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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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PUBLIC PARTICIPATION ISSUES

WORKSHOP

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WEDNESDAY,

APRIL 4, 2001

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The Workshop meet in the Nuclear Regulatory Commission, Two White Flint North, Auditorium, 11545 Rockville Pike, at 8:30 a.m., F.X. "Chip" Cameron, Facilitator, presiding.

PRESENT:

F.X. "CHIP" CAMERON	Facilitator
WILLIAM BEECHER	NRC
OWEN BERIO	DawnWatch
PAUL BLANCH	Consultant
JACKIE CABASSO	Western States Legal Foundation
HUGH CARLIN	
GLENN CARROLL	Georgians Against Nuclear Energy
MICHAEL CAVANAUGH	Connecticut Yankee Atomic

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1 Power Company
2
3 PRESENT: (CONT.)
4 MARGARET FEDERLINE NRC
5 ELLEN GINSBERG Nuclear Energy Institute
6 PAUL GUNTER Nuclear Information and
7 Resource Service
8 NEILL HOWEY Illinois Department of
9 Nuclear Safety
10 ROGER HOUSTON Licensing Support Services
11 JUDY JOHNSRUD Environmental Coalition on
12 Nuclear Power
13 DEBBIE KATZ Citizens Awareness Network
14 DAVID LOCHBAUM Union of Concerned
15 Scientists
16 DON MONIAK Blue Ridge Environmental
17 Defense League
18 PATRICIA NORRY NRC
19 LUIS REYES NRC
20 JIM RICCIO Public Citizen
21 RAY SHADIS Friends of the Coast
22 BRIAN SHERON NRC
23 MIKE SHOPPMAN Nuclear Energy Institute
24 BILL SINCLAIR Utah Radiation Control
25 Program

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ROY ZIMMERMAN

NRC

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AGENDA ITEM

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

(8:39 a.m.)

MR. CAMERON: I'd like to call the meeting to order, if we can get our call-in guests to calm down a little bit out there.

Good morning. Welcome to the NRC's workshop on public participation issues. My name is Chip Cameron. I'm Special Counsel for Public Liaison in the Office of General Counsel at the Commission, and I'm pleased to serve as your facilitator for today's meeting.

I'd like to cover three process items before we get into the substantive discussion. One item is what the objectives are for today's meeting. Secondly, I'd like to go over the format and ground rules for the meeting. And, third, I just want to go over the agenda quickly, so that you'll know what to expect and how we're going to try to keep organized today.

In terms of objectives, early and meaningful public participation is an important component of NRC's regulatory mission. The major objective of today's meeting is to hear from representatives of affected interests, the many affected interests that comprise the public on how the

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1 NRC might improve its public participation policies
2 and practices.

3 The ultimate goal will be for the staff to
4 evaluate all of your comments and advice in a report
5 and recommendations to the Commission that will follow
6 this meeting.

7 Secondly, in terms of format and ground
8 rules, we are using a roundtable format. We've
9 invited knowledgeable representatives of affected
10 interests to engage in a dialogue on these public
11 participation issues. Hopefully, the roundtable
12 format will result in a richer exchange, richer
13 discussion on the issues. And we not only want to
14 hear each individual's comments but also to get the
15 reaction of your colleagues around the table to what
16 you've said.

17 In addition to those physically around the
18 table, as we all know we have expanded the opportunity
19 for participation by providing some phone lines to
20 participants around the country. And they are listed
21 on the participant list, and we'll be going to them as
22 well as to all of you for an introduction in a few
23 moments.

24 My apologies to the people on the West
25 Coast. In our enthusiasm about using the phone lines,

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1 we spaced out on the time difference, and so it's 5:30
2 out there. But we thank Bill Sinclair from Utah, and
3 Owen, for being on, and Jackie Cabasso will join us
4 later on this morning.

5 And I guess that I'm sort of anxious about
6 the phone lines. I usually -- I was telling Dave
7 Lochbaum that I usually say a little prayer to St.
8 Francis Xavier for everybody to have a good meeting,
9 but this morning I cut right to the chase and just
10 said, "Just let the phone lines work." So they're
11 working.

12 TELEPHONE PARTICIPANT: Would you give us
13 a number in case we are cut off?

14 MR. CAMERON: For St. Francis?

15 (Laughter.)

16 TELEPHONE PARTICIPANT: Yes, we're calling
17 St. Francis.

18 MR. CAMERON: All right.

19 TELEPHONE PARTICIPANT: Chip, you are very
20 hard to hear.

21 TELEPHONE PARTICIPANT: I noticed that,
22 too.

23 MR. CAMERON: So you guys -- can you guys
24 hear this at all?

25 TELEPHONE PARTICIPANT: No, not well.

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1 TELEPHONE PARTICIPANT: I can hear you
2 okay.

3 TELEPHONE PARTICIPANT: It's distorted.

4 TELEPHONE PARTICIPANT: You were supposed
5 to get us a phone number in case we have to call back
6 or something.

7 MR. CAMERON: Yes, I was informed that you
8 can -- you'll be able to get back in if you lose the
9 thread just by calling that number.

10 TELEPHONE PARTICIPANT: Which number? The
11 one we called?

12 MR. CAMERON: Yes. Exactly.

13 Bob, I guess that some people out there
14 are having trouble hearing this. How many people --
15 Deb, are you the only one that's having problems
16 hearing?

17 TELEPHONE PARTICIPANT: No. Gary Johnson
18 is, too.

19 TELEPHONE PARTICIPANT: Owen is, too.

20 MR. CAMERON: Okay. If you guys could
21 just be patient, I'm going to go over to the other
22 microphone that's closer to you now, and then we're
23 going to try to see if we can arrange something that
24 will make it easier for you to hear.

25 Okay. How's that? Is that better?

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1 TELEPHONE PARTICIPANT: Yes.

2 MR. CAMERON: Okay. Now, we do need to
3 fix this, because we can't have everybody who wants to
4 talk come over to this microphone, obviously. But we
5 are trying an experiment with the use of phone lines.
6 One of the issues on the agenda today is trying to
7 provide phone access to meetings, so this is a test of
8 sorts of that concept.

9 Okay. We do have NRC staff at the table
10 with us from all of the major program offices, and
11 they're here to listen to what all of you have to say
12 and perhaps to ask clarifying questions about comments
13 that you're making, and also to provide information
14 that all of you may need.

15 The focus of the discussion today is at
16 the table, but we are pleased that there are so many
17 people in the audience today. And we are going to go
18 to people in the audience for comment at various times
19 throughout the day.

20 In terms of ground rules, for those of you
21 around the table, we're going to follow our usual
22 procedure. If you want to speak, please take your
23 name tent that's in front of you and put it on its
24 end, and that way I'll know who wants to talk and you
25 won't have to keep raising your hand to get my

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1 attention.

2 We're keeping a transcript today, so if
3 you could at least initially give your name, so that
4 the stenographer can get it, and I think eventually
5 he's going to figure out who's talking. And I'll try
6 to identify people when I call on you for the benefit
7 of those of you out there on the phone, so that no one
8 confuses something that Dave Lochbaum says with
9 something that Ellen Ginsberg says, for example.

10 (Laughter.)

11 Please, let's have one person talking at
12 a time, so not only we can get a clear transcript but
13 also so that we can give our full attention to whoever
14 has the floor at the time. And we are keeping a
15 transcript. We thought this was one of the few
16 meetings that we've had that is solely devoted to
17 public participation issues, and that transcript would
18 be a useful reference document for everyone in the
19 future.

20 Now, all of those who are on the phone,
21 participation is going to be a little bit less
22 spontaneous than for those around the table in order
23 to prevent things from getting a little or a lot
24 chaotic. We're going to go around the table for
25 discussion on a particular issue.

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1 Then we'll break to systematically go
2 through those of you who are on the phone lines for
3 any ideas that you might want to offer on the issue,
4 and then we'll go back to the people here in Rockville
5 to get any observations or response to some of the
6 things that you on the phone have said.

7 There is a lot of issues to discuss, and
8 we have a number of people around the table. We also
9 have the people on the phone, so I would just ask
10 everyone to try to be crisp and economical in their
11 comments. Sometimes that's not always possible, but
12 at least try to keep that in mind.

13 A final word on ground rules. I realize
14 that a lot of the recommendations for identification
15 of potential opportunities for improvement are going
16 to come from people's experience with specific
17 facilities and activities. And that's logical, and
18 that's great. I would just recommend that we don't
19 dwell on a specific activity or facility except to
20 illustrate a generic issue that the NRC should
21 consider.

22 In terms of our agenda today, we're going
23 to give you a little bit of background on NRC public
24 participation policies and practices. We're going to
25 have Patricia Norry, who is Deputy Executive Director

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1 for Management Services to provide us with that
2 context, and then we'll go to you for questions,
3 clarifying questions, on Pat's presentation to make
4 sure that everybody understands what our policies are.

5 Then we're going to go into the first
6 major area for discussion on the agenda, and that's
7 the identification of areas for improvement in NRC
8 public participation policies. And you'll see in that
9 area that the first item is, do we need different
10 rules for different types of meetings? And I think we
11 need to lead off with that. And when you look at the
12 issues that are under the different types of meetings,
13 a lot of those issues are going to be generic. In
14 other words, they're going to apply whatever type of
15 meeting the NRC is conducting.

16 But there may be -- there may need to be
17 differences, depending on the type of meeting. And
18 we're going to go through those issues, and you'll see
19 that there's a risk communication issue. How well do
20 we communicate in various types of written products?
21 How well do we communicate in presentations at public
22 meetings?

23 There's an "Other Issues" category. I
24 think that when Jackie Cabasso comes on one of the
25 issues that she might raise is, how does the NRC

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1 educate the public without being promotional? But the
2 agenda is wide open to identify potential areas for
3 improvement, and we're not just limited to the
4 specified categories.

5 I'll help to keep track of the issues on
6 the flip charts that we have here in Rockville. And
7 after lunch we're going to discuss potential ways to
8 fix the problems that were identified during the
9 morning. And this is not only potential solutions but
10 the feasibility of those solutions, including resource
11 issues with implementing those solutions.

12 You'll notice that we have a subset of
13 specific proposed solutions to some of the problems
14 already on there -- identification of a staff contact
15 for public participation problems, something called a
16 public advocate which is similar to the Ombudsman idea
17 that EPA uses. We'll get to those discussions this
18 afternoon. And then we're going to finish off with
19 next steps. Where does the NRC go from here? Do we
20 need further meetings? Ideas of that sort.

21 Now, we do have a challenging task before
22 us. I would note that not all of the ideas that are
23 going to come up are going to fit squarely into the
24 agenda item that we're discussing. And I think
25 there's going to be a tendency when we're talking

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1 about identifying problems to jump into solutions
2 right away.

3 We want to try to segment that as much as
4 possible and go to solutions in the afternoon. But
5 when we do hear a solution proposed, I'll note that in
6 something that we're going to call the "lobster pen"
7 to make Ray Shadis feel more at home here. It's also
8 been called other names that we all know, but today
9 maybe we'll use that one. And we'll try to use that
10 to keep track of issues to come back to later on.

11 Thank you for all being here with us in
12 Rockville and being on the phone with us. And NRC is
13 looking for areas to improve public participation. We
14 know that there are critical views out there on these
15 issues, and I would ask you to frankly express them
16 and to also, though, try to be prepared to recommend
17 a way to fix a particular problem that you've
18 identified.

19 And I think we have everybody here in
20 Washington, so what I'd like to do is do some
21 introductions for people around the table. And if you
22 could just tell us your name, your affiliation, and
23 two or three sentences on what your interests or
24 concerns are with this public participation topic that
25 we're addressing today. And I'd like to start with

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1 David Lochbaum down at this end.

2 MR. LOCHBAUM: I'm David Lochbaum, Nuclear
3 Safety Engineer for the Union of Concerned Scientists.
4 And I guess it was our disenchantment that the
5 Commission --

6 TELEPHONE PARTICIPANT: Can't hear him.

7 TELEPHONE PARTICIPANT: Please speak up.

8 MR. LOCHBAUM: This is David Lochbaum with
9 the Union of Concerned Scientists. And I guess it was
10 our disenchantment with the -- expressed at the
11 Commission meeting in December that kind of led to
12 this meeting.

13 The one thing we're looking -- will
14 hopefully come out of this meeting will be the
15 permanent process for any external stakeholder to make
16 recommendations to the NRC staff to improve public
17 participation processes and get some kind of feedback
18 on whether that's feasible, not feasible, or can be
19 handled in a different route.

20 So we think today's discussion is good,
21 but we're hopeful that the long-term fix to this will
22 enable future initiatives to be captured as well.

23 MR. HOUSTON: My name is Roger Houston.
24 I'm with Licensing Support Services. I've been a
25 near-field professional observer of the NRC for some

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1 20 years now in various capacities for the industry
2 and currently an independent consultant. And my
3 interest is in knowing what's going on over here.

4 MR. CAMERON: Thank you.

5 MR. SHOPPMAN: Mike Shoppman, NEI. I'm
6 associated at the Institute with two task forces that
7 are concerned primarily with process issues -- the
8 Licensing Action Task Force and the Tech Spec Task
9 Force. And so the connection between those process
10 issues and any kind of public interest is of interest
11 to us on the task force.

12 MR. CAMERON: Just let me note that when
13 Mike referred to the Institute he was talking about
14 the Nuclear Energy Institute.

15 MS. GINSBERG: I'm Ellen Ginsberg. I'm
16 Deputy General Counsel for the Nuclear Energy
17 Institute. As a participant in many of the NRC's
18 public meetings and other public processes, we
19 obviously have a very strong interest in listening,
20 learning, and participating further as things
21 progress.

