaluation - Scenario Review



## EP Performance Indicators (PIs)

- Drill and Exercise Performance (DEP)
- Emergency Response Organization Drill Participation (ERO)
- Alert and Notification System Performance (ANS)

# EP Significance Determination Process (SDP) Focused Self Assessment (FSA)

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**Green**

Very low safety significance (licensee response band)

**White**

Low to moderate safety significance (increased regulatory response band)

**Yellow**

Substantial safety significance (required regulatory response band)

**Red**

High safety significance (unacceptable performance band)

# EP Significance Determination Process (SDP) Focused Self Assessment (FSA)

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- FSA Conclusion
  - The EP SDP is sound
  - However, there are several areas where the NRC should consider enhancement opportunities.
  - These enhancement opportunities are to be considered preliminary, not a final NRC position, and subject to change.

# EP Significance Determination Process (SDP) Focused Self Assessment (FSA)

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- FSA Conclusion
  - The EP SDP is sound
  - However, there are several areas where the NRC should consider enhancement opportunities.
  - These enhancement opportunities are to be considered preliminary, not a final NRC position, and subject to change.

# EP Significance Determination Process (SDP) Focused Self Assessment (FSA)

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## Enhancement Opportunities

- Outlook E-mail account for knowledge management and drive consistency and awareness between NRC Regions and HQs
  - COMPLETED
- SharePoint tools to document and track issues.
  - COMPLETED
- SharePoint tools to coordinate NRC Regional and HQ resources.
  - COMPLETED
- Qualify HQ EP staff as EP Inspectors.
  - In Progress: 2/3 staff qualified, remaining staff member will be qualified in 2019
- Annual EP Operating Experience Report to capture lessons-learned and other EP issues relevant to the ROP and SDP
  - COMPLETED



# EP Significance Determination Process (SDP) Focused Self Assessment (FSA)

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## Enhancement Opportunities

- Consideration of other Reactor Safety Cornerstones when determining significance of an EP issue
- Planning Standards 10 CFR 50.47(b)(2) (4) (5) (8) (9) (10 offsite)
  - Only these can be Greater than Green
  - Only these would require a formal 10 CFR 50.54(q) change review, and subsequent requirement for NRC prior approval
- Replace ANS PI with ERF Readiness PI
- Add EP ROP PIs to support 24-month 10 CFR 50.54(t) review frequency.
- Revise and consolidate EP Baseline Inspection Procedures
- Provide guidance to better risk inform: EALs, dose assessment modeling, 10 CFR 50.54(q), Fission Barrier Matrix, and Radiation Monitoring Instrumentation
- Enhance guidance for evaluating meteorology and SCBA (joint EP and RP issue)
- Revise EP Training

# ANS and IPAWS

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- NRC Licensees are required to demonstrate reasonable assurance and adequate protection through the use of a viable Alert and Notification Systems (ANS)
  - 10 CFR 50.47(b)(5) “...means to provide early notification and clear instruction to the populace within the plume exposure pathway Emergency Planning Zone have been established.”
  - Appendix E “...licensee shall demonstrate that administrative and physical means have been established...”

# ANS and IPAWS

- There are no nuclear regulatory requirements for sirens to be the primary method an ANS
- Licensees should use **10 CFR 50.54 (q) change process** for changes to its ANS
- Some alert and notification requirements are included as specific licensing conditions for certain licensees
- Licensee decision to implement IPAWS in lieu of sirens may require prior NRC approval or License Amendment Request (LAR)
- NRC has final decision authority on Alert and Notification System

# ANS and IPAWS

## Improvements and Innovation in 2019

- FCC has required that IPAWS systems allow state and local governments to draw octagonal area for notifications.
  - Accuracy of the drawing will be at 1/10 of mile of the area covered
- The FCC is completing development of a fourth WEA message to supplement the current three WEA messages in IPAWS
  - Fourth WEA message will be “Testing”
  - Fourth WEA message mode has potential to be used to evaluate drills and exercises
  - Current three message types are: “Presidential”, “Amber”, and “Imminent Threats”
  - “Testing”, “Amber” and “Imminent Threat” alerts can be opted-out by individual users
  - “Presidential” alerts cannot be opted-out by individual user
- Increase the number of characters to be displayed in a message;
- Ability to insert internet links, pictures and videos.

