

Table of Contents

U.S. Senate

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Committee on Environment
and Public Works

Washington, D.C.

STATEMENT OF:

PAGE:

THE HONORABLE THOMAS R. CARPER, A UNITED STATES
SENATOR FROM THE STATE OF DELAWARE

3

THE HONORABLE SHELLY MOORE CAPITO, A UNITED STATES
SENATOR FROM THE STATE OF WEST VIRGINIA

7

BUSINESS MEETING

Wednesday, May 1, 2024

United States Senate

Committee on Environment and Public Works

Washington, D.C.

The committee met, pursuant to notice, at 9:49 a.m., in room 406, Dirksen Senate Office Building, the Honorable Thomas R. Carper [chairman of the committee] presiding.

Present: Senators Carper, Capito, Cardin, Merkley, Markey, Stabenow, Padilla, Fetterman, Lummis, Ricketts, Boozman, Sullivan.

STATEMENT OF THE HONORABLE THOMAS R. CARPER, A UNITED STATES
SENATOR FROM THE STATE OF DELAWARE

Senator Carper. Good morning, everyone. I am pleased to call our business meeting to order today.

Today, as you know, we are going to be considering a nominee for the Nuclear Regulatory Commission. We are going to be considering a bill to extend authorization of the Great Lakes Restoration Initiative, and we are going to be considering a committee resolution related to General Services Administration.

When we have a quorum of, I think 10 members, we will actually move to the business at hand, but in the meantime, I will make some comments and then turn it over to Senator Capito.

Let me take a minute to just discuss the three issues that are before us today. First, we are going to consider the nomination of Christopher T. Hanson to serve an additional five-year term as Commissioner of the Nuclear Regulatory Commission. Mr. Hanson is a dedicated public servant who has thoughtfully and, I believe, skillfully led the Nuclear Regulatory Commission during his tenure as its chair.

Throughout his time on the Nuclear Regulatory Commission, he has demonstrated his commitment to ensuring the safety and the security of our Nation's use of nuclear energy. Chair Hanson has also bolstered America's energy security and advanced

our efforts to slow climate change by leading the commission to establish a regulatory framework for the safe licensing and operation of new carbon-free technologies. That includes the next generation of nuclear reactors and fusion energy systems. I believe that we are at a crucial moment, and I think a promising moment, for the Nuclear Regulatory Commission and the future of nuclear energy.

The Nuclear Regulatory Commission is most effective and efficient when it has a full slate of commissioners to carry out its mission and provide certainty to the industry and, frankly, to the rest of us. With all of this in mind, I am pleased to support Chair Hanson's nomination. I urge our colleagues to do the same.

The second piece of business today, as you know, the committee will consider legislation introduced by our colleague Senator Debbie Stabenow of Michigan and cosponsored by a number of members of this committee to reauthorize the Great Lakes Restoration initiative. Since its inception in 2010, this successful bipartisan program has protected or enhanced hundreds of thousands of acres of wildlife habitat and accelerated the cleanup of polluted sites in the Great Lakes region.

Extending the Great Lakes Restoration Initiative will ensure the continued restoring and protecting of the Great Lakes

ecosystems. The legislation before us today reauthorizes the program for an additional five years through Fiscal Year 2031 and increases its authorized annual funding level to \$500 million. That is up from currently \$475 million.

Finally, we will consider a resolution on a General Services Administration prospectus for two Federal Bureau of Investigation leases that are currently located in Cleveland, Ohio. As our colleagues know, under the Public Buildings Act, this committee and the House Committee on Transportation and Infrastructure must approve General Service Administration lease prospectuses before they can be funded. Our committee approved this prospectus in November 2022, but the House Committee on Transportation and Infrastructure has not acted on it.

This year, our committee has heard new objections to the original prospectus from the Ohio Congressional delegation and the Cleveland community. After further discussion with the General Services Administration and stakeholders on the prospectuses, our committee has concluded that additional GSA review of the proposed FBI lease prospectus in Cleveland is needed to ensure that, among other things, the leases optimize taxpayer dollars and consider community input.

Today, we will consider a resolution to rescind our approval of the 2022 prospectus to ensure that the General

Services Administration works with stakeholders on these issues raised before this committee.

With that said, let me recognize the Ranking Member, Senator Capito, for her opening remarks. Senator Capito?