22 MR. RICCIO: Good morning. My name is
23 James Riccio. I'm with Public Citizen. My concerns
24 here today are having to do with making public
25 participation meaningful rather than merely window-

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1 dressing.

2 MR. REYES: Good morning. My name is Luis
3 Reyes. I'm the Regional Administrator for the NRC
4 office in Atlanta. My interest here today is, as you
5 may know, the NRC holds a lot of public meetings, both
6 in the case of the region and the office, out also in
7 the communities where their facilities are located.
8 And we'd like to understand how can we do those
9 meetings in a way that would be more beneficial for
10 the public to be aware of the activities of the NRC.

11 MR. SHERON: I am Brian Sheron. I'm the
12 Associate Director in NRR for Project Licensing and
13 Technical Assessment. I'm sitting in for Sam Collins
14 who is ill today who is the office director.

15 And I would probably repeat what Luis said
16 and that is that NRR, which obviously conducts many,
17 many meetings over the course of a year, for example,
18 is very interested in understanding how we can improve
19 the public participation process.

20 MR. SHADIS: Good morning. My name is
21 Raymond Shadis. I am --

22 TELEPHONE PARTICIPANT: Speak up, please.

23 MR. SHADIS: Thank you. I will. Good
24 morning. My name is Raymond Shadis. I am the Staff
25 Advisor to the New England Coalition on Nuclear

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1 Pollution. In addition, I am the spokesperson for an
2 organization called Friends of the Coast, which is an
3 intervenor in the Maine Yankee Nuclear Power Station
4 decommissioning.

5 And I have had an ongoing interaction with
6 NRC dating back to about 1979, that sort of a
7 watershed year. As a matter of fact, it's the right
8 time of year, isn't it, to be thinking back to 1979?

9 And the interest really has been in the
10 apparent disconnect between NRC's willingness to
11 listen "Come One, Come All" and their ability to
12 respond in a way which is meaningful and accountable.
13 And so I'm looking forward to the dialogue with
14 everyone today.

15 Thank you.

16 MR. BLANCH: Good morning. My name is
17 Paul Blanch. I'm an independent consultant. I've
18 been working at Millstone for about the last four and
19 a half years. I have dual interest here. I would
20 like to at some time today share some of the good
21 things that I've observed in public participation
22 meetings and some of the not-so-good things.

23 My interests are a little broader than
24 just public confidence, or broader than public
25 participation. And if an opportunity arises I have

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1 some suggestions on how the NRC needs to address the
2 overall issue of public confidence.

3 MS. NORRY: Good morning. I'm Pat Norry,
4 Deputy Executive Director for Management Services.
5 And my interest here is to get all of the
6 ideas/suggestions that we can to improve the process
7 of public participation.

8 MS. FEDERLINE: Good morning. My name is
9 Margaret Federline. I'm Deputy Director of the Office
10 of Nuclear Materials Safety and Safeguards. As you
11 all well know, NMSS regulates a wide variety of
12 licensees from gauge holders to fuel fabrication
13 facilities to waste disposal sites.

14 And I'm interested in understanding how
15 our processes can be more responsive to a variety of
16 stakeholders, and, in particular, how we can let
17 stakeholders know how we are responding to their
18 concerns and close the loop on concerns.

19 MR. CAVANAUGH: Good morning. Can you
20 guys hear me out there?

21 TELEPHONE PARTICIPANT: Yes.

22 MR. CAVANAUGH: All right. Michael
23 Cavanaugh, Connecticut Yankee, Communications Manager.
24 First, let me say I'm impressed with the NRC for doing
25 this. It's hard to stand up in front of all your

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1 critics and say, "Well, what can I do to communicate
2 better?" So, congratulations for that.

3 Connecticut Yankee is proud to be here as
4 -- being recognized for having a very strong outreach
5 program, community relations program. And I'm happy
6 to share some of the things that we're doing that work
7 well.

8 And I'll also give you guys a little
9 anecdotal info on some things that didn't go so well,
10 so you guys hopefully can jot those down and we can
11 come up with some good ideas to prevent those from
12 happening in the future.

13 MR. BEECHER: Good morning. I'm Bill
14 Beecher, Director of the Office of Public Affairs.
15 It's extremely important that we hear a lot of
16 constructive ideas today. We are here to spend a
17 whole day with you because that's our interest and
18 it's your interest. We know that we're not here for
19 debating but for constructive ideas, and I look
20 forward to hearing them.

21 MR. ZIMMERMAN: Good morning. I'm Roy
22 Zimmerman, Deputy Director of the Office of Research.
23 As --

24 TELEPHONE PARTICIPANT: Can't hear.

25 MR. ZIMMERMAN: My name is Roy Zimmerman.

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1 I'm the Deputy Director of the Office of Research. As
2 many of the NRC participants have already indicated,
3 I, likewise, am very interested in hearing the ideas
4 around the table and over the phone today.

5 I'm also interested in getting feedback
6 from other initiatives we've had in the recent past.
7 This is not the first discussion that we've had in
8 this area. Over the last couple of years, the NRC has
9 had a number of initiatives based on feedback that
10 we've received. A number of those folks are -- we're
11 fortunate enough to have with us today.

12 So we'll benefit from feedback on things
13 that have been talked about in the recent past where
14 maybe you feel that we had some success, or maybe
15 where you feel that we did not have success. Feedback
16 is a very important part of this process, and that
17 would be something else I would be interested in
18 hearing.

19 Thank you.

20 MR. GUNTER: Good morning. My name is
21 Paul Gunter. I'm with Nuclear Information and
22 Resource Service here in Washington. We come to the
23 table this morning to express our concern that in an
24 era of deregulation, not only in state oversight of
25 nuclear power stations but also in the apparent

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1 federal -- reduction of federal oversight through a
2 backing away by the Nuclear Regulatory Commission on
3 a whole host of issues, that public confidence is
4 intrinsically involved and maintained only through
5 enforcement.

6 And with the retreat of this agency from
7 its congressional mandate to enforce public health and
8 safety issues, I don't think that there's much hope
9 for building public confidence. And I'm hoping, as
10 the eternal optimist, that this is a meeting to begin
11 or to reiterate these concerns.

12 MR. HOWEY: I'm Neill Howey, Policy
13 Analyst for the Illinois Department of Nuclear Safety.
14 We're a state agency that oversees all aspects of
15 ionizing radiation in the state. And with 14 reactors
16 and a couple of fuel cycle facilities in the state, we
17 need to keep up with the regulatory matters that are
18 going on there. So I'm here to hopefully learn
19 something and to smooth out some difficulties that we
20 have had in the communication interactions with the
21 NRC.

22 I echo the gentleman from Connecticut. I
23 think that NRC does a really good job of being open
24 and honest in the processes and are really a pretty
25 easy regulatory agency to deal with as compared to

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1 some others.

2 MR. CAMERON: Okay. Thank you all. We're
3 going to go to introductions of the people who have
4 joined us on the phone. And what I'm going to do is
5 I'm going to go down the list as it is on your
6 participants list.

7 And I don't think that Terry Concannon is
8 on yet. So let's go to Deb Katz. Deb?

9 MS. KATZ: Hi. My name is Deb Katz. I'm
10 the Executive Director for the Citizens Awareness
11 Network. We have a number of concerns. Our
12 experience is that the NRC has been rather clueless in
13 terms of dealing with the public and relating to the
14 concerns of affected communities.

15 We're also concerned about the
16 disproportionate influence and access that nuclear
17 corporations have for the NRC, while the public winds
18 up experiencing impudence, frustration, and
19 helplessness in dealing with the agency. And our
20 experience is that our concerns are not taken in or
21 understood by the agency.

22 Thank you.

23 MR. CAMERON: Okay. Thank you very much,
24 Deb.

25 Let's go to Don Moniak.

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1 MR. MONIAK: Hello. My name is Don
2 Moniak. I work for the Blue Ridge Environmental
3 Defense League. I'm a staff member in Aiken, South
4 Carolina. I am relatively new to the Nuclear
5 Regulatory Commission issues and oversight, and in the
6 last several months I have found the Nuclear
7 Regulatory Commission to be one of the worst examples
8 of a public servant.

9 The NRC has been regulated, to me, more
10 than any other agency that I have encountered, and
11 serves to serve the industry that it is supposed to
12 regulate, and it regulates the people as opposed to
13 serve.

14 We are very concerned about fair and equal
15 access to processes and information; fair treatment,
16 which includes some really serious attitude
17 adjustments that need to be made within these
18 agencies; a complete overhaul of the FOIA process,
19 which I'd like to get into later because at the
20 current time you're doing some things that are flat-
21 out illegal; better access to information.

22 And I would like to add one thing, that
23 we're probably going to talk about the ADAMS system.
24 I'd say it's a good model but not many people have
25 access to the model.

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1 And, finally, I'd like to say if this is
2 a serious discussion, why are there no Commissioners
3 present at all? And is this being taped? Are they
4 going to have access to a transcript? But it's hard
5 to take something like this real seriously when the
6 people making the decisions are not present.

7 Thank you.

8 MR. CAMERON: And, Don, just for
9 information on that last point is that the transcript,
10 as well as a summary of the meeting, will be sent to
11 the Commission, along with the -- before, actually,
12 the staff provides any report or recommendations. We
13 may have some individual Commissioners that join us
14 for the meeting today, and I believe there are also
15 Commissioner staff with us today.

16 So their absence does not indicate a lack
17 of interest on their part or the inability for us to
18 communicate what all of you say today.

19 And we'll look for some of those examples
20 you talked about that -- where the NRC can improve as
21 we get into the discussion of the specific issues.
22 Thank you, Don.

23 Let's go to Glenn, Glenn Carroll.

24 MS. CARROLL: Hi. I'm Glenn Carroll from
25 GANE, Georgians Against Nuclear Energy. We've been on

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1 the ground working for over 20 years, and so I come to
2 this meeting with a fair amount of cynicism. We've
3 watched a steady removal of public participation in
4 reactor licensing over the years. There is inadequate
5 public participation provided for in decommissioning
6 and nuclear waste issues.

7 And the accountability is just apparently
8 absent, because we've participated and contributed
9 quite a large amount of energy over the years to
10 enhanced public participation-type efforts from the
11 NRC and just do not detect our influence on what comes
12 out.

13 And to add to Don's observation, you know,
14 I would observe you can give a man a transcript, but
15 you can't make him read. So, you know, we certainly
16 see room for improvement. We certainly earnestly
17 believe that industry will be safeguarded by public
18 participation, and the missing component is NRC
19 responsiveness to what they hear from us.

20 MR. CAMERON: Okay. Thank you, Glenn.
21 And that issue about influence is a particularly
22 important one in terms of, how does the NRC
23 demonstrate that it considered the comments and advice
24 that it received? And I know we're going to get into
25 that in more detail later.

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1 Let's go to Dr. Judith Johnsrud. Judy?

2 MS. JOHNSRUD; I'm Judith Johnsrud in
3 Pennsylvania representing Sierra Club, the
4 Environmental Coalition on Nuclear Power. I have been
5 involved with NRC, and previously AEC, going back to
6 the late 1960s.

7 The one thing that I can say that's
8 positive is that these requests for our input are now
9 being offered. But I see no evidence that the NRC is
10 actually considering or acting upon any of the many
11 recommendations that have come from members of the
12 public for a great many years.

13 Of particular concern is it is apparent
14 that the nuclear industry is hoping for a comeback and
15 expansion. I'm very deeply concerned about the future
16 of the licensing procedures and the access to the
17 nation's judicial system.

18 Above and beyond that, very frankly, I
19 must concur with the other telephone participants and
20 some around the table that we simply see no
21 responsiveness from the agency to the many
22 recommendations that have come from the public. There
23 is I think overall a lesser consideration in terms of
24 doing something about the recommendation than I've
25 ever observed.

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1 MR. CAMERON: Okay. Thank you. Thank
2 you, Judy.

3 Jackie Cabasso, are you with us yet?

4 (No response.)

5 Okay. Let's go to Bill Sinclair in Utah.

6 Bill?

7 MR. SINCLAIR: Good morning. I'm Bill
8 Sinclair. I'm the Director of the Division of
9 Radiation Control for the Utah Department of
10 Environmental Quality. I'm also Chairman-Elect of the
11 Organization of Agreement States.

12 Here in Utah we have a number of waste
13 disposal issues that we either directly regulate or --
14 and we have others that we don't, and I'm here today
15 to listen and learn and share information.

16 MR. CAMERON: Okay. Thank you. Thank
17 you, Bill.

18 Finally, let's go to Owen Berio.

19 MR. BERIO: I'm Owen Berio, and I'm from
20 DawnWatch in northeast Washington State. Our
21 organization is a one-issue organization, and our
22 focus has been on uranium mill tailings. Our
23 dissatisfaction with the NRC is essentially the NRC --
24 any agency that would lead to the ultimate program of
25 long-term stewardship -- in other words, fundamental

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1 building blocks, starting with the Code of Federal
2 Regulations and going through the various other
3 regulations of agencies involved.

4 We have found that the NRC has been
5 ultimately ignoring our concerns. That is, if
6 Washington, as a compact state, is not conforming to
7 the practices and seem to be eroding in terms of the
8 regulations --

9 MR. CAMERON: Okay. Owen, could I -- this
10 is Chip. Let me just interrupt you for a second. I
11 apologize. Could you just speak up a little bit? I
12 think people here are having a little trouble hearing
13 you.