# ANS and IPAWS

- Licensees should use **10 CFR 50.54 (q) change process** for changes to its ANS
- If the design of the primary ANS includes specific requirements that were established as part of a licensee's licensing basis, then the licensee will need to use **the 10 CFR 50.90 license amendment request process**

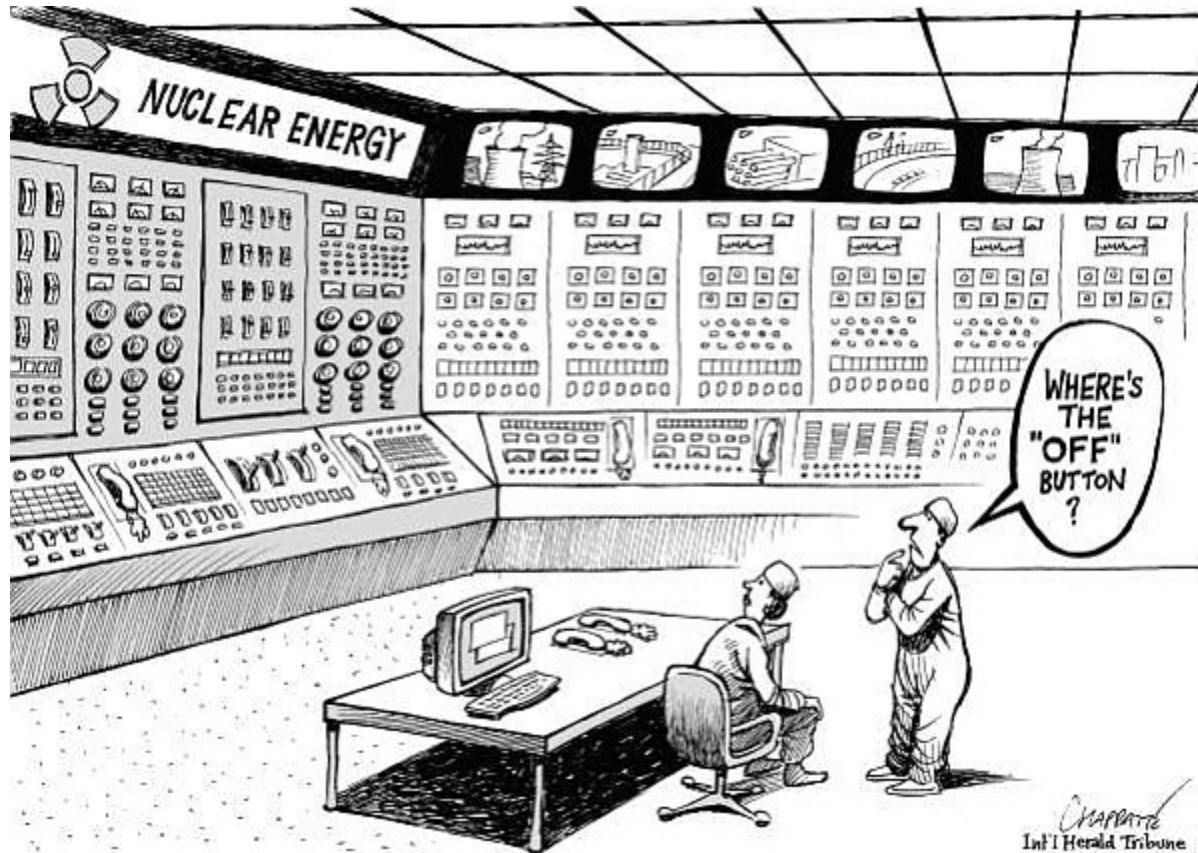


# EP Rulemaking Activities

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- Power Reactors Transition to Decommissioning
- Small Modular Reactors and Other New Technologies (SMR/ONT)
- Mitigation of Beyond Design Basis Events (MBDBE)
- 10 CFR 50 and 52 Alignment