[The prepared statement of Senator Carper follows:]

STATEMENT OF THE HONORABLE SHELLEY MOORE CAPITO, A UNITED STATES
SENATOR FROM THE STATE OF WEST VIRGINIA

Senator Capito. Thank you, Chairman Carper. Thank you for holding this business meeting.

As you have said, we are considering the nomination of Christopher Hanson to serve another term as member of the Nuclear Regulatory Commission. We all know that we will need significantly more reliable electric generation with the projected rapid growth in energy demand. Our energy utilities will be challenged to meet these known energy needs.

However, as again was shown last week with the onslaught of anti-energy regulations, the Biden Administration continues to advance a climate agenda to close down reliable, dispatchable fossil fuel-fired power plants. The combined impact of these regulations will weaken America's energy security, increase costs on families and businesses, and reduce grid reliability.

As I have previously stated, we should focus on increasing the supply from baseload reliable power sources like nuclear energy. That will necessitate an efficient, predictable, and timely nuclear safety regulatory process. The NRC Chairman's leadership is central to achieving that goal.

The Chairman is tasked to direct and supervise the staff, who are responsible for day-to-day activities that enable the

safe use of nuclear power. Chair Hanson must lead the NRC to ensure that the NRC staff is prepared to meet this critical moment.

During Chair Hanson's confirmation hearing, I raised concerns about some of the ways that he managed the NRC and the need to establish an effective, timely, and affordable licensing review process. I would like to thank Chair Hanson for the commitments to address some of these concerns, such as directing the staff to get the subsequent license renewal review and approval process back on track.

In light of these commitments, I will support Chairman Hanson's nomination. I will also monitor the agency's progress as these commitments are implemented. There is still more work to be done until the NRC can and should strive to do better. I will continue to work to give the NRC the tools and direction to fulfill its mission by working with Chairman Carper to get my bipartisan nuclear bill, the ADVANCE Act, signed into law.

The NRC, under the direction of its Chairman, must be prepared to implement the bill's policies and effectively carry out the agency's core licensing and regulatory oversight responsibilities during this vital time for the nuclear industry.

Today, we will also consider S. 3738, the Great Lakes

Restoration Initiative Act. This bipartisan bill, led by Senators Stabenow and Vance reauthorizes the EPA's Great Lakes Restoration Initiative. This initiative supports important activities to address environmental challenges facing the Great Lakes in coordination with non-federal partners. I am pleased to support this legislation.

[The prepared statement of Senator Capito follows:]

Senator Carper. Thank you for those words, and thank you for your partnership. I believe we have 10 people. I think we are in a position where we can actually go for it and start voting.

I see that a quorum is present. As we proceed, I would ask Senators to hold your statements on the bill and the committee resolution until after the voting is completed. I know a number of you would like to speak.

First, I want to call up Presidential Nomination Number 1569 for Christopher Hanson of Michigan to be a member of the Nuclear Regulatory Commission for a term of five years, expiring on June 30th, 2029.

I move to approve and report the nomination favorably to the Senate. Is there a second?

Senator Capito. Second.

Senator Carper. Thank you very much. The Clerk will call the roll.

The Clerk. Mr. Boozman?

Senator Capito. Yes, by proxy.

The Clerk. Ms. Capito?

Senator Capito. Yes.

The Clerk. Mr. Cardin?

Senator Cardin. Aye.

The Clerk. Mr. Cramer?

Senator Capito. Yes, by proxy.

The Clerk. Mr. Fetterman?

Senator Fetterman. Aye.

The Clerk. Mr. Graham?

Senator Capito. Yes, by proxy.

The Clerk. Mr. Kelly?

Senator Carper. Senator Kelly is a yes, by proxy.

The Clerk. Ms. Lummis?

Senator Lummis. No.

The Clerk. Mr. Markey?

Senator Markey. Aye.

The Clerk. Mr. Merkley?

Senator Merkley. Aye.

The Clerk. Mr. Mullin?

Senator Capito. Yes, by proxy.

The Clerk. Mr. Padilla?

Senator Padilla. Aye.

The Clerk. Mr. Ricketts?

Senator Ricketts. Aye.

The Clerk. Mr. Sanders?

Senator Carper. Mr. Sanders, yes, by proxy.

The Clerk. Ms. Stabenow?

Senator Stabenow. Aye.

The Clerk. Mr. Sullivan?