14 MR. BERIO: Oh, certainly. Should I
15 repeat myself?

16 MR. CAMERON: No. I think people got it,
17 but I can see people straining to hear. So just
18 continue in a louder manner.

19 MR. BERIO: That was the end of my
20 statement.

21 (Laughter.)

22 MR. CAMERON: Thank you. We're going to
23 make a good team, Owen.

24 (Laughter.)

25 MR. BERIO: Okay.

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1 MR. CAMERON: Okay. Thank you.

2 TELEPHONE PARTICIPANT: It is difficult to
3 hear people around the table. So please keep
4 reminding them to speak up for our sake.

5 MR. CAMERON: Okay. And we may try to
6 switch to a new technology. Our experience with ADAMS
7 may lead us to scrap that idea, but we might try to
8 improve this for you sometime today. But I think it's
9 working fairly well, and if everybody can just try to
10 speak up it would be helpful.

11 We're going to go to Pat Norry in one
12 minute, but I just wanted to call a couple things to
13 everybody's attention on the remarks that were given
14 around the table. Many of these ideas that we heard
15 are going to be specifically discussed today. Some of
16 them, though, are sort of a backdrop -- some of them
17 are a backdrop of the important issues that need to be
18 considered, that you should think about as we go
19 through our discussions.

20 Glenn and Judy Johnsrud and others talked
21 about, how did the public influence the process? How
22 was the NRC responsive to the concerns that were
23 expressed?

24 Jim Riccio used the term "meaningful
25 public participation." Just keep in mind that we

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1 always get -- we're focusing on the process for public
2 involvement today, access to information, access to
3 the decisionmaking process, access to the
4 decisionmakers.

5 The other part of this is, was the correct
6 -- if the process was good, that will aid in ensuring
7 that a good decision results. Obviously, a decision
8 that the Commission or the staff makes is not going to
9 necessarily satisfy everybody.

10 So I think the thing we have to keep in
11 mind here is this distinction between a good process
12 and this ultimate -- which includes documenting how
13 the NRC considered comments that were given, and this
14 idea of what the ultimate decision was and whether
15 people agree with that decision. We were focusing on
16 process.

17 And with that, Pat, are you ready to just
18 give us a --

19 MS. NORRY: Yes.

20 MR. CAMERON: -- background?

21 MS. NORRY: Right. And I'm going to make
22 this very short, because many of you already heard the
23 context for NRC's public confidence and public
24 participation at the RIC, and I don't want to repeat.
25 And I think everyone here is familiar with what the

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1 agency has done, and so I don't want to give a lot of
2 history.

3 I would just like to add my welcome. I'm
4 glad that so many of you could be here today. I would
5 also like to -- as an administrative note, you may
6 have observed that the signs that are usually outside
7 that say no food or drink have been deliberately taken
8 down. Therefore, if you feel the need to have coffee
9 -- yes, they were. They were taken down, actually.
10 Feel free to do that. That's just for today. I can't
11 guarantee what'll happen the next time you come.

12 You know, what we're -- the fact that
13 public confidence has been enunciated as one of the
14 four strategic goals that -- that without public
15 confidence the agency is acknowledging that the other
16 strategic goals will be -- achievement of the other
17 strategic goals will be difficult, if not impossible,
18 I think is something that has represented a core
19 decision by the agency to acknowledge that.

20 And how do we do it? How do we portray
21 the NRC's independent role? How do we make sure that
22 we provide at all times accurate information and
23 timely information? How do we clarify what our
24 independent role is vis-a-vis other agencies and vis-
25 a-vis the industry? How do we engage stakeholders and

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1 provide feedback?

2 Obviously, that's going to be a big area
3 of discussion today. There are people who believe
4 strongly, and I would say that there are also some
5 within the NRC who share this belief, that we need to
6 do a better job of getting information back to those
7 who have provided input, who have provided comments.
8 If it just drops into a black hole, then there's no
9 building public confidence that way.

10 So I'd just like to stress that what we're
11 about here is to make public participation better. We
12 are obviously, and have been for some time, stressing
13 public participation. But it's an evolving thing, and
14 we definitely need to improve it. We need to do a
15 better job providing candid and factual information.

16 We need to -- within the agency, we are
17 developing plans for how to do that, and it's being
18 taken very seriously, recognizing that you don't just
19 shoot from the hip when something happens. You have
20 to have a plan for how you're going to communicate,
21 and we're developing such plans.

22 We are training many members of our staff
23 on how to conduct public meetings. It is not assumed
24 that just because you're in charge of an area that you
25 are effective in conducting public meetings, and

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1 that's a very important skill and we are providing
2 that kind of training.

3 We are soliciting feedback by means of our
4 public meeting feedback form, and I hope that's on the
5 table out there. And those of you representing the
6 public, I would really appreciate -- we're going to do
7 a better job of answering the things that are put on
8 those forms. We still have some revisions to make on
9 the form itself, but we have that feedback and we are
10 going to use it.

11 Of course, you all know that we're
12 redesigning the website. And this meeting is -- is
13 terribly important at making sure -- if we get to the
14 end of the day and don't have all the ideas that
15 everyone here represents about how we could do better,
16 then that won't be good.

17 So I just want to take you back for a
18 minute to the Commission -- there was a discussion
19 about Commission involvement. I can assure you the
20 Commission is heavily involved in this issue. Every
21 single one of them has told me personally that they
22 put great store by what comes out of this meeting, and
23 you all are familiar with the Commission SRM that
24 said, and I quote, "In an effort to provide for more
25 effective public involvement, the staff should examine

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1 the agency's policy on public meetings and procedures
2 to determine if revisions are needed, and they should
3 consider issues and resources related to the things
4 that are on the agenda."

5 So that's -- the agenda was derived in
6 part from this SRM. And I won't read the entire
7 thing. The staff has been directed by the Commission
8 to come back to them by July 31st with a plan, a very
9 specific plan, on how we're going to do these things.

10 I would just add one note. I think there
11 was an additional item that got inadvertently left off
12 the list of things we're going to -- we wanted to get
13 your views on today, and that was the risk
14 communication area. In other words, what ideas do you
15 have on how we could do a better job in that? So
16 that's an additional item which I think got left off.

17 And with that, Chip, turn it back to you.

18 MR. CAMERON: Okay. Thank you, Pat.

19 You will note that I think on our final
20 agenda we do have risk communication as a specific
21 issue, specific important issue to discuss.

22 I'd like to go to all of you around the
23 table, and then to our call-ins, to see if there's any
24 clarifying questions that people have for Pat. And I
25 don't want to spend -- we're going to have plenty of

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1 time in the discussion for comment on NRC policies and
2 practices. That's the specific intent of those. So
3 let's limit this to questions that -- information you
4 need to know to effectively participate in this.

5 Anybody around the table in Rockville that
6 has a clarifying question?

7 (No response.)

8 Okay. Let me go again to the phones and
9 proceed down the list. Terry Concannon, probably not
10 with us now.

11 Deb, do you have any questions?

12 MS. KATZ: No, I don't have any questions.

13 MR. CAMERON: Okay. Don?

14 MR. MONIAK: No.

15 MR. CAMERON: And Glenn?

16 MS. CARROLL: Well, as to the issues,
17 where is the, you know, NRC accountability? Where is
18 the disconnect that some of the -- that some have
19 already commented on between their input and our lack
20 of impressing the NRC? Is that there? And, if not,
21 can we add it?

22 MR. CAMERON: Okay. You're doing an
23 agenda check with us. And that area is very
24 important, and it was intended to be covered under
25 documentation of public comments, response to

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1 questions --

2 MS. CARROLL: Okay.

3 MR. CAMERON: -- and answers. Okay? So
4 let's discuss the issue of accountability, and let's
5 try to define what that means when we get to that
6 particular issue.

7 Okay. Judy? Questions? Clarifying
8 questions?

9 MS. JOHNSRUD: I think I have some, but
10 they aren't coming to me yet again. They were back
11 there a bit.

12 MR. CAMERON: Okay. Well, you know, as
13 they come up -- I mean, this is not the only time to
14 ask information questions. So we can get to those at
15 any time.

16 Jackie, are you with us yet?

17 (No response.)

18 Okay. Bill Sinclair, any questions?

19 MR. SINCLAIR: No, Chip.

20 MR. CAMERON: Okay. Thank you.

21 Owen?

22 MR. BERIO: Not at this time.

23 MR. CAMERON: All right. Well, good.

24 When we get to our break, we're going to
25 see if we can improve the phone connection. But right

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1 now, we're going to begin our discussion of the
2 identification of the areas of concern.

3 And the first issue on the table is this
4 concept of the NRC does different types of meetings.
5 There's the so-called business meetings with
6 licensees. There are meetings with the -- with
7 licensee representatives and industry organizations
8 that are on a specific topic but not on a specific
9 facility. There are meetings where -- that are
10 designed specifically to get public comment, public
11 advice, concerns, on a particular rulemaking issue, or
12 a particular facility.

13 I would like to ask Dave Lochbaum to
14 perhaps give us his perspective on this issue of the
15 different types of meetings. And I think that when we
16 go through some of these other issues, we're always --
17 it's going to be sort of like a matrix. We're always
18 going to say, "Well, how does that -- is there any
19 change in how we would apply the rules dependent on
20 what type of meeting it was?" David?

21 MR. LOCHBAUM: Well, there are clearly
22 different types of meetings, but I guess my view is
23 that in each case the NRC views the public as being
24 there to listen and to receive information rather than
25 to provide any information into the process.

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1 I think that's the root cause of most of
2 the problems. That's why there's no responsiveness.
3 That's why there's no feedback. Because the NRC views
4 those meetings as opportunities, as Mr. Reyes said, to
5 make the public aware of what the NRC is doing, not to
6 receive NRC -- or public comment on what the NRC is
7 doing.

8 So I think no matter what the format of
9 the meeting is, if that's the view -- the mind-set
10 that the NRC staff is operating under, the public is
11 not going to have the meaningful public participation
12 that Jim is looking for, and I myself am trying to
13 look for. So I think it's not so much the different
14 -- the variety, the types of meetings that's the
15 problem. It's the role that the NRC staff assigns to
16 the public in each of those meetings that's the
17 problem.

18 MR. CAMERON: Okay. And I think we're
19 going to try to put a finer point on even if that one-
20 way is made more two-way. Is there a different two-
21 way for meetings with NRC licensees as opposed to
22 meetings that are specifically to gather public
23 comment?

24 Jim, do you have a comment?

25 MR. RICCIO: Yes. Jim Riccio with Public

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1 Citizen. Public participation is more than merely
2 public meetings. It also involves the entire
3 regulatory process, and as well the legal process.
4 And there has been basically a systematic and
5 pervasive effort on the part of this agency to remove
6 the public from the process of regulating reactors in
7 this country, everything from removing our rights to
8 cross examination and discovery, to a retreat behind
9 closed doors in terms of the Sunshine Act, to
10 voluntary industry initiatives which subvert the
11 Administrative Procedure Act.

12 So if we're just going to discuss --
13 hopefully, this meeting is more than just a discussion
14 of, you know, public meetings. The NRC does a very
15 good job of inviting us in to give the illusion that
16 you actually have public participation when very
17 little actually exists.

18 And I hope that we can broaden the
19 discussion to get beyond mere formalities of how a
20 public meeting is held and address some of the issues
21 that are subverting the public's ability to
22 participate and resulting in a lack of public
23 confidence in this agency and in this industry.

24 MR. CAMERON: Okay. Jim, important points
25 you raised, public participation involves more than

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1 just public meetings, although public meetings are an
2 important part of that.

3 We do have some issues that concern access
4 to information that are independent of the public
5 meetings, and some of your comments I think go to the
6 -- perhaps more of the broader public confidence issue
7 that Paul brought up that go to this issue of the
8 substantive decisionmaking. But I think that that
9 will all get sorted out for us during the discussion.

10 Ray Shadis?

11 MR. SHADIS: I think it's important to
12 look at where we are and how we got there.

13 TELEPHONE PARTICIPANT: Can't hear you,
14 Ray.

15 MR. SHADIS: Thanks a bunch. And I will
16 need reminding, because I -- I have so much invested
17 in this very topic that I am more nervous than I need
18 to be, I think, and I -- and I lose track from time to
19 time. So I really appreciate any assistance from one
20 and all, you know, to stay on track, speak up, the
21 whole route.

22 I have my son visiting with me down in
23 D.C. I've been down here for the last three days at
24 an NRC interim implementation evaluation panel on
25 reactor oversight process. But my son is visiting,

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1 and I told him, "Yes, I'll be over at NRC. It's a
2 meeting on public participation." And he said, "Oh,
3 I want to see part of that." And I said, "Well, fine,
4 come on over."

5 And then, when I got here this morning,
6 even though I had -- I knew what room the meeting was
7 in, something I forgot to tell him, and even though I
8 knew the content of the meeting and the host of the
9 meeting, I still had to run through the Mickey Mouse
10 out here in the lobby about entering in the phone
11 number and the first name, last name, purpose of the
12 meeting, and all the rest of that.

13 Hey, in New England, we have public
14 meetings. They're called town meetings as a center of
15 democracy. We don't do stuff like that. I mean,
16 people just plain come in.

17 The other thing is when you're
18 communicating stuff, the most important part of
19 communication is deeds, not words. It's what you do,
20 not what you say. And I'm at a place in -- up in
21 Maine where a decommissioning nuclear power station is
22 about to install an ISFSI. NRC has a knack for
23 putting together acronyms which just plain suck.

24 (Laughter.)

25 However, this one is independent spent

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1 fuel storage installation. And so what they want to
2 do is take a lifetime accumulation of high-level waste
3 from a nuclear plant, put it in tin cans, and pack
4 that in concrete silos and spread it out right on the
5 edge of the gulf of Maine.