# EP Decommissioning Rulemaking



# EP Decommissioning Rulemaking

## Research to Support Rulemaking

- **NUREG-1738**, “Technical Study of Spent Fuel Pool Accident Risk at Decommissioning Nuclear Power Plants”
- **NUREG-2161**, “Consequence Study of a Beyond-Design-Basis Earthquake Affecting the Spent Fuel Pool for a U.S. Mark I Boiling Water Reactor”
- **Supporting Research Studies**  
(ADAMS ML16110A416)
  - Analysis of Mitigative Actions
  - Spent Fuel Decay Time
  - Dose Rate of Accidental Radiological Release from Spent Fuel Pool

# EP Decommissioning Rulemaking

- **The following contains information that was provided to the Commission on May 7<sup>th</sup> to support the Draft Proposed Transition to Decommissioning Rulemaking.**
- **Although made public on May 22<sup>nd</sup>, the rulemaking has not been issued for public comment.**
- **The Commission will vote on the rulemaking and provide a Staff Requirements Memorandum (SRM) with direction on how to proceed.**
- **As such, the rule language and accompanying guidance may change and should not be considered final.**



# EP Decommissioning Rulemaking

## Graded Approach

**Level 1** — Permanent cessation of operations and all fuel in spent fuel pool

**Level 2** — Spent fuel has sufficiently decayed (10 hour adiabatic heatup time)

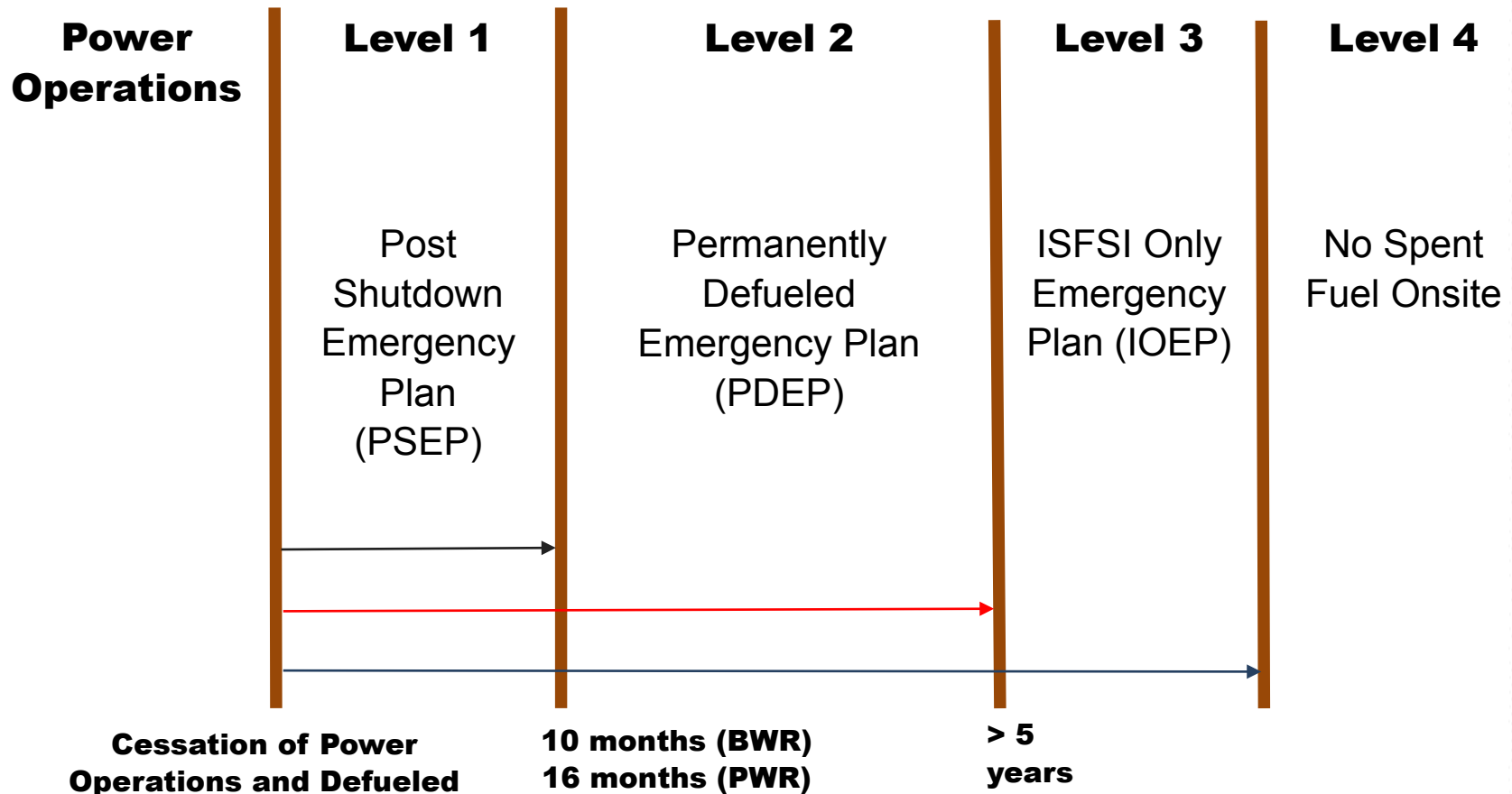
**Level 3** — All fuel is in dry cask storage