Senator Capito. Yes, by proxy.

The Clerk. Mr. Whitehouse?

Senator Carper. Yes, by proxy.

The Clerk. Mr. Wicker?

Senator Capito. Yes, by proxy.

The Clerk. Mr. Chairman?

Senator Carper. Aye.

The Clerk. Chairman, the yeas are 18, the nays are 1.

Senator Carper. With that, the nominee is favorably reported.

I now call up S. 3738, the Great Lakes Restoration Initiative Act of 2024 and the committee resolution to rescind approval of a lease prospectus by the General Services Administration identified as POH-01-CL22.

There is a modified version of the committee resolution that was circulated yesterday in order to correct a date. Without objection, we will consider that version as the text for the purposes of this business meeting.

Members have had the opportunity to review both S. 3738, many of you cosponsored it, and the resolution. I believe that they are not controversial, so without objection, we are going

to consider them en bloc by voice vote. All right.

Senator Cardin. Mr. Chairman?

Senator Carper. Yes, please?

Senator Cardin. Senator Boozman is here. He might want to be recorded in person, rather than proxy on the last vote, if there is no objections.

Senator Carper. Good. Welcome, and thanks.

With that in mind, we have members who had the opportunity to review both bills, 3738 and the resolution, I believe they are not controversial, so without objection, let us consider them en bloc by voice vote.

I therefore move to report favorably S. 3738, the Great Lakes Restoration Initiative Act of 2024, and the committee resolution to rescind approval of the lease prospectus of the General Services Administration, again, identified at POH-01-CL22. All in favor, say aye.

[Chorus of ayes.]

Senator Carper. All opposed, say nay.

[No audible response.]

Senator Carper. In the opinion of the Chair, the ayes have it. The legislation and committee resolution are favorably reported. I note, for the record, that a quorum of the committee is present. I want to thank everybody for being here.

That concludes the committee's votes of the business meeting today. I want to thank you all for your participation. I want to thank our staffs for helping to set this up for success.

With that, I am going to recognize members who would like to speak on any of the items we have voted on today. Senator Stabenow, would you like to go first, our lead-off hitter?

Senator Stabenow. Well, thank you so much, Mr. Chairman. I really do want to thank Chairman Carper and Ranking Member Capito for bringing up and allowing us to pass the Great Lakes Restoration Initiative Act out of committee. I want to thank Senator Vance for his partnership on this effort. This is really important to all of us in the Great Lakes.

The GLRI, as we call it, which I originally authored in 2010, is the most important tool we have to restore and protect our Great Lakes. The program has been a major success story. Since its inception, GLRI has spurred a five-fold increase in the successful cleanup and delisting of areas of concern, kept over two million pounds of phosphorous runoff from reaching our Great Lakes, reducing the threat of harmful algae blooms, and protected, restored, and enhanced about a half a million acres of habitat.

This is why the program shares such strong bipartisan

support. It works, but there is still a lot more left to do. That is why today's bill is so important. It ensures that the program will continue to restore and protect our Great Lakes for years to come.

I want to thank my colleagues for their support. I look forward to getting this bill over the finish line on the Floor in the Senate, and we have the same strong bipartisan support in the House.

Again, Mr. Chairman and Ranking Member, I really do appreciate your bringing this bill up today. Thank you.

Senator Carper. We appreciate all of your work. Senator Stabenow and I are very much in the mode of running through the tape as we head for the end of our service here in the United States Senate on high noon on January 5th, I think, January 3rd, 2025. But in my conversations with you, I know how important this issue is to you and to your constituents. We are delighted to be able to move the legislation today.

Senator Lummis. Mr. Chairman?

Senator Carper. Please.

Senator Lummis. Thank you. Senator Stabenow, before you leave the room, and of course, Senator Carper, thank you for your service to your States and to our Country.

Chairman Carper and Ranking Member Capito, Wyoming and

other western States have enormous interests at stake in NRC approvals. It involves both nuclear power and the handling of nuclear materials.

In the leadup to this committee vote, I have to say that while I appreciate meeting with Chairman Hanson, I have been very underwhelmed with Chair Hanson's posture regarding the remediation of abandoned uranium mines. His response to my letter, which was cosigned by other Senators, including both parties, received a form response. I expect more from the Chairman of the Nuclear Regulatory Commission.