6 The one thing they don't want to do is
7 give us security on that spent fuel. They've
8 rewritten the rules. They don't want to have armed
9 guards. They don't want to have vehicular barriers.
10 They just want to basically put a fence around it, a
11 watchman with 25 cents so he can call the local police
12 if the terrorists show up. And we resent that.
13 That's a threat to our community. It's like putting
14 a gun to our head.

15 When I come here, I notice that the NRC
16 provides itself with plenty of security. We have
17 armed security out here to protect a bunch of office
18 furniture, but we don't have armed security to protect
19 high-level nuclear waste. I think that there is a
20 huge disconnect in plain, simple logic, in plain,
21 simple reason, when it comes to saying to the public,
22 "Trust us. We have vehicular barriers. We have armed
23 security to protect our office building. But you
24 can't have it to protect your high-level nuclear waste
25 that we're leaving in your neighborhood."

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1 And so I see now that, you know, my son's
2 going to arrive in the lobby, and the lady who grilled
3 me is going to grill him. I brought him up to be
4 paranoid about government. It's an American
5 tradition.

6 And so I see that right from the get-go,
7 this meeting about how you do meetings, this meeting
8 about how you communicate, isn't user-friendly, isn't
9 open -- you know, take the elevator down to the lower
10 chamber. You know, what is that? Can't we afford a
11 staircase? Can't we simply say, "Public meeting this
12 way" and leave the doors open to the street? What
13 risk is there?

14 Additionally, we have a list of
15 participants here, but there's no contact information.
16 You have affiliations, but, you know, when we do a
17 meeting up in -- in New England, even our nuclear
18 licensee, when they do a meeting they provide you with
19 a list that has contact information. So let's say the
20 participants want to exchange information outside the
21 meeting. They can do it.

22 I think NRC has fallen victim to the habit
23 of seeing itself in the defensive mode. Let's protect
24 our territory. Let's protect ourselves. You know, it
25 just -- it does not have in its culture that sense of

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1 openness, and I think it really needs to be worked on.

2 So thanks for tolerating that speech. I
3 have -- by the way, this is just topically. I've got
4 about 68 others of these lined up today. So stop me
5 whenever you want.

6 MR. CAMERON: Okay. And we can arrange a
7 special nighttime session --

8 (Laughter.)

9 -- with just Ray and whoever would like to
10 attend. But no, seriously, thank you. Thank you,
11 Ray. The message is is that we're sending the wrong
12 message perhaps. But, of course, there may be
13 countervailing considerations.

14 The information -- contact information for
15 everybody about -- on the panel is available. We
16 usually make that information available, but sometimes
17 are sensitive to whether people want, for example, e-
18 mail addresses available, or whatever. But I do have
19 that information.

20 I can see that in this discussion of
21 different rules for different types of meetings that
22 we're getting into some general underlying concerns,
23 and that's fine. When we go to the specific issues
24 under this, if people think that there should be a
25 distinction in regard to that issue, depending on the

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1 type of the meeting, please bring that forward.

2 Anybody around the table who wants to
3 address the differences in different types of
4 meetings? Does anybody want to address what they've
5 heard from their fellow participants so far?

6 That's fine. Neill? And try to use your
7 name tents. It's not real critical right now, but it
8 may be. Thank you, Neill.

9 MR. HOWEY: Neill Howey, IDNS. It would
10 help me as a participant here to know, given the
11 plethora of public in terms of interest and non-
12 interest, what the participants determine is the
13 public in their eyes. And in terms of participation,
14 what level of participation they anticipate they would
15 like to have at these various forums, so it would help
16 me to understand and put these things in context.

17 MR. MONIAK: The public is anybody who
18 pays taxes. Period.

19 MR. CAMERON: Okay. I think that was Don
20 and --

21 MR. MONIAK: Yes. This is Don Moniak. I
22 don't think we need to get into that.

23 MR. CAMERON: Okay. Well --

24 MR. MONIAK: The public is anybody who
25 pays taxes. Anybody who comes to you with a concern

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1 is the public, even if it's a new concern, even if
2 they've never even heard of you before.

3 MR. CAMERON: Okay. And Don --

4 MR. MONIAK: Let's not start classifying
5 the public.

6 MR. CAMERON: Don, thank you.

7 MR. MONIAK: Thank you.

8 MR. CAMERON: Thank you for that. And I
9 don't like to do this, but I think it's going to be
10 necessary that we try to just systematically go
11 through the people on the phone. Unfortunately, it's
12 going to be less spontaneous, but we'll do it that
13 way. And we'll be with you people on the phone
14 shortly. Let's --

15 MS. JOHNSRUD: Chip? This is Judy.

16 MR. CAMERON: Judy?

17 MS. JOHNSRUD: This has a very serious
18 drawback that Don has just illustrated.

19 MR. CAMERON: But Judy -- Judy, I'm going
20 to have to -- I'm sorry. I'm going to have to
21 interrupt you. This is not going to work. We're
22 trying to do --

23 MS. JOHNSRUD: Exactly.

24 MR. CAMERON: -- access to the phones, but
25 we're going to have to try to systematically go to you

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1 after the people around the table have the discussion,
2 because otherwise it's going to be impossible. I
3 apologize for that, but that is one rule that I am
4 going to have to enforce. Okay? So we'll be with you
5 --

6 MS. JOHNSRUD: No.

7 MR. CAMERON: -- in a minute. And if you
8 can't participate under those guidelines, then I'm
9 going to have to ask you not to participate.

10 MS. JOHNSRUD: Oh. Well --

11 MR. CAMERON: We'll get to you on the
12 phone in a minute. Okay? Just let me get the
13 remaining cards here.

14 Roger?

15 MR. HOUSTON: Yes, Roger Houston. I would
16 like to suggest that there are different types of
17 meetings, kind of the issue that's on the sheet here.
18 The public -- interested public, people with an
19 industry relationship like myself, or with a public
20 interest otherwise, need to be able to understand to
21 see what's going on.

22 But I think the degree of involvement can
23 and should vary depending on the nature of that
24 meeting. Some of the meetings that take place between
25 the NRC and the various companies that it regulates,

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1 both on the reactor side and on the materials side,
2 deal with very specific technical subjects.

3 And I think it's important that those
4 meetings be open and accessible, but the ability of
5 the agency to exchange information that it needs to
6 conduct its mission, the ability of the licensees to
7 understand what the agency's concerns are, so that
8 they can respond and allow the agency to conduct its
9 mission, can be severely impacted if we open those
10 kinds of meetings to a broad-ranging public discussion
11 that kind of gets off the agenda, gets into other
12 issues.

13 People do have a lot of strongly held
14 opinions, as we've heard already here this morning.
15 But there is a mission here, and that mission, while
16 it involves public confidence, specifically is the
17 regulation of a fairly technical subject. And
18 sometimes that's very technical details that need to
19 be discussed.

20 What has happened lately is I've seen in
21 the meetings that I've attended there generally is an
22 opportunity provided for those of us in what I call
23 the "peanut gallery" to make comments at the end of
24 the meeting. And I think that's appropriate.

25 But I think particularly for the technical

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1 meetings, it is important that those of us who are in
2 the peanut gallery sit quietly, pay attention, and let
3 the technical participants do their business.
4 Otherwise, we may be getting more public involvement,
5 but in the end having less confidence because we're
6 fundamentally impacting the ability of the agency to
7 do what they're here on behalf of the public to do.

8 MR. CAMERON: Okay. I think we should go
9 to the phones before I'm hung in apogee.

10 (Laughter.)

11 Okay? So --

12 MR. SHADIS: Too late. It wouldn't be on
13 apogee.

14 (Laughter.)

15 MR. CAMERON: Thank you, Ray. Thank you.

16 I would ask those on the phone to consider
17 what they've heard, and I know that there's a response
18 to various comments around the table, but particularly
19 think about what Roger Houston said about the ability
20 of the agency to conduct the business, technical
21 business.

22 We still haven't put a fine point on what
23 type of meeting that is, and I think we need to
24 discuss that. But let me go down through the list for
25 comments. Let's start with Deb. Deb Katz?

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1 MS. KATZ: I just want to say one thing.
2 There is a discrepancy between the people who are at
3 the table and the people who are on the phone for the
4 most part. The people who are at the table are in
5 D.C. or have money to be there, and the people who are
6 on the phone, which frequently represent ordinary
7 people, don't have the money. And the NRC did not
8 provide money for us to get to the meeting.

9 This is the kind of inequality which you,
10 Chip, are trying to deal with by having us in this
11 artificial situation, which we appreciate, but it has
12 to be acknowledged that this is a difference in terms
13 of access. That's one thing I wanted to say.

14 In terms of the issues of technical detail
15 and people getting in the way of the industry doing
16 its business with the NRC, their business affects
17 ordinary people who are in these communities. And so
18 for the people to be educated and part of that
19 process, not interfering in it but part of it, is
20 important.

21 And I want to just mention, the times that
22 the NRC has done a better job in our communities is
23 after we have sued them. And, in fact, Judge Posner,
24 in the District Court in Massachusetts, described the
25 NRC process of public participation as the orifice of

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1 circumlocution for people to get through.

2 And he was completely disheartened by it
3 and was concerned that the tactics that were used
4 around Yankee Rowe, if used around the country to
5 limit public participation, would basically be
6 undermining democracy.

7 MR. CAMERON: Okay. And, Deb, I think we
8 need to at some point, if you have some specific
9 examples of what the circumlocution --

10 MS. KATZ: Sure.

11 MR. CAMERON: -- is, that would be
12 helpful. And I have put the issue down here on the
13 flip charts about dollars to get people to the
14 meetings, and we try to -- we try to do that. Perhaps
15 we need to do more of that, but that is an issue.

16 And I guess I have one question for you in
17 relationship to what you said about Roger's point. He
18 stated that for these meetings with -- it wasn't clear
19 about meetings with licensees, but meetings for the
20 agency to conduct its business, that providing an
21 opportunity for public comments at the end of that
22 meeting, assuming we consistently did that, what do
23 you think about that idea?

24 MS. KATZ: I think that that's important,
25 but I think it's possible -- and we think it's

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1 essential -- that there be the issue of people being
2 able to question. We've been in on some of those
3 phone calls in terms of Haddam Neck and other
4 reactors, and they have attempted to leave time for us
5 to, you know, make statements.

6 But one of our concerns is that these
7 statements, in fact, just go into the wind of public
8 comment, that nobody takes them very seriously, and
9 then everyone gets on with their business. And the
10 public has been heard from, but, in fact, nothing
11 changes.

12 So if what they're going to do is just let
13 us say something at the end of a meeting, so we can
14 feel good, well, that's useless to us, and we'd rather
15 see people in court then.

16 MR. CAMERON: Okay. So for whatever type
17 of meeting we're talking about, you would advocate
18 that the public comments/questions at the end of a
19 meeting, that there should definitely be an agency
20 response at some point to those comments?

21 MS. KATZ: Yes. There should be
22 accountability about how the agency and, in fact, the
23 licensee has dealt with them.

24 MR. CAMERON: Okay.

25 MS. KATZ: Whenever they deal with those.

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1 MR. CAMERON: Okay. Thank you.

2 Don, we're going to go to you next, and
3 please consider, you know, everything that Debbie
4 said, too.

5 MR. MONIAK: Yes.

6 MR. CAMERON: All right.

7 MR. MONIAK: I want to say after this I
8 have somebody coming, I have another meeting at 10:00,
9 so I'm going to be off the phone for about an hour and
10 then I'll be calling back in. This was something that
11 was scheduled a long time ago.

12 First of all, all meetings should have a
13 mechanism for public comment, if it's open to the
14 public. Period. There shouldn't be any question. I
15 drove 500 miles December 12th to go to Oak Ridge for
16 a meeting and was told when I got there that the
17 public couldn't speak. And, of course, I ignored
18 that, and I asked questions when I felt like it that
19 were pertinent to discussion.

20 It's the role of the facilitator to keep
21 the discussion pertinent, and I understand that you
22 don't want, you know, to be going off on a lot of
23 tangents and even things that are totally unrelated.
24 But the fact is is when we go to these meetings we
25 have to tolerate the ideological discussions that

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1 always occur within those meetings by the NRC staff.
2 And, you know, people discuss their ideology. That's
3 all there is to it.

4 It seems to me that you're excluding
5 ideology that you don't want to hear, but if
6 tolerating ideology fits your -- and I don't even know
7 if anybody is conscious of this or not. There should
8 be a mechanism in place for asking clarifying
9 questions and making corrections.

10 I'm going to give a concrete example
11 again. At the meeting in Oak Ridge regarding the
12 plutonium fuel use, there was a number of times that
13 what was being said was wrong, factually wrong. Now,
14 if somebody in the public can say, "Hey, this is
15 factually wrong," and show that, then that serves
16 everybody. It serves the NRC, it serves everybody
17 there. Otherwise, we're allowing possibly industry or
18 the Department of Energy to stand up there and lie.

19 And the fact is, the Department of Energy
20 has a well-known ability to lie. You know, let's not
21 -- I'm not saying everybody in DOE is a liar because
22 that's not true. But they have been caught in a lot
23 of lies. And if we hear a lie at a meeting, we have
24 an obligation to correct that lie.

25 So these technical meetings -- I'm rather

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1 offended when we say that highly technical subjects --
2 it implies that the public is incapable of
3 understanding it, or that there's members of the
4 public who are totally incapable of understanding it.
5 I'm taking a nuclear power physics course right now.
6 Within a year, I'll understand all this stuff a lot
7 more about cross-section, neutron flux, and everything
8 else that's discussed at these meetings.