**Level 4** — All fuel removed from site



# EP Decommissioning Rulemaking

## Decommissioning EP Levels



# EP Decommissioning Rulemaking

## Post-Shutdown EP (PSEP)

- PSEP may start after NRC docket licensee's certifications of certifications of permanent cessation of operations and permanent removal of all fuel from the reactor vessel.
- PSEP is a transition period
  - May only last 10 months (BWR) to 16 months (PWR)
  - Significant changes to plan not anticipated
  - No changes to regulations for offsite emergency plan

# EP Decommissioning Rulemaking

## Post-Shutdown EP (PSEP)

- 10 CFR 50.200(a)
- Proposed Rule provides for:
  - Reduced ERO staffing
  - Revisions to EALs
  - ETE updates no longer required
  - Annual dissemination of information to the public
    - future plant status
  - Revised exercise schedule (drill cycle maintained)

## Permanently Defueled EP (PDEP)

- 10 CFR 50.200(b) and (c)
- Proposed Rule provides for:
  - Reduced ERO staffing
  - Classification and Notification timeliness commensurate to risk and accident timing
  - Events classified as NOUE or Alert
  - No offsite (REP) planning requirements
    - No defined EPZs beyond the site boundary
    - No demonstration of capability for prompt public alerting
    - No pre-determined Protective Actions

# EP Decommissioning Rulemaking

## Permanently Defueled EP (PDEP)

- Proposed Rule provides for:
  - Revisions to EALs
  - Emergency response facilities (TSC, OSC, EOF) may be combined
  - Biennial exercise within 2 years of entering into decommissioning (drill cycle maintained)
  - No hostile action requirements (security EALs maintained)



# EP Decommissioning Rulemaking

## Permanently Defueled EP (PDEP)

- 10 CFR 50.47(f) — Planning standards do not apply to offsite EP if EPZ does not extend beyond the site boundary.  
10 CFR 50.54(s)(3) — Clarifies how NRC will make findings and determinations of reasonable assurance when planning standards do not apply to offsite.  
*(s)(3) “If the planning standards for radiological emergency preparedness apply to offsite radiological emergency response plans, the NRC will base its finding on a review of the FEMA findings and determinations as to whether State and local emergency plans are adequate and capable of being implemented, and on the NRC assessment as to whether the licensee’s emergency plans are adequate and capable of being implemented.”*  
10 CFR 50.54(t) — EP program element review at 2 year intervals until all fuel in dry cask storage.