Since then, our discussions have led me to believe that there is just no enthusiasm at the agency to prioritize AUMs or a genuine aspiration to address the 15,000 abandoned mines out west. The NRC has already had a remediation technology under review for over 10 months, and the technology was known to the NRC before that. I can't imagine what more information is required at this stage.

Further, I am concerned that Chair Hanson's recent hearing comments just don't move things forward. He suggested a pilot program or an EPA Superfund process. Those are really disappointing recommendations. They have the technology under review at the agency.

So, neither of those suggestions recognized the attributes

of a working technology already studied. We would be looking at more delays, more paperwork, and licensing hurdles.

Now, we know an EPA study highlighted a technology that resulted in over 90 percent success rate for uranium remediation with no adverse impacts on surface water or groundwater, 90 percent success rate. Most of us would take yes for an answer with results like that, and yet, the agency remains unconvinced.

So, in closing, I am voting no on this nominee. I am not seeing leadership to embrace new technologies or the resolve to remediate AUMs in the American west. Many of the mines are on the Navajo Reservation in Arizona, and having a process that could remediate 90 percent of the problem and have an agency fail to advance that kind of success rate, in my opinion, merits a no vote at this time. We will see what happens on the Floor.

Thank you, Mr. Chairman. Thank you, Ranking Member.

Senator Carper. Thank you for your comments. Always thoughtful, always thoughtful. We appreciate that very much in serving with you.

I understand Senator Sullivan may be on his way. Can somebody confirm that for us please? Anybody from his team? Senator Sullivan, the man of the hour.

Senator Sullivan. Thank you, Mr. Chairman.

Senator Carper. You are recognized. Thanks for joining

us.

Senator Sullivan. I am just here to voice a concern with the committee and how it is working. You know, you got some text messages from me last night. I am getting tired of my State being singled out by this staff, Democrat staff, on everything, with no data, with no heads up to me. It is happening all the time, and I am tired of it.

We worked on the FAA bill for months. We had a provision on this aviation gas issue to have an implementation that would be a longer implementation for Alaska. This goes to safety; this goes to the huge challenges in my State, which is so big; this goes to protecting Native people. We worked on this for months.

Your staff, with Pallone over in the House, at the last minute, comes and says, you know what, we are just going to cut that in half, or maybe we are not going to have the EPA involved, which is essentially gutting. This is Maria Cantwell was 100 percent on board, Ted Cruz 100 percent on board. This is FAA aviation safety.

Once again, because it is Alaska and because the radical environmental groups love to shut down my State, screw the Native people, this staff, on this committee, with no data, no nothing, cuts this in half.

And the whole time, I am negotiating, Cantwell is negotiating, and they are telling me, Mr. Chairman, that it is a priority of yours. Okay, a priority of yours. I am wondering why; it shouldn't be. I would never do this to Delaware.

When you and I called last night, no offense to you, you didn't know anything about it, so it wasn't a priority of yours. It was your staff. Negotiate with me and Maria Cantwell on a safety issue that we worked out for months in the FAA bill, and all of a sudden, Carper's staff, by the way, I want to know who it is on Carper's staff, it is just like, you know what, we are going to cut this in half. Okay, based on what data?

I have been studying this. Maria Cantwell was fighting for this agreement. On what data? I want to know what data? This goes to safety of my constituents, and you guys jump in at the last minute, and I am so God damned sick of it. Anything that deals with Alaska, you feel it is open season, because the radical environmental groups want to shut my State down.

It is wrong, and I expect Senatorial courtesy, not dealing with your staff, but dealing with you on an issue that is really important to me. It wasn't just important to me; it was important to Maria Cantwell.

So, I am really pissed, because we had to cave. Your staff got its implementation of this to cut it in half. Based on what

data, I want to know. I want to know your staffer who did this. What data did you use? None. You just came up with it. You pulled it out of your you-know-what, and it is wrong, Mr. Chairman.

If Delaware had a big issue that dealt with safety, Native people, and my staff was like, hey, I am going to go screw with Carper's provision, and I am going to tell him that Senator Sullivan really cares and Senator Sullivan doesn't even know about it, I would never do that to you, sir. I would never do that to you.