9 Don't assume that we don't know anything.
10 You should assume that we want to know. Okay? And
11 that's an attitude shift.

12 MR. CAMERON: Okay.

13 MR. MONIAK: At that meeting in Oak Ridge
14 I was told repeatedly not to talk, and I said, "What
15 are you going to do, arrest me?" Okay.

16 Take the plutonium fuel issue, which we're
17 going to be very active in. The NRC has no experience
18 in regulating large-scale plutonium processes. So to
19 exclude the public on something that the NRC has no
20 experience on is really unbelievable.

21 Okay. Meetings designed for public
22 comment, they always seem to be scheduled well after
23 a decision is made. Let's say that. They don't seem
24 -- you know, everybody is saying that it's window-
25 dressing. How do we have meetings with the Nuclear

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1 Regulatory Commission? I want to say that two years
2 ago the Alliance of Nuclear Accountability requested
3 a meeting. It was denied. But during their annual
4 visit to Washington, D.C., the NRC wouldn't meet with
5 them.

6 Yet the Nuclear Energy Institute used to
7 have meetings on a daily basis with you all, and it's
8 almost like they kind of run the show. You know, I
9 know that isn't true, but at times it looks like it.
10 And at these meetings you need to use plain language.
11 It's in your mission, it's in your doctrine. I was
12 just reading your statement on plain language, and you
13 need to use plain language more often.

14 The fact is is -- and I'm going to finish
15 -- I worked for the government for a long time. I
16 worked for the U.S. Forest Service. And when I first
17 started in 1981, they had a thing called the Good Host
18 Program. It was a very good program. It meant that
19 even if the public was antagonistic towards you you
20 respected them as the public that you're supposed to
21 serve, and you are a host.

22 Okay. NRC needs to start respecting the
23 public and quit treating us like a bunch of idiots at
24 these meetings.

25 MR. CAMERON: Okay.

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1 MR. MONIAK: Quit breaking us out from
2 industry versus this versus that. Thank you.

3 MR. CAMERON: Okay. Thank you, Don. You
4 made a number of points that I noted here. I just
5 wanted to underscore one of them, and it's the point
6 you made about the technical content of the meeting
7 shouldn't make a difference in how the public
8 participates, that people can understand these issues.
9 And related to that is your point about plain language
10 doing a better job of communicating on those technical
11 issues.

12 MR. MONIAK: Well, my primary point,
13 though, is that if you're training people to
14 facilitate meetings like you said earlier, then they
15 should be capable of keeping the conversation on
16 track, and there should be a mechanism for the public
17 to at least ask good clarifying questions, making
18 corrections, and asking good questions that NRC may
19 not have thought of.

20 MR. CAMERON: Okay.

21 MR. MONIAK: Okay?

22 MR. CAMERON: Okay.

23 MR. MONIAK: The public -- if one thing is
24 true of most people who attend these things, the
25 public is very capable of asking real basic questions

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1 that people who are heavily involved with an issue
2 often forget. And it helps everybody to better
3 understand it because it puts things into a clearer
4 language.

5 MR. CAMERON: Okay. Thank you. Thank
6 you, Don.

7 We're going to move down to Glenn now.
8 Glenn?

9 MS. CARROLL: This topic is recalling for
10 me a meeting I attended last summer in Region II about
11 Catawba and McGuire. Duke was making a presentation
12 to Region II. It was a public meeting.

13 It was apparent to me that the public
14 usually doesn't attend, and it was quite an
15 interesting show. And I was prohibited from speaking,
16 and I was very surprised. So I was -- I arrested a
17 couple of Duke people who were very reluctant to
18 answer my questions. The NRC did not hear my
19 question, nor the response. So, you know, that is
20 just shocking. That's basic. That's basic during a
21 public meeting, that the public has some avenue for
22 interacting.

23 And I can understand the need to run a
24 meeting that isn't chaotic, so I don't think that the
25 public would, you know, feel horribly curtailed if

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1 their comments were limited to periodic junctures.
2 But the way I see it, the NRC represents the public,
3 works for the public, but there is a pretty serious
4 flaw in that system.

5 Being that you're a user-based industry,
6 you're really hired by the people you're supposed to
7 regulate. So it is deeply flawed. But I don't really
8 know where Roger -- was it -- was coming from. It's
9 an expectation. It's a basic expectation that an open
10 public meeting can engage the public.

11 MR. CAMERON: Okay. We'll go to Roger
12 after we're done with the phone and others around the
13 table for some clarification and comments. And after
14 that, we'll take a break.

15 Can we go to Judy now?

16 MS. JOHNSRUD: Oh, where to begin. I need
17 to go way back in the notes, because there are many
18 points that need to be responded to. Currently,
19 though, you want information about public meetings.

20 MR. CAMERON: Well, but this issue of --
21 does there need to be different rules for different
22 types of meetings, or even if there do need to be
23 different rules, what -- how should those rules apply
24 to meetings where the NRC is meeting with a licensee,
25 for example. I think that was the example that Glenn

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1 brought up was one of those types of meetings.

2 MS. JOHNSRUD: You have had some excellent
3 points from the previous phone speakers. The way you
4 are conducting even this meeting gives very little
5 opportunity for interaction among the participants to
6 a specific point that could probably facilitate where
7 you want to get to.

8 The practice common among most agencies is
9 to permit members of the public attending any kind of
10 technical meeting or an informational meeting to be --
11 for the public to be required to be silent until the
12 very conclusion.

13 Now, how often all of us have observed the
14 impatience at the end of a long day on the part of
15 those at the table to go away from the table, not have
16 to listen, not -- certainly not have to take seriously
17 or give a response to the comments at 5:05 p.m. when
18 everybody wants to be on their way.

19 That's an initial frustration. But far
20 greater is the attitudinal frustration. That is, the
21 members of the public, as others have said, are in
22 essence dismissed by those with the technical and, if
23 you will, a financial or regulatory interest in the
24 topic of the technical meeting. But it is extremely
25 important that all such meetings be open to the public

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1 with an opportunity, as Don Moniak mentioned, for
2 active participation, raising questions of fundamental
3 significance, to have an opportunity to respond in the
4 process, during the process, not at its conclusion.

5 The agency views its role as, indeed,
6 serving the industry. In the 30-some years I've been
7 involved, I have virtually never seen the interest of
8 the affected public given primacy or the interest of
9 the industry.

10 And our concerns as members of the public
11 go to the public interest. They go to safety. They
12 go to health. They go to the correction of faults, of
13 failures, on the part of the technology as well as its
14 proponent. And we simply do not see any fundamental
15 concern.

16 This meeting appears to me to be a desire
17 on the part of the agency again to listen a little
18 bit, to then be able to say to the Commission, "Yes,
19 we heard members of the public," and then continue
20 without any fundamental change. And I hope I'm dead
21 wrong.

22 MR. CAMERON: Okay. Thanks, Judy. I
23 think I probably could say for the staff that I've
24 been involved with in planning for this meeting that
25 they do want to hear all of the problems that we might

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1 have to correct and how to do that. And it's not just
2 a meeting that someone referred to as window-dressing.

3 So we'll look forward to hearing from you
4 later on in the meeting. I guess -- Bill Sinclair?

5 MR. SINCLAIR: Thank you, Chip. I think
6 we've heard some excellent comments this morning. My
7 observation, because in my state the NRC has some
8 jurisdiction over, for instance, uranium mill
9 tailings, and we have jurisdiction over low-level
10 waste, for example, my observation is that for the
11 average citizen it's pretty difficult to both
12 participate in and understand the NRC process.

13 For example, when we have a license
14 amendment request out there, typically that's noticed
15 -- well, not all the time but sometimes it's noticed
16 in the Federal Register and a request for a hearing is
17 solicited. And there is a lot of misunderstanding
18 about what constitutes a formal administrative process
19 and what constitutes a public information exchange.

20 The term "hearing," for instance, is a
21 different term in my mind when we start involving the
22 public. In the NRC's scheme of things, a hearing is
23 a formal process. In a typical state action, a
24 hearing is an opportunity for the public to come in
25 and provide comment on a particular action. So

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1 there's a lot of that kind of misunderstanding. At
2 least I've experienced it, and I've heard a lot of our
3 citizens complain about it. And I don't know if
4 there's a better way to communicate how the process
5 works in that area.

6 In terms of just having meetings with
7 licensees, because we're a state agency and we're very
8 interested in what our licensees are doing, whether
9 they're regulated by us or the NRC, we're pretty
10 insistent about being at the table when we have a
11 meeting with one of our licensees. And I've found it
12 to be not consistent in terms of involving the states,
13 or at least our state, in a typical meeting, either on
14 enforcement or just a business meeting in general.

15 We have project managers out there in the
16 NRC that are very conscientious and do get us hooked
17 up by phone, for instance, in those meetings. Other
18 times the meeting is over with, and somebody may call
19 us and say, "By the way, we had this meeting." So
20 it's really not consistent, I think.

21 Otherwise, that's probably all the
22 comments I have at this point.

23 MR. CAMERON: Okay. Thank you very much,
24 Bill.

25 Let's go to Owen, and then go back to the

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1 table, and then we'll take a break. Owen?

2 MR. BERIO: Being in a remote area, we
3 don't expect the same degree of participation by the
4 upper echelon in D.C. But as a compact state,
5 Washington's Department of Health would be our first
6 avenue of relief on what we perceive to be regulations
7 laid down by the NRC.

8 In this we have adequately participated
9 for over 10 years. But when satisfaction was not
10 received, we took what we perceived to be the next
11 step. We wrote to the NRC. The response from the
12 NRC, even though our complaint was quite detailed
13 about the state, they merely told us to go back to the
14 state.

15 Now, this had to do with uranium mill
16 tailings. I find, on the other hand, that the
17 industry is accepted with a great more levity than us
18 as public citizens in the same area of uranium mill
19 tailings we can regulate. The industry was accepted
20 by upper -- probably the top administrators' 1998
21 meeting. I see that representing NRC were Shirley
22 Jackson, Gretta Discus, Nils Bias, and Edward
23 McGaffigan.

24 The meeting, as far as I can tell from
25 these notes, was attended only by those I have just

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1 mentioned and representatives from the industry.

2 MR. CAMERON: Okay. Thank you. Thank
3 you, Owen. We have that issue identified.

4 MR. CARLIN: Hello?

5 MR. CAMERON: Yes.

6 MR. CARLIN: Hi. This is Hugh Carlin from
7 Connecticut. I didn't know if it was appropriate to
8 say anything. I was delayed a little bit getting on.

9 MR. CAMERON: And, Hugh, can you identify
10 who you are?

11 MR. CARLIN: Certainly. I'm the Chair of
12 the Community Decommissioning Advisory Committee for
13 Connecticut. I did get a chance to listen to most of
14 the comments, and I'll be very, very brief. I have to
15 chair meetings, too, and know what it's like to wrap
16 them up.

17 One thing I'd just like to surface in our
18 -- in our experience from Connecticut, and I'll speak
19 for the Committee although they're my own comments, I
20 see a real difference in the regional and national or
21 central office effort. There is -- certainly, the
22 quality of comments and the quality of communication
23 with the regional staff I believe is a lot better.
24 We've been able to establish some relationship, some
25 rapport.

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1 And I wrote a quick little -- some notes
2 down and sat down with Mike Cavanaugh, but they really
3 do respond to that comment of respect that was
4 mentioned before. So I'd just like to throw that out.
5 Is there a difference between regional staff and the
6 central? And is that because a relationship -- a bond
7 of trust of some level is established?

8 But I will also add that they come back
9 and ask us at meetings, did we get it? Do we
10 understand? Can we repeat back something that they're
11 trying to get across? That doesn't happen, certainly,
12 in the more formal setting.

13 That's it for me.

14 MR. CAMERON: Thank you, Hugh. That is an
15 issue to explore is, what are the characteristics of
16 regional interaction with the public that make it more
17 meaningful than headquarters interaction? And we can
18 talk about that during the meeting.

19 What I'm going to do now is go to the
20 cards that are up at the table for comment, and then
21 we can -- you can take a break. Roy Zimmerman -- Roy,
22 what do you --

23 MR. ZIMMERMAN: Thanks, Chip.

24 MR. CAMERON: -- have to say?

25 MR. ZIMMERMAN: I'd like to try to get

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1 some clarification. I've been listening intently to
2 the good comments that have been made, and I'd like to
3 better understand the sense of whether those that have
4 spoken feel they do have an opportunity to provide
5 comments, ask questions, at some point during the
6 meeting or immediately after the meeting, whether they
7 see that vector as it's getting better, don't see any
8 change, or it's getting worse.

9 That's one aspect. I'm trying to drill
10 down a little bit to understand aspects of it, because
11 we've spoken about asking questions, not able to ask
12 questions but able to make comments. I heard
13 something. I sort of divided it there.

14 I heard something about comments after the
15 meeting -- or questions, but not during the meeting,
16 where there's a desire to make them during the
17 meeting. So in order to understand it better, I'd
18 like to start with just finding out the vector --
19 getting better, getting worse, no change over the last
20 few years, with regard to whether the public feels
21 they have an opportunity to ask questions, make
22 comments during the meeting or immediately after the
23 meeting.

24 Can you help with feedback on that?

25 MR. CAMERON: Okay. Let's go to Jim

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1 Riccio first on that question. Is the vector getting
2 better?