# EP Decommissioning Rulemaking

## ISFSI Only EP (IOEP)

- IOEP may start after all spent fuel is in dry cask storage
- IOEP utilizes established EP planning standards for ISFSIs contained in 10 CFR 72.32(a)
- Part 50 and Part 52 licensees are granted a general Part 72 license
- Application for a specific Part 72 license would require NRC approval of emergency plan

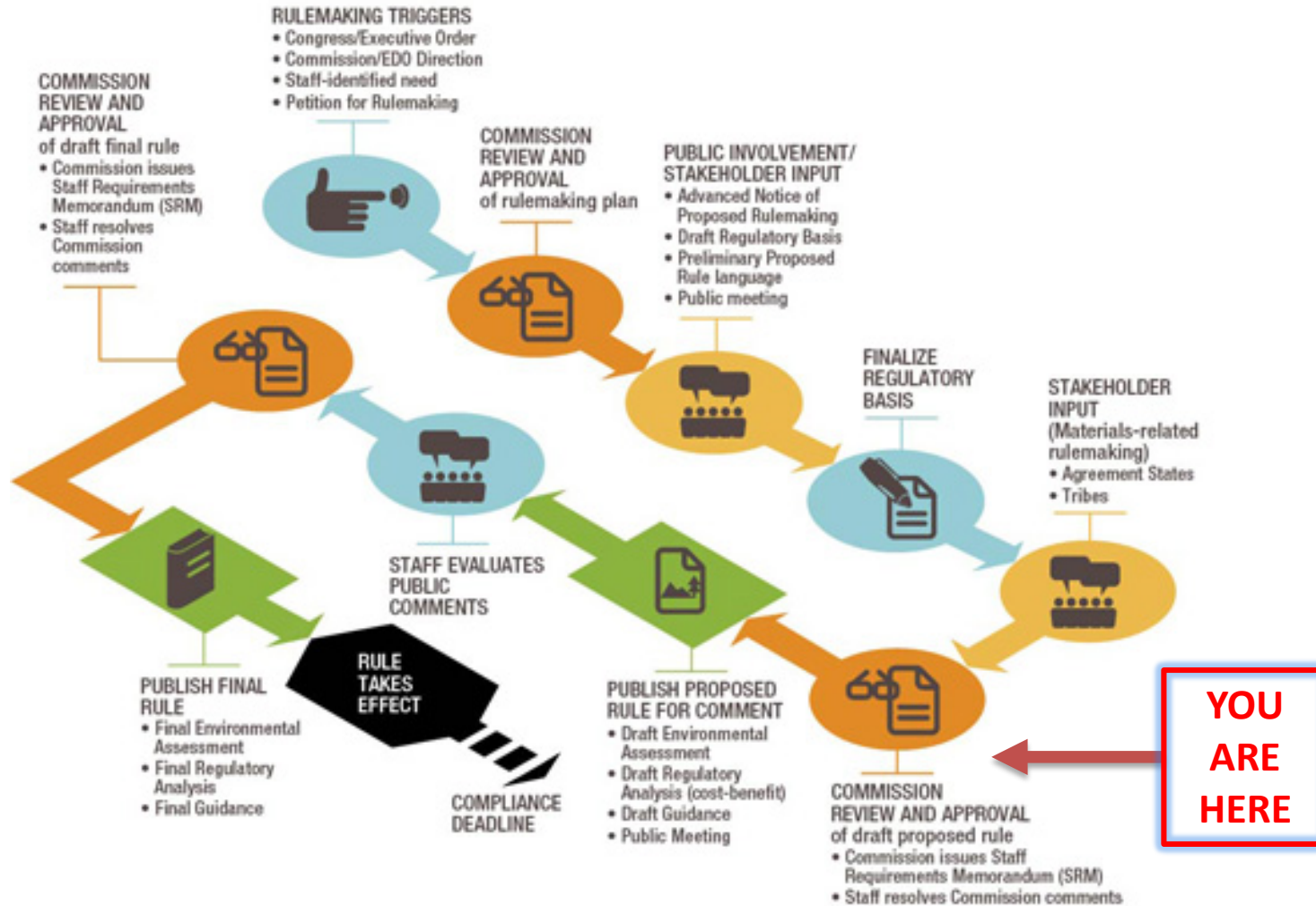
# EP Decommissioning Rulemaking

- Emergency Plan Change Process

- Transition to Levels
- Changes within Levels
- Changes in Final Safety Analysis Report (FSAR)
- Changes in Emergency Action Levels (EALs) Classifications and Scheme(s)
- 10 CFR 50.54(q)(7) — Licensee may elect to follow and maintain a Level standard when conditions are met.
- 10 CFR 50.54(q)(8) — Clarifies Reduction in Effectiveness (RIE)
- Transition between levels is not an RIE if changes comply with standards.
- Changes to e-plan are not RIEs if supported by Final Safety Analysis Report (FSAR) for Safety Systems and Components (SSCs) out of service.
- Changes to EAL not RIE if physically unattainable.
- Draft EP Regulatory Guide to accompany proposed rule
  - DG-1346, “Emergency Planning for Decommissioning Nuclear Power Reactors” (Agencywide Documents Access and Management System (ADAMS) Accession No. ML17311B018)

# EP Decommissioning Rulemaking

## A TYPICAL RULEMAKING PROCESS



# EP Decommissioning Rulemaking

## Decommissioning Rule Schedule

- Final Regulatory Basis
  - November 2017, ML17215A012
- Proposed Rule/Draft Regulatory Guidance
  - Provided to Commission May 7, 2018
  - Public May 22, 2018, ADAMS Package ML18012A019
- Public Comment Period (current estimate)
  - April 30, 2019
- Final Rule/Final Regulatory Guidance
  - Oct 7, 2019, Provide to Commission
  - Dec 30, 2019, Issue Final
- Regulations.gov Docket ID NRC-2015-0070



# EP SMR/ONT Rulemaking

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## Draft Proposed EP SMR/ONT Rulemaking