Democrats, and it is Democrats, always feel, hey, it is Alaska. The radical enviros love to shut us down. We get money from the radical enviros, so we will go do what they want. It is wrong, and I expect Senatorial courtesy, not me and Cantwell and Ted Cruz and Mary Peltola, a Democrat Congresswoman from Alaska who is Native, we are working this the whole weekend, and we are told that Carper really wants this.

Okay. I respect Tom Carper. I will call Tom Carper. When I called you, you didn't know anything about it, so it wasn't you. It was your staff, and I don't like this at all. I would never do this to you, and I wouldn't do it, and your staff is handing you stuff for talking points. I get it, right? It is bullshit.

I am really mad about it, and I am sick of my State being the target for radical Democrats who feel they can legislate on anything just because it is Alaska. By the way, it always hurts the Native people. Oh, we care about indigenous people, people of color, no you don't. I am getting ready to go talk to our Alaska Federation Native groups; all our Native people are in town.

But as you can tell, I am really mad about this, and I am tired of it. So, I want a commitment from you, Mr. Chairman, if there is anything dealing with my State again, I want to go you and me, okay, Senator to Senator, not being told by your staff that Carper really cares. Tom Carper, who I respect tremendously, you know how much I respect you, but I am fighting for my constituents right now.

Tom Carper didn't know one damned thing about this issue, and I have been working on it for almost a year. Because here is the thing: people are trying to get off leaded aviation gas. Okay, I agree with that. My State has 233 communities that are not connected by roads. Everybody flies, everybody, okay?

Guess which State has the highest aviation death rate in America by far? My State. Guess which State has the highest crash rates by far? My State. This is about safety. Making sure the timeline of the implementation of this rule gives my

State, which is gigantic, as you all know, the ability to do it.

It is about safety, and I got a four-year carveout, which isn't much. My State probably won't be able to implement this rule for 20 years, just incapable. It is too big. Everybody uses airplanes. They are old airplanes, and now your staff comes in and says no, we want to cut that in half.

Why? What data? Whose idea was this? Guess what I had to cave to this morning on the FAA bill? The Carper staff. It wasn't you, Mr. Chairman. The Carper staff compromise. It wasn't a compromise; it was shoved down my throat. It is bullshit.

And I want a commitment, any more legislating on Alaska, if you are going to legislate on Alaska, if I legislated on Delaware, I would go to you. Here is why I am doing this.

I don't get that courtesy, and I am tired of it. I am really mad, because guess what? If there are more plane crashes in my State, I am going to come to your staff and say, you are killing people in my State, God damn it. There is no data.

I would like to hear your staff right now say what was the data in the basis of saying, the four-year carveout in the FAA bill, EPW demanded that it be two years. What is the data on that? I want to know. I want to know right now.

Which staffer was negotiating this? Who was it? It wasn't

you, Mr. Chairman, I know that, because you and I talked about it yesterday, and you didn't know anything about it. Who is the staffer and what is the data?

Why are you doing it, and did you weigh anything, anything, dealing with the safety of rural Alaska pilots in your insistence that my carveout, that Maria Cantwell not only was fine with, she was fighting for it? She tried to call you. So, I would like to know what the data was, right now, from your staff. And I would like to know which staffer of yours was the one saying Carper cares, because you didn't care. You didn't even know about it.

Who was it? I am the Senator, and so are you, but who is the staffer? Give me the data right now. I want to know. I am really upset.

Senator Carper. Let me just say that --

Senator Sullivan. I am legitimately upset, and I don't treat anyone else like you, and I certainly don't treat you, because I respect you, but I would never treat you like this.

Senator Carper. You and our colleagues have heard me invoke in this room more times than I can count the Golden Rule: treat other people the way I want to be treated. I try to make that clear to my team --

Senator Sullivan. I wasn't treated that way.

Senator Carper. -- and I tried especially to you. You and I enjoy a special bond by virtue of our service in uniform.

Senator Sullivan. I like you a lot, Mr. Chairman.

Senator Carper. If I had known, as you know, the breadth of the issues that we cover in this committee are enormous. It is impossible for any of us to fully master each of them.

Senator Sullivan. I know, but usually when a Senator is legislating on his own State --

Senator Carper. You have talked. Let me just, if you had said to me a day, two days ago or whatever, how important this was, what the issues are on a personal basis, it would have made me focus on it. I just didn't hear from you until, like, late yesterday.

Senator Sullivan. You guys got involved yesterday.