3 MR. RICCIO: Asking a question -- sorry,
4 Jim Riccio, Public Citizen. Asking a question at a
5 meeting is not participation. That's a one-way
6 avenue. It is getting better. The NRC is being, you
7 know -- they're learning how to assuage the public in
8 their meetings, but we're not getting any results,
9 Roy.

10 MR. ZIMMERMAN: Jim, bear with me. What
11 I want to try to do is I'm trying to take it in small
12 pieces, so we can gain as much as possible from the
13 discussion. So what you're saying is that from your
14 perspective it may be getting a little better with the
15 ability to comment or ask questions and get a response
16 to that question, but that's separate from
17 participating and being involved in a meeting per se.

18 MR. RICCIO: It's not necessarily
19 meaningful to ask your question at the end of the day.
20 It's not necessarily meaningful to ask a question if
21 you have no ability to follow up on that question or
22 get a response from the agency.

23 MR. ZIMMERMAN: So the experience has
24 been, in a sense -- like a number of people have made
25 this -- is that a question, not just a comment but a

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1 question gets asked, and the NRC does not respond to
2 that question either in person or indicate, "I'll
3 follow up with you and I'll give you a call" or "I'll
4 send you a letter." There's not follow up after the
5 question is asked. The question is asked, and that's
6 as far as it goes?

7 MR. RICCIO: It's not even that the
8 question is asked. I mean, basically, you know, for
9 people like Paul and I and Dave, who are here on a
10 daily basis, we can get questions addressed. I would
11 recommend you go back and look at the transcripts from
12 the public meetings held in -- up at Indian Point. I
13 think you have a lot to learn from those meetings.
14 Your answers were bureaucratic at best. You not only
15 infuriated the public, you infuriated members of
16 Congress.

17 Being at a meeting and asking a question
18 -- to explain it better -- is not participation.

19 MR. ZIMMERMAN: Okay.

20 MR. RICCIO: You're opening your door and
21 saying, "Come on in," and simultaneously shackling our
22 hands by removing our rights of cross examination and
23 discovery. You're affording the industry, you know --
24 and I understand that, you know, because you're taking
25 away money from the industry you have to afford them

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1 formal hearings.

2 But, you know, don't -- if you want to
3 afford us informal hearings, that's fine. Offer them.
4 Don't simultaneously remove our rights to formal
5 hearings. Merely allowing the public in the door
6 doesn't mean that participation is meaningful. And
7 until I see some response from this agency where
8 perhaps maybe actually a 2.206 petition that actually
9 gets addressed, that might be a good first start.

10 For instance, I'm still waiting for a
11 letter in response to a letter I sent to every one of
12 the Commissioners debunking your analysis of the
13 regulations on emergency planning. That was supposed
14 to be -- according to communications I had with the
15 Commission, I was going to get that in the middle of
16 March.

17 MR. CAMERON: Let's get other people to
18 answer your question. Okay?

19 MR. ZIMMERMAN: Yes. And I appreciate the
20 comments, Jim. The challenge that I'm having, and I
21 think it's just part of the makeup with the number of
22 people we have, which is a positive, but it also
23 raises the challenge of making sure that we understand
24 the feedback that you're providing us now. So I'm
25 trying to do it in baby steps.

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1 There were some comments that were made
2 that "I went to a meeting and I wasn't allowed to ask
3 any questions." That is not what our expectations are
4 when we run meetings. So the first thing is trying to
5 get an idea, is that an isolated case, that either
6 during the meeting or after the close of the meeting,
7 because normally we will stay around to answer
8 questions, is there a what you would view as a chronic
9 issue that you're not allowed to say anything during
10 the meeting or after the meeting? Just come, observe,
11 and go home. I'm trying to understand the views on
12 that specific piece.

13 MR. RICCIO: I think that's the way a lot
14 of the meetings here are run.

15 MR. ZIMMERMAN: And the vector is it's the
16 way it's been right along? There's fewer of them? Or
17 it's getting worse?

18 MR. RICCIO: It depends upon the meeting
19 and who's running it.

20 MR. CAMERON: Roy, let's go to other
21 people.

22 MR. ZIMMERMAN: Sure.

23 MR. CAMERON: Let's go to Paul.

24 MR. GUNTER: Paul Gunter, Nuclear
25 Information Resource Service. Roy, I can say that, in

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1 all honesty, the NRC is providing more opportunities
2 for public input and for public response. But it's
3 more that it -- in our view, that the NRC recognizes
4 the importance of putting a petcock on a pressure
5 cooker where the ingredients that go into this process
6 are a recipe that creates such public concern that
7 it's necessary for this petcock to be installed.

8 But the menu that's being served up isn't
9 -- there's no change. There's no -- you know, we are
10 being fed an NRC/industry combined mission plan. And
11 the petcock is only there to relieve the pressure in
12 that process.

13 MR. ZIMMERMAN: That sounded similar to
14 what you were saying, Jim, that there may be
15 opportunities for comments. But I think some of the
16 folks on the phone made similar comments. There's
17 opportunities for comment, but in your minds not much
18 is happening with those comments.

19 MR. RICCIO: And that has been improved
20 over the years. You're not dragging people out of
21 meetings and arresting them anymore.

22 MR. ZIMMERMAN: Thank you for defining the
23 floor.

24 (Laughter.)

25 MR. CAMERON: David for input on that, and

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1 then we'll go to Ray and Paul.

2 MR. LOCHBAUM: I guess there are more
3 opportunities now than there were four years ago when
4 I first joined UCS for me to make comments or ask a
5 question during a public meeting. But in some ways
6 it's more frustrating because in those days I knew I
7 could come and not say a word, and I understood that
8 very well. But now I go -- I don't know when I go to
9 a meeting if I'm going to be able to say anything or
10 not.

11 Just last month I went to a meeting on
12 failed fuel -- Palo Verde was operating on failed
13 fuel. I've done a lot of work in that area. I wasn't
14 given a single chance to ask a question the whole
15 meeting.

16 MR. ZIMMERMAN: After the meeting?

17 MR. LOCHBAUM: After the meeting. Wasn't
18 allowed to say a word. And in the old days that would
19 have been fine because I knew that was the
20 expectation, that I'd go there, I could leave my
21 tongue at home, that was fine.

22 MR. ZIMMERMAN: I've got your issue that
23 it's varied, and you don't know what it's going to be
24 from meeting to meeting.

25 MR. LOCHBAUM: I have no clue. I don't

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1 even know if the NRC staff has a clue. I don't know
2 what -- I don't know if they flip a coin before or
3 what.

4 MR. ZIMMERMAN: Valid issue. Valid issue.
5 But if you stand back over those four years, do you
6 see more opportunity to be able to ask a question? I
7 think you said you did. More of an opportunity now
8 than what you saw in the past?

9 MR. LOCHBAUM: At about a third of the
10 meetings now there's an opportunity at some point
11 versus zero before.

12 But there was also a meeting last
13 September I went to, September 27th from 3:00 to 5:00
14 p.m., here in Rockville that there wasn't an
15 opportunity to say a word. It was on spent fuel pool
16 risk during decommissioning. There was no opportunity
17 to say a word, so I filled out the little comment form
18 and asked my question, because that was the only thing
19 I had available.

20 I listed my name, my telephone number, my
21 address, my e-mail address, haven't heard anything.
22 I offered to stop by. You know, whatever it takes.
23 Still haven't gotten an answer to that question. So
24 there's still breakdowns. And I don't think those are
25 the exceptions to the rule. I think that still

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1 happens way too often.

2 MR. CAMERON: Can we go to Ray and then
3 Paul, and then we'll take the rest of these cards and
4 break. Ray?

5 MS. CARROLL: Are you going to invite the
6 phone people to comment again?

7 MR. CAMERON: Yes. If we have time before
8 the break, we will do that, Glenn.

9 MS. JOHNSRUD: Chip, I would point out
10 that you have allowed an interchange among those at
11 the table from which, as Glenn asked, we have been
12 excluded. We might have liked to be able to have that
13 to and fro discussion as well.

14 MR. CAMERON: Judy, we will try to get you
15 into a to and fro --

16 MS. JOHNSRUD: Thank you.

17 MR. CAMERON: -- discussion. But there
18 are inherent limitations, unfortunately, with
19 participation by phone. But we will try to get you
20 into that. Ray?

21 MS. JOHNSRUD: Add that point to your
22 list.

23 MR. CAMERON: Okay. Ray?

24 MR. SHADIS: Different types of meetings.
25 For the field meetings where you go out to a plant

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1 site and hold a public meeting, if you hold public --

2 TELEPHONE PARTICIPANT: Louder.

3 MR. SHADIS: For the field meetings --
4 thank you. For the field meetings when you go out to
5 a plant site and you hold a public meeting, if the
6 public comment is held to the end of the meeting, then
7 it often fails validation by the local media and
8 press. And this is one arena in which we do exchange
9 our views -- the industry, citizen activists, and the
10 NRC.

11 And the citizenry are often put to a
12 disadvantage because by the time they get around to
13 asking their questions -- and often -- well, anyway,
14 by the time they get around to asking their questions,
15 the reporters' note pads are filled and the cameras
16 have been shut off. And so in the sense of carrying
17 the content of that meeting out into the broader
18 public arena of information that's covered by the
19 media, citizenry are at a disadvantage.

20 In addition, it has become the practice in
21 some areas for NRC to appoint a moderator for that
22 public meeting from some, you know, ranks of local
23 officialdom. They do it without consideration as to
24 whether or not that person is an avid supporter of the
25 local licensee or not.

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1 NRC will, of course, sit at the same table
2 across the front of a room with the licensee. They do
3 not correct anything that the licensee has to say.
4 There's no confrontation in terms of whatever kind of
5 fluff or smoke the licensee cares to blow is okay.
6 NRC says nothing.

7 The silence betokens consent, so they
8 validate by sitting at the same table everything the
9 licensee says. That by sitting at a table across the
10 front of the room with the licensee and sharing
11 presentation time of a public's evening, they have set
12 themselves into a category with the licensee, not with
13 the public. It's a physical kind of thing.

14 Different kind of meeting. When you have
15 an issue at a licensee and they want to have a meeting
16 with NRC staff, and they schedule a meeting down here
17 in Washington, well, if it's -- if it's some plant
18 local, if it's Calvert Cliffs or something, maybe
19 three days' notice is enough, or two days.

20 But it's certainly not enough if it's,
21 say, a plant in Illinois or in Maine or in Georgia.
22 It's not enough for the public to be able to get up
23 their gear, set their schedules, and get to that
24 meeting to participate. The meeting notes that come
25 out of those meetings are practically devoid of

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1 information.

2 The agency has taken to providing
3 interested members of the public with the presentation
4 slides or viewgraphs or cells from those meetings. It
5 has become an art to devise those viewgraphs or slides
6 not to be revealing of the content of the presentation
7 in outline. They tell you nothing about what was
8 said. So for members of the public, they are
9 effectively excluded.

10 On some of these meetings, I have asked to
11 be included via telephone -- teleconferencing and was
12 told it would not be a good use of the agency's
13 resources and excluded that way.

14 So, you know, I find it to be -- it really
15 is dependent on the kind of meeting. There's an awful
16 lot of content here to talk about, and right now I
17 feel pressed by the fact that we have so many
18 participants. Everybody wants to get a chance to
19 talk, but we really can't hammer on this stuff in
20 depth in this kind of a setting to get down to
21 specifics.

22 And so I'm going to end this, but I want
23 you to know that, you know, there's an arm-long list
24 of -- and they're not just criticisms. It's critique.
25 I agree with Mr. Gunter that NRC has made obvious

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1 visible efforts to try to invite participants -- I'm
2 here on invitational travel -- and to include members
3 of the public in this.

4 And it has increased over time. It's been
5 something that is more and more frequent, but we do
6 need to get into how to make it work.

7 TELEPHONE PARTICIPANT: Okay. Thanks,
8 Ray.

9 Paul?

10 MR. BLANCH: This is Paul Blanch. I'm
11 going to be very brief in responding to Roy's
12 question, which way is the vector heading?

13 TELEPHONE PARTICIPANT: Pardon me. Who
14 spoke prior?

15 MR. BLANCH: That was Ray Shadis.

16 TELEPHONE PARTICIPANT: Thank you. And
17 this is Paul Blanch?

18 MR. BLANCH: This is Paul Blanch.

19 TELEPHONE PARTICIPANT: Thank you.

20 MR. BLANCH: Roy, just relating some of my
21 experiences going through the recovery of Millstone,
22 during the initial recovery of Millstone, obviously,
23 it was -- communications -- public communications was
24 quite a disaster. Through the three-year recovery
25 process, it improved considerably, including public

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1 participation at Commission meetings which we had
2 never seen before. From that vector, I think it's in
3 the positive direction.

4 I've been observing some of the meetings,
5 and I'm not sure what meeting Jim was referring to at
6 Indian Point, but Dave Lochbaum and I were at a
7 meeting about a year and a half ago at Indian Point,
8 an evening meeting, and it was an absolute disaster.
9 They had a meeting between the licensee and the NRC,
10 and they said, "The meeting is over. We'll stick
11 around if the public has any questions."

12 About two weeks ago, there was another
13 public meeting, and there were some good things and
14 some bad things. First of all, the bad thing was,
15 don't hold meetings on a Friday night. That's not a
16 good time. I know there were some congressional
17 interests, you know, that caused that. But the good
18 thing was they started the meeting I believe at 6:00,
19 which addresses some of the other issues.

20 And they had a meeting between the
21 licensee and the NRC staff which lasted an hour and a
22 half. That was good. At 7:30, they had a meeting
23 between the public -- or they allowed the public to
24 make the comments to both the staff and the licensee.
25 I think that was extremely positive. They had a

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1 phenomenal turnout -- 200 or 300 people -- and I think
2 that the staff needs to look at that and look at the
3 positive things.