This draft document was released to support the August 22, 2018 Advisory Committee on Reactor Safeguards Sub-Committee public meeting. This draft document has not been subject to Commission, NRC management, and legal reviews and approvals, and its contents should not be interpreted as official agency positions. Following the public meeting, the NRC staff plans to continue working on this document as well as other documents related to this rulemaking.

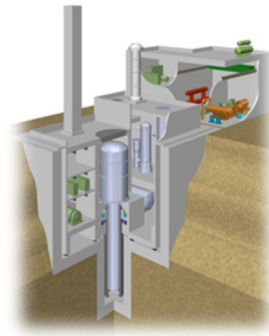
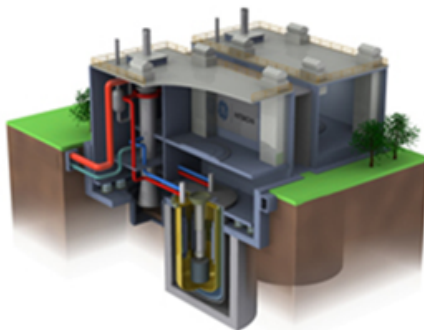
# SMR/ONT Rulemaking

Develop a clear set of rules and guidance for SMRs and ONT

Technology Neutral or Inclusive

Risk-Informed, Performance Based

Principle of dose-at-distance and  
consequence-oriented approach  
to determine EPZ size



# SMR/ONT Rulemaking

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- Proposed Rule and Guidance:
  - Performance-based, risk-informed
  - Some capability based planning standards
  - Consequence-oriented, graded-approach
  - Technology-inclusive, but does not alter existing nuclear power reactor EP requirements
  - Recognizes offsite response & preparedness

# SMR/ONT Rulemaking

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- Proposed Performance Measures:
  - Event mitigation
  - Protective actions,
  - Communications,
  - Command and control,
  - Staffing, and
  - Radiological assessment
- Proposed Guidance:
  - General information (non-design specific)

# SMR/ONT Rulemaking

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- Regulatory Basis issued (ADAMS No.ML17206A265)
  - November 2017
- Draft Proposed Rule/Regulatory Guidance Package
  - August 3, 2018, Publicly Available (ADAMS No. ML18213A264)
  - August 22, 2018, Advisory Committee on Reactor Safeguards Subcommittee
  - October 12, 2018, Provided to Commission
- Public Comment Period (current estimate)
  - April 30, 2019
- Final Rule/Final Regulatory Guidance
  - Feb 14, 2020, Provide to Commission
  - April 30, 2020, Issue Final
- Rulemaking information
  - RIN Number: 3150-AJ68
  - [www.Regulations.Gov](http://www.Regulations.Gov)
  - Docket ID NRC–2015–0225