Senator Carper. And so, I would say there is a lesson here for both of us, and one of those is to make clear I am always ready to take your calls, your meeting, whatever you want and engage.

In this case, if you did it, I just missed a signal on it, and I regret that. Having said that, it is still morning in America, and I think we have an opportunity to make this right. We are not going to give up as long as there is daylight today, and I would ask that we just continue to engage. We will talk

some more with you.

Senator Sullivan. Well, I put forward a compromise which I didn't even like last night, three years, as opposed to two, and you came back with this text to me, written by your staff, I want to know which one, "no, we won't do three years." You wouldn't even compromise.

I want to know that data based on what? I have been doing this. I have been working, these are my constituents. I am the one who is the expert. Your staff doesn't know jack shit about this. I am sorry, no offense.

So, you wouldn't even compromise from two years to three years. That was directly, you to me, and it is really important to me, and you guys knew it. Your staff certainly knew it. I am just really tired.

Senator Carper. Given how important this obviously is, my only regret is that we didn't have an opportunity to talk about it 24 hours ago. There is still daylight, it is morning in America. Let's continue to focus on this, you and I, and our staffs as well, and work with Maria, Ted Cruz, and others that are engaged in this, and the Administration, which has an interest in well to see if we can't --

Senator Sullivan. Oh, it does? Does the Administration? I am sure they are out to shut down my State. That is why I am

curious, if are you guys, is your staff getting direction from the White House to screw my State? That is what I truly want to know, I really do, because why? This is the last issue in the FAA reauthorization, the Alaska carveout, four years as opposed, again, we are not going to be able to do this for 20 years. It became this giant issue.

I am like, why is it a giant issue? Geez, I know my State, I am legislating on it. Why is Carper, Tom Carper, so interested? Well, Tom Carper wasn't interested. Why is his staff so interested? I mean, why don't you accept three years right now? I still don't even like three years, but the text I sent to you last night was three years. You came back to me with a text saying, my staff thinks that is not a good compromise.

Senator Carper. Well, there is a good compromise out there, and I think if we are smart and don't give up today, we will find it.

Senator Sullivan. Well, I just want a commitment from you, the next time someone legislates on my State specifically, because every radical environmental group that controls a lot of the Democrats, they love to shut down Alaska. And I am God damned sick of it.

So next time someone is legislating on my State

specifically, Mr. Chairman, it shouldn't be your staff. It should be directly you and me, and don't let your staff ever say again, Senator Carper really cares about this. You didn't. You didn't even know about it. I still want to know what the data was, what the data --

Senator Carper. Part of the responsibility is for you, lies with you, and for issues that are as important as this, talk to me on the phone.

Senator Sullivan. I have been working this issue for nine months. I have been working this issue all weekend.

Senator Carper. All right.

Senator Sullivan. You guys got involved at the last minute, and I want to know, what was the data that your staff used to go from four years to two years? What was the data? Give me the data, and did you consider once the safety of my constituents? What is the data? Can I ask your staff right now? They are the ones who negotiated.

Senator Carper. No, I think this markup is coming to an end. Thank you for your passion, and I would ask that we spend the rest of this day dealing with this and seeing if we can't work this out. I think we can.

Senator Sullivan. Good.

Senator Carper. Senator Capito, any closing thought?

Senator Capito. I will let that be the end, thank you.

Senator Carper. Let us see what we have here.

In closing, I want to thank our members for being here today, and for some final housekeeping, I have three unanimous consent agreements.

First, I ask unanimous consent for members to submit their statements for the record on the legislation we have considered today, without objection. Second, I would like to ask unanimous consent to submit for the record a number of letters of support for the nominee and legislation our committee approved today. Without objection.

[The referenced information follows:]

Senator Carper. I also ask unanimous consent that our staffs have the authority to make technical and conforming changes to the legislation approved today, without objection.

I want to thank you, my colleague, our Ranking Member, and I want to thank our staffs for making what is usually a calm procedure as we report out the legislation and nominations that are actually widely supported. We got a little more here than we bargained for.

But my hope is, on a serious note, my hope is that the issues we just discussed with the Senator from Alaska that we can keep at it today and see if we can't find a way to yes that is reasonable and acceptable to all of us.

With that, thanks everybody for your participation. With that, this business meeting is adjourned. Thank you.

[Whereupon, at 10:21 a.m., the business meeting was concluded.]