4 That's not saying everything is okay.
5 There's a lot of negative things out there, but you're
6 looking for ways to improve -- take a look at what you
7 did at Indian Point, and I think that was going in a
8 positive direction.

9 MR. CAMERON: Paul, the sticking around
10 afterwards is not a solution. But the separate
11 meeting after the business meeting with the licensee
12 there is effective.

13 MR. BLANCH: I thought it was very
14 effective.

15 MR. CAMERON: All right. Roger, you've
16 been waiting for a while, and then we'll go to
17 Margaret, and --

18 MR. HOUSTON: Roger Houston again. Just
19 in response to Roy's question, I would say that the
20 vector is improving, but I agree with Dave it is still
21 a function of the personality of the individual
22 meeting, and to some extent the person running it.

23 To clarify my earlier remarks, the
24 question that's on the agenda here is the need for
25 different policies for different types of meetings.

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1 I believe the short answer to that is yes, they do
2 need to be different.

3 My comments were directed at technical
4 meetings between the NRC and its licensees, or
5 sometimes groups of those licensees, either the owners
6 groups, EPRI, or NEI. And I'm not intending by saying
7 the public should be relegated to the end of the
8 meeting to imply that the public is not knowledgeable
9 enough to participate in the technical issues.

10 By and large, given the role that I have
11 today, I am the public in those meetings, and I have
12 -- my technical training is 25 years ago, and I've
13 spent the intervening time working in the industry.
14 So I consider myself pretty knowledgeable about the
15 issues that are discussed. But if I get involved in
16 that discussion, I get in the way of the exchange that
17 has to take place between the NRC and its licensee, so
18 that the NRC can carry out its technical function.

19 That's the comment I was making and has
20 very specifically focused on that type of meeting.
21 There would be a different dynamic for meetings that
22 involve more issues of policy change or broader
23 questions than specific technical issues.

24 MR. CAMERON: And, Roger, just let me ask
25 you one question. You heard Paul Blanch's description

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1 of what he viewed as a successful meeting. I believe
2 it was a technical meeting under your definition.
3 What's your viewpoint on that, given what you said?

4 MR. HOUSTON: I think opening the session
5 afterwards, once the technical interchange that was
6 desired has taken place, opening the meeting to public
7 involvement and making that, you know, more than just
8 a "we'll stick around to hear what people have to
9 hear," I think that's positive.

10 MR. CAMERON: Okay. Thank you.

11 We're going to go to Margaret Federline
12 from the NRC staff. We're going to take a break, and
13 then we're going to come back and we're going to start
14 with the people on the phone. Margaret?

15 MS. FEDERLINE: Chip, my question follows
16 up on Roy's just a little bit. I'm interested in some
17 clarification. In NMSS, we've been trying some
18 experiments with different kinds of meetings. We've
19 had a couple of meetings in California preceding some
20 independent spent fuel storage licensing and
21 certification issues where we've been trying to hold
22 informational meetings where there is an open flow and
23 dialogue during the meeting, and then followed by, at
24 a later time, the licensing meeting.

25 My question is: how do we assess the

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1 effectiveness? How can we effectively get feedback on
2 the changes that we're making? We don't want to make
3 so many changes so quickly that we're never able to
4 measure success. I think it's important that we get
5 clear messages of when we're doing something that
6 accommodates the stakeholders' needs.

7 So I would just throw out as people offer
8 general comments any sort of feedback you can give us
9 on, you know, as we make these incremental changes and
10 experiments with different ways of doing things, how
11 can we measure success? You know, how do we, you
12 know, lend more stability to the process as we move
13 forward?

14 MR. CAMERON: Okay. Thank you very much,
15 Margaret. I'm going to ask everybody to keep that on
16 their plate for when we come back from the break, and
17 also give people an opportunity to perhaps respond to
18 Roy Zimmerman's question earlier.

19 Let's be back -- we'll start up at 10 to
20 11:00.

21 (Whereupon, the proceedings in the
22 foregoing matter went off the record at
23 10:34 a.m. and went back on the record at
24 11:01 a.m.)

25 MR. CAMERON: Okay. We're going to get

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1 started. Can I get the attention of the people on the
2 phone? Hi, guys, out there on the phone.

3 Okay. We're going to get started now. As
4 I promised, we are going to go to those of you out on
5 the phone to respond to a couple of things that came
6 up during the meeting, the last part of the session
7 when Roy Zimmerman was asking some questions about, is
8 the vector improving?

9 We also heard Paul Blanch give an example
10 of how the NRC conducted a technical meeting that
11 allowed for the business between the licensee and the
12 NRC to be done. And there was an opportunity for the
13 public to have a session with the NRC, with the
14 licensee present.

15 You heard Margaret Federline raise an
16 issue about, how do we know if we're improving? There
17 is a session later on this afternoon on the feedback
18 form, and I think that I would like everybody to think
19 about that, and we'll address that this afternoon.

20 And we will go to those of you in the
21 audience who might want to say something before we
22 break for lunch. But let me systematically, again, go
23 through the people that we have on the phone. And I
24 don't know if Jackie has joined us yet, or Terry
25 Concannon. But let's go out to you for comment.

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1 Okay?

2 And, Deb, if Terry isn't -- Terry, are you
3 there?

4 (No response.)

5 Okay. Deb, do you have any comments on
6 what you heard in the last part of the discussion at
7 the table here, Roy Zimmerman's specific question, for
8 example?

9 MS. KATZ: Yes, I do.

10 TELEPHONE PARTICIPANT: Could you
11 reiterate Roy Zimmerman's specific question, please?

12 Sorry, Deb.

13 MS. KATZ: That's okay.

14 MR. CAMERON: Roy, I'll try to crystallize
15 this. And if you want to add anything, do that. But
16 basically, Roy was asking whether people have seen an
17 improvement in how we conduct these meetings with
18 licensees in terms of involving the public.

19 In other words, there were some examples
20 given of, well, at some of these meetings the public
21 is not asked at all whether they have any questions.
22 And I think Roy is trying to find out what -- are we
23 improving, and what's the extent of the inconsistency
24 on this?

25 And, Roy, is that basically it?

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1 MR. ZIMMERMAN: Yes, that is very close,
2 Chip. I think succinctly what I'm trying to do is
3 understand whether there is an ability to ask
4 questions, make comments, during the meeting or after
5 the meeting. I'm trying to get an idea, if the answer
6 is yes or no, how does that vector look compared to a
7 few years ago? Do you get a chance to ask questions
8 during or right after the meeting more often, less
9 often, or the same as the last several years?

10 MR. CAMERON: Okay. Deb?

11 MS. KATZ: Okay. Our experience has been
12 in Region I that it's been inconsistent. I mean,
13 there have been times at Vermont Yankee meetings, also
14 at Connecticut Yankee, where we've been able to ask
15 questions after, not during the meeting and not being
16 able to engage in the discussion.

17 The meetings afterwards have been helpful,
18 but what I also want to point out in this is that
19 these meetings usually take place during the day.
20 Most of the people who are concerned about their
21 communities don't get paid to do this. They go to
22 work, or they're taking care of their kids. They
23 can't get to these meetings.

24 So that there is just an exclusionary
25 process that goes on because of the timing of the

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1 meetings, just like the 6:00 meeting at IP 2, when
2 most mothers need to be home feeding their kids, and
3 people were furious about that in that community. I
4 work in that community. And they were really upset
5 that the meeting was held on a Friday night at 6:00
6 p.m.

7 What I think it's also important to point
8 out is there is a large gap that the NRC and the
9 licensees have in which it's very hard for them to
10 understand what the people who come to these meetings,
11 who are concerned about protecting their communities,
12 experience in sort of being at the end of the table or
13 at the foot of the -- next to the door by -- to get
14 out of the room, in which they don't feel like they
15 are acknowledged or respected in this process.

16 And the third thing I want to go back to
17 is the idea there is no accountability. Anything that
18 people raise at these meetings, in terms of the NRC or
19 the licensee, getting back in terms of relating to
20 issues that were brought up. And, in fact, we have
21 raised issues at Vermont Yankee at different kinds of
22 meetings in which they said they would get back to us,
23 and they never did.

24 MR. CAMERON: And, Deb, you are -- we are
25 talking about one specific type of meeting now. And

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1 I guess I would ask people, when we get further into
2 this discussion, to think about whether there are
3 accountability issues connected with the meetings that
4 NRC specifically holds to get public input.

5 And by "accountability," I'm defining that
6 now as some type of response and/or recognition,
7 consideration of the comments that the public made at
8 a particular meeting. And that sort of accountability
9 may differ with a -- in a technical meeting with the
10 licensee.

11 But at any rate, should we go to Don now,
12 Debbie? Are you done?

13 MS. KATZ: The one thing I would just say
14 in terms of accountability, I mean, at Rowe we raised
15 consistently that we thought the NRC was violating its
16 own regulations in allowing -- at meetings we raised
17 this -- the Yankee Atomic to strip and ship its
18 reactor without submitting a full decommissioning plan
19 and all of the issues involved with that.

20 We had to go to the appellate court, the
21 First Circuit Appellate Court, and be proved right.
22 But while we were proved right that the NRC was
23 violating its regulations, it continued to allow
24 Yankee Atomic to act illegally and to strip and ship
25 the reactor. The communication to us was that they

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1 held the profit of Yankee Atomic Corporation over the
2 health and safety of our community.

3 MR. CAMERON: Okay.

4 MS. KATZ: I will end there.

5 MR. CAMERON: All right. Thank you, Deb.
6 Don, are you back with us?

7 MR. MONIAK: Yes, I am.

8 MR. CAMERON: Do you have a comment on Roy
9 Zimmerman's question about, is the vector changing on
10 these meetings with -- technical meetings with
11 licensees?

12 MR. MONIAK: Is the vector changing?

13 MR. CAMERON: Yes. Are we improving at
14 all in how we --

15 MR. MONIAK: What timeframe are you
16 talking?

17 MR. CAMERON: Well, I think Roy was
18 talking over the last three years and --

19 MR. MONIAK: No, we don't believe that
20 there are any improvements. In fact, I would like to
21 cite some hard examples. Last year, Nuclear
22 Regulatory Commission held public meetings at Columbia
23 and North Augusta -- the plutonium fuel factory -- and
24 the comments I got -- I wasn't at those meetings, but
25 the comments I got back at those was the public was

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1 muzzled and controlled, and only pretended to be
2 listening, and that there was no transcript, no
3 mechanism for counting and tracking individual
4 comments and responding to them.

5 And they searched the bags. People had
6 their bags searched in Columbia, and that was very
7 intimidating, and a lot of people felt it was
8 unnecessary. We'd like an answer on that sometime as
9 to why people's bags were searched. Is this common
10 practice? And if it isn't common practice, why was it
11 done?

12 Another example is that the NRC is going
13 to have public meetings again in Savannah, Georgia,
14 and North Augusta coming up here on the plutonium fuel
15 factory. And the project leader, Andrew Persinko, is
16 being sent to France for three months to learn how
17 they regulate things over there and he won't be here
18 for the meeting.

19 I find that to be just insulting. Okay?
20 That this is somebody who has been meeting with the
21 industry for over two years now, meeting with the
22 potential licensee, negotiating with them, knows as
23 much as anybody about this issue, he will not be at
24 this meeting. I want to know -- I think people need
25 to know what concern the NRC has about all of this.

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1 When I was at the meeting in Oak Ridge,
2 you know, I felt like I was being absolutely muzzled.
3 And the Nuclear Regulatory Commission representatives
4 were not knowledgeable about the issue at hand. They
5 had no historical perspective. They were new to the
6 process. Sure, they had expertise in some areas, but
7 I found them to be -- some of them didn't even ask
8 questions.

9 You know, yet they were -- if I was told
10 I couldn't ask questions about an issue I had been
11 following for four years and know pretty well, it --
12 everybody from the Department of Energy, the labs,
13 could speak up and say anything they wanted, even if
14 they were totally out to lunch. So there has been no
15 improvement.

16 MR. CAMERON: Okay, Don.

17 MR. MONIAK: Okay. And I also want to say
18 you are going to get into other things other than
19 meetings here today, right?

20 MR. CAMERON: Yes. Yes, we are. And
21 you've given us a broad view of the fact that there
22 hasn't been any improvement.

23 MR. MONIAK: In general, Blue Ridge
24 Environmental Defense League thinks that NRC wants to
25 put a muzzle on the public to control it and only

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1 pretends to be listening.

2 MR. CAMERON: Okay. And I think we'll
3 need to explore why people -- why exactly people feel
4 that way.

5 MR. MONIAK: Because there's -- it's an
6 arrogance. There's an arrogance on the part of the
7 Nuclear Regulatory Commission that they think they
8 have all the answers, and you don't.

9 You know, let's take the steel source
10 issue. U.S. Steel and the union have heavily
11 criticized the Nuclear Regulatory Commission, and it
12 seems to me that when you're blowing off U.S. Steel --
13 because it's not a licensee, when it's not speaking as
14 a licensee, you blow off U.S. Steel, their comments.

15 You know, who is the Nuclear Regulatory
16 Commission to stand up to U.S. Steel in that way? You
17 have no right to be doing that. This is the most
18 vital part of our national economy, and a single steel
19 source can wipe out a small steel mill if it isn't
20 detected in time. They have real serious concerns
21 about this.

22 MR. CAMERON: Okay. Don, I'm going to --
23 you know, we're getting into a substantive issue
24 there. But I think that we're going to have to move
25 on to Glenn.