# MBDBE Rulemaking

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- **Multi Source Dose Assessment** capability was removed as a requirement in the rule prior to the final rule affirmation by the Commission.
- EP items that were determined by Commission to be addressed at the regulatory guidance level and were removed from the final rule
  - **Sufficient staffing** to support implementation of the capabilities required by the rule
  - **Sufficient communications** capability, both onsite and offsite to support implementation of the strategies required by the rule
  - **Drills or exercises** to demonstrate a capability to use the strategies and guidelines required by the rule

# MBDBE Rulemaking

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- Addressed at the regulatory guidance level and the Commission concluded that the requirements imposed by the Orders (NRC Order EA-12-049 and NRC Order EA-12-051) are sufficient to provide reasonable assurance of adequate protection of public health and safety.
- Licensees have previously committed to have in place and maintain these items via the 50.54(f) letters that were issued on March 12, 2012.
- These items have been inspected using TI-2515/191 and NRC will determine the continuing inspection process for these items going forward.

# MBDBE Rulemaking

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- **Appendix E to Part 50 – Emergency Planning and Preparedness for Production and Utilization Facilities**
  - This appendix has been revised to eliminate the pointer to §50.54(hh)(2) in IV.F.2.j. and now points to the “implementation of strategies, procedures, and guidance under §50.155(b)(2)”

# 10 CFR 50/52 Rulemaking

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- In SRM-SECY-15-0002 ([ML13277A420](#)) the Commission approved development of a regulatory basis to revise the regulations in 10 CFR Part 50 for new power reactor applications to more closely align with requirements in 10 CFR Part 52
- Commission also approved revision of 10 CFR Part 52 and supporting regulations to reflect lessons learned from recent new reactor licensing activities
- The staff is considering what items should be included in the scope of that rulemaking.

# Risk Perception vs Risk Reality



# Risk Perception vs Risk Reality

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## NRC Authorities

- Atomic Energy Act of 1954, amended in 1974
  - empowered the NRC to establish by rule or order, and to enforce, such standards to govern these uses as "the Commission may deem necessary or desirable in order to protect *health and safety* and minimize danger to life or property."
- U.S. Supreme Court has expressly held that, while states retain authority over "questions of need, reliability, cost, and other related State concerns," federal preemption under the Atomic Energy Act (AEA) *prevents states from regulating nuclear power for the purposes of radiological safety.*
- Helps ensure regulatory stability and predictability in the licensing process

# NRC Authorities

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- The NRC establishes regulatory standards for offsite REP
- Regulatory requirements for offsite radiological emergency planning/response and the REP Program are not synonymous; the licensee maintains agreements with local emergency responders that are outside of the REP program such as EMT and fire response
- Federal lead role in evaluating offsite emergency planning and preparedness activities was transferred from the NRC to FEMA after the accident at TMI U2
  - Assignment aligned with FEMA's statutory role in promoting, funding, coordinating, and providing technical assistance for disaster preparedness
- If NRC determines the need for offsite radiological emergency plans, they are evaluated by FEMA for adequacy; findings and determinations are reported to the NRC
- FEMA established its REP Program to manage its responsibility in areas around nuclear power plants
- NRC maintains responsibility for onsite emergency preparedness and overall finding of reasonable assurance (and continuing maintenance of reasonable assurance) considering FEMA input

# Emergency Planning Zones

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- Two EPZs around each currently licensed nuclear power plant to facilitate preplanned strategies for protective actions during an emergency
  - Plume exposure pathway
  - Ingestion pathway
- Exact size and shape of each EPZ is a result of detailed planning which includes consideration of the specific conditions at each site, unique geographical features of the area, and demographic information
- Preplanned strategy for an EPZ provides a substantial basis to support activity beyond the planning zone in the extremely unlikely event it would be needed

# Reasonable Assurance/ Adequate Protection

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- Reasonable Assurance: a determination that NRC licensee or applicant onsite plans and state, local, tribal government, and utility offsite plans and preparedness are adequate to protect public health and safety in the emergency planning areas of a commercial nuclear power plant FEMA evaluates offsite planning and preparedness and reports findings/determination to NRC
- NRC evaluates onsite emergency planning and preparedness and, considering FEMA's evaluation, makes the overall decision of reasonable assurance. Once determined, assumed to remain in place unless demonstrated otherwise



# What Has Changed? Why?

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- Commission has maintained a continuing focus on risk-informing NRC regulatory activities
- SMRs and other new reactor designs are expected to pose risks orders of magnitude lower than already very low risk posed by current large commercial reactors
- EPZ size and other REP capabilities should be proportional to risk without undue regulatory burden on licensees
- Rulemaking for SMRs and other new technologies includes performance-based EP and scalable EPZ size commensurate with risk
  - EPZ size can be site boundary to some specified distance off-site
- Ingestion planning capabilities rather than defined zone



# Commission Policy on Advanced Reactors

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“The Commission expects, as a minimum, at least the same degree of protection of the environment and public health and safety and the common defense and security that is required for current generation light-water reactors (LWRs)... the Commission expects that advanced reactors will provide enhanced margins of safety and/or use simplified, inherent, passive, or other innovative means to accomplish their safety and security functions.”

# What If?

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- Concerns that an event could happen that could lead to doses in excess of the EPA Protective Action Guidelines offsite in a community with no formal Federally mandated REP
- Any nuclear power plant licensed with a site boundary EPZ will present very low risk of offsite health impacts (acute or stochastic) as the result of an accident
- But if an accident occurs, what is needed to protect public health and safety?
  - Implementation of protective measures such as evacuation/sheltering
- Numerous examples of successful evacuations in response to “no notice” life-threatening non-nuclear events

# What If?

- Urgent protective measures include evacuation/sheltering
- Evacuations from hazards that are immediately dangerous to life and health occur routinely and most typically without extensive preplanning
  - Freight train derailments (trains carrying haz-mat)
    - Mississauga, Ontario train derailment >200,000 people promptly evacuated (in the absence of emergency planning) due to toxic gas releases,
  - Wildfires
    - California wildfires impact hundreds of thousands of people with very short notification times under life threatening and rapidly changing conditions.
  - Flash Floods
    - September 2018 “Pennsylvania Flash Flooding Triggers Evacuations, Prompts Disaster Declarations”
      - PEMA stated evacuations were reported in a number of counties, but no injuries were reported.
    - July 2018 “Heavy downpours are soaking parts of central Pennsylvania, causing evacuations and forcing an amusement park to close for the second time this week”
- Nothing unique is required for evacuations/shelter-in-place as a result of nuclear power plant accidents

# What If?

- State and local governments are responsible for the protection of public health and safety for all types of events, both natural and those related to human activities
- NRC has high confidence in the ability of offsite response organizations to implement appropriate response actions when necessary
- Confidence is strengthened by NRC's recognition of national-level efforts, in which the NRC participates, to enhance the state of emergency planning at all levels of government and within the whole community
- For NRC-licensed facilities where radiological hazards present a very low offsite hazard, the risk posed by the low-level hazard can be addressed by all-hazards planning



# Risk Trade Offs

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- Use of technologies involves some risk
- Risks can be reduced but not eliminated; society must balance the benefits of enabling technologies against risks that cannot be completely eliminated without rendering the technologies infeasible
- By focusing on Safety Goals, the NRC keeps the risk associated with radioactive materials very small compared to other risks to which members of the public are exposed, while still enabling use of such materials consistent with National policy as reflected in the Atomic Energy Act
- NRC's safety mission is achieved once Safety Goals are met for an acceptable level of risk; thus, not imposing undue burden on licensees



# Risk Perception vs Risk Reality

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## Changes?

- Reactor technology is changing,
- EP is evolving,
- NRC's mission to protect the health and safety of the public remains ***unchanged***

# For More Information

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