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1 MR. MONIAK: And it's an us versus them
2 attitude on the part of the NRC.

3 MR. CAMERON: Okay.

4 MR. MONIAK: Thank you.

5 MR. CAMERON: Thank you, Don.

6 Glenn?

7 MS. CARROLL: Yes. When I indicated a
8 desire to speak, it was not just to answer Roy's
9 question, but there was a lot of discussion that I
10 wanted to speak to. I hope that's allowable.

11 MR. CAMERON: Okay. Go ahead, Glenn.

12 MS. CARROLL: It is on topic. You know,
13 just picking up on what Don just said, something I
14 want to point out is that overall, overt or subtle,
15 the message is always -- when GANE is invited to
16 comment, whatever, the message is always, "We've got
17 it covered. What materials do you need from us?" And
18 we know we're obligated, you know, to interact with
19 you.

20 But it's almost like, you know, a
21 deficiency, a void in the NRC to consider that we have
22 something to contribute, that we know something, that
23 all of the bases aren't covered. And this is just
24 inherent, and it is arrogance. And it must be
25 overcome.

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1 I want to -- on the accountability issue,
2 I want to point out that bead is accountability.
3 Where is the bead that reflects that we've been heard?
4 It's not word. It's not printing out a transcript and
5 providing it. That is meaningless. It wastes our
6 time. And it is very clear that the NRC wants us to
7 feel good. They want to do anything in real time to
8 address the real concerns of life and health.

9 MR. CAMERON: Okay. Glenn, just --

10 MS. CARROLL: So I want to --

11 MR. CAMERON: -- can I just ask you a
12 question?

13 MS. CARROLL: -- the idea that has been
14 put out there that litigation is the only effective
15 way to communicate with the NRC. And this is
16 absolutely GANE's experience. The only time deeds
17 have matched up with the concerns we've put in have
18 been in litigation, which is a horrifyingly strenuous
19 process that very few members of the public can enter.

20 And yet, as the NRC wises up to the fact
21 that we get something done through litigating, you
22 have been removing our litigation processes. While
23 you bring up all these feel-good meetings and cover us
24 up with transcripts, you don't give us the process.
25 You're just taking it away steadily. Over the last 10

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1 years of my involvement, you have steadily taken away
2 our opportunity for real and binding interaction with
3 the NRC.

4 MR. CAMERON: Okay. Glenn, can I ask you
5 one question in terms of what you said before we move
6 on to Judy? When you're talking about accountability,
7 just now you -- you were not just -- you weren't
8 talking about the NRC responding to comments or
9 showing how they considered a particular comment, but
10 you were referring to the NRC adopting the position
11 that was advocated by the public.

12 MS. CARROLL: It's an important element,
13 and it's an element that's absent.

14 MR. CAMERON: Okay. I just wanted --

15 MS. CARROLL: I mean, it's pretty much
16 like -- it's drop back and punt. You know, you get
17 this loud and clear message from the public. Don has
18 raised the most perfect, you know, issue of, you know,
19 a field source in a steel mill. And what do you do?
20 You drop back and punt. You go and try and figure out
21 how to ram it down our throats, you know, or you
22 present it differently, and we'll somehow or another
23 be asleep at the wheel and we'll go, "Oh, yes. Sure.
24 Fine."

25 MR. CAMERON: Okay.

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1 MS. CARROLL: Okay. Now, let me just say
2 this other thing. And I don't know. I'm looking at
3 this agenda, which I feel absolutely illustrates the
4 subtlety that -- you know, are we giving you notice of
5 meetings? Are we giving you access to the meetings?
6 Are we giving you documents? Are we giving you
7 information? And, if not, are we listening to you?
8 Are we responding to that? That's missing.

9 MR. CAMERON: Well, that's meant to be
10 covered, and I'm hoping that we can get there before
11 lunch in documentation of public comments, responses
12 to questions, and answers. I think that's where we
13 need to discuss the very important question of
14 accountability. Okay?

15 MS. CARROLL: But I want to point out that
16 we're talking about, in a way, three communities here
17 -- the NRC, the nuclear industry, and the public --
18 the "public." And yet the public that you deal with
19 actually is not everybody else that isn't working in
20 the bureaucracy or in the industry. But it's a
21 handful of people that are very focused on these
22 issues typically.

23 And, occasionally, in a community an issue
24 comes up and you do get people who have never
25 participated before coming out. And that is a

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1 concern. But basically, you're dealing with Judy and
2 Glenn and Tom and Paul and Jim and Dave, and we know
3 a lot. And we have a broad knowledge. You may do
4 public process. But you know what? We know that, and
5 we know licensing, and we know waste, and we know
6 reactors, and we know weapons.

7 And, really, you know, it's a fundamental
8 problem in the NRC and in the industry that you
9 segment all of this stuff, so that you really have
10 very few individuals in the powers that be that
11 actually reflect the breadth of knowledge and the
12 depth of focus that a lot of us lay people do. And I
13 don't know how you ever come to articulate it.

14 MR. CAMERON: Okay. Well, Glenn, let's go
15 on to Judy, and then maybe Jackie Cabasso has joined
16 us, and then --

17 MR. MONIAK: I cut myself off and --

18 MR. CAMERON: Oh, okay.

19 MR. MONIAK: -- I had to call in again.

20 MR. CAMERON: That's fine, Don.

21 Judy?

22 MS. JOHNSRUD: Okay. Chip, first, let me
23 suggest that you vary the order in which you call upon
24 us as you do for those at the table, please.

25 MR. MONIAK: I agree.

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1 MR. CAMERON: Okay.

2 MS. JOHNSRUD: Now, the questions that you
3 want responses to with regard to meetings are, first,
4 improvement in how the NRC conducts meetings with
5 licensees, right?

6 MR. CAMERON: Yes.

7 MS. JOHNSRUD: In my experience, very
8 little has changed. Now, I tend to be more often in
9 D.C. than in the region. But sitting on the
10 sidelines, disallowed from questions until the end of
11 the day, having either vague responses or no responses
12 has been characteristic.

13 Now, for the meetings to which some of us
14 have been invited to participate, it's somewhat
15 different. Yes, we are allowed to be heard. And
16 because there are so few of us with respect to the
17 balance in the -- at the table, it is embarrassing for
18 us as members of the public to feel that we need to
19 respond to everything that's said disproportionately,
20 and, therefore, tend not to be able to do so as fully
21 as we believe is appropriate.

22 Dave Lochbaum and Ray Shadis, sitting at
23 the table, and Paul Gunter and others, have a great
24 deal to say, but in the timeframe available are not
25 able to conduct the kind of interplay that would

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1 really perhaps get somewhere. Okay? So that message.

2 MR. CAMERON: Yes. Yes. I did hear that
3 message and --

4 MS. JOHNSRUD: It's a difficult one. But
5 you might try just occasionally having an equal number
6 of members of the public, or a revolutionary
7 suggestion would be to have more members of the public
8 than industry proponents.

9 MR. CAMERON: Yes. I think we probably do
10 at this meeting, actually.

11 MS. JOHNSRUD: It sounded from the --
12 well, okay. I guess I have to say as well that
13 virtually always -- that the responses to comments
14 from members of the public appear to be in almost
15 total agreement with the regulated industry
16 representatives, and that is a fundamental troubling
17 matter for all of us.

18 Now, also about extent of inconsistencies
19 -- well, maybe I've addressed that.

20 And then, Roy's question --

21 MR. CAMERON: Yes.

22 MS. JOHNSRUD: -- the ability to ask
23 questions and make comments. I've partially answered
24 that. I don't think there has been a marked
25 improvement.

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1 Having said so, I will add that I had
2 spoken to you, Chip, recent and specifically stated
3 appreciation for the efforts that have been made for
4 additional public involvement. I assume that you are
5 not the only one in the agency that has done so. So
6 --

7 MR. CAMERON: That's correct.

8 MS. JOHNSRUD: -- we're heading in a right
9 direction, but it will continue to fail with respect
10 to public confidence in the agency until we begin to
11 get some favorable decisions from the public
12 perspective, even if those decisions are unfavorable
13 to the licensees and cost the licensees more money.

14 MR. CAMERON: Okay. And then, Judy, I
15 want to emphasize to people -- I probably don't need
16 to emphasize it, but it also came up in Glenn's
17 remarks -- that there is a very -- there has been a
18 lot of comments on the ways to improve public
19 participation processes.

20 But we're also hearing a clear message
21 from people that on the substance of the decision --
22 in other words, in making a decision that appears to
23 the public or various parts of the public to be a
24 correct decision. And I just wanted to flag that.

25 Judy?

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1 MS. JOHNSRUD: The whole shift in the
2 regulatory philosophy of the agency has gone long
3 distance in the wrong direction. It is viewed by
4 those acquainted with it as a serious relaxation of
5 whatever conservatisms had characterized NRC's
6 regulation in the past. Very disheartening and
7 disilluisioning.

8 MR. CAMERON: Okay. And let me say
9 something from a facilitator's point of view, which is
10 from what I hope is the group's point of view in terms
11 of trying to accomplish the objective today. There
12 are some very important things being said about the
13 types of substantive decisions the NRC makes and how
14 that affects the credibility of the NRC with the
15 public. It's a very important issue, and I don't
16 think that anybody is going to walk out of here
17 without thinking about that issue.

18 But I don't think that we're going to
19 solve that today. I'm not sure how much more
20 discussion of that is going to help. And I -- I do
21 think the NRC wants to hear some specific ways to
22 improve process. That may or may not lead to these
23 better substantive decisions, but we really need to
24 try to get into some of the nuts and bolts of that.

25 And I think that when we turn to this

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1 first issue that -- we've heard a lot about various
2 issues already -- for example, timely notice of
3 meetings, the times that you hold meetings, whatever.
4 But we're going to go through some specifics here, and
5 if we can just confine ourselves to that I think that
6 will be useful. And --

7 TELEPHONE PARTICIPANT: To the NRC anyway.

8 MR. CAMERON: Well, we're hoping that it
9 will be useful to everybody, so that we can find out
10 how to be more responsive in our public processes.
11 That's why we're here.

12 MR. MONIAK: Chip, can I -- you just said
13 you wanted a recommendation? Don Moniak.

14 MR. CAMERON: Yes.

15 MR. MONIAK: Okay. The issue of process
16 -- there's a huge gap between when the public is
17 involved versus when you start negotiating with the
18 licensees or potential licensees. It appears that
19 decisions have already been made on specific key
20 issues long before the public is formally invited to
21 the table. That is something that needs to change.

22 MR. CAMERON: Okay. And, Don, I'm going
23 to ask you when we -- we're going to -- I want to come
24 back to that and ask you for an example of that. What
25 I'd like to do now, though, is to make -- to get --

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1 MR. MONIAK: January of 1999 -- the public
2 wasn't invited to the table until July 2000.

3 MR. CAMERON: Okay.

4 MR. MONIAK: That's an 18-month gap in
5 negotiation and public involvement.

6 MR. CAMERON: Okay. Thank you, Don.

7 MR. MONIAK: Thank you.

8 MR. CAMERON: Jackie, are you there?

9 (No response.)

10 Okay. Let's go to Owen and then Hugh, and
11 then we're going to come back to the table to address
12 -- to try to go down through some of these specific
13 issues and see if we can be a little bit more
14 systematic about it.

15 Owen?

16 MR. BERIO: I'll make it quite brief.
17 Well, I think the Department of Health has had the
18 oversight on this for a number of years. I just
19 picked one of the early impact statements from 1991.
20 The vast amount of it is public testimony. The
21 testimony is not favorable. It's very questionable
22 all the decisions that at that time the Department was
23 making.

24 I looked in the back and the NRC is on the
25 mailing. We have never seen the NRC here. They have

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1 never participated. They have never held meetings.
2 And as I said earlier, in my letter to the NRC
3 complaining about the process being used by the
4 Department of Health, they merely referred me right
5 back to the Department of Health.

6 It appears this is an issue that as it may
7 be in a remote area of the country does not get the
8 massive notoriety that others do. That they would
9 prefer just to sweep it under the carpet.

10 MR. CAMERON: Okay. Thanks, Owen. I
11 don't know if there's a legal issue involved there in
12 terms of the relationship between the NRC and the
13 agreement states or not, but it is something that we
14 need to explore.

15 Hugh, do you -- Hugh? Do you have any
16 comments, Hugh?

17 MR. CARLIN: Yes.

18 MR. CAMERON: Go ahead.

19 MR. CARLIN: Yes, I do. Thank you. I
20 think -- and, again, maybe it's talking from the
21 Region I experience. But I know on the meetings of
22 licensees I think we have had some significant
23 progress made by the inclusion of conference calls,
24 especially when there were objections that the
25 meetings were being held in King of Prussia, meetings

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1 of the licensee, or other remote locations that did
2 not allow us to listen in or participate on any level.

3 There was the accommodation made, which I
4 -- I understand was not common at the time, but was
5 made and we've had good success with it, as long as
6 people use their mute button.

7 Also, regarding the larger meetings and
8 the issue of accountability raised before, I think
9 it's important that if there are misstatements made at
10 meetings or corrections to be made that they be made
11 in a timely and comprehensive way.

12 We had an incident in Connecticut where
13 there was a 45-minute gap where our audience was about
14 300 or 400 people at its height, and in that large
15 setting it went for about 45 minutes with the
16 understanding that there had been 200 failed dry casks
17 because there was simply a word misunderstanding of
18 "filled" and "failed." That led to some real
19 consternation with people, as it should have.

20 It was then related as that there were six
21 that had failed when it was clarified. After that, it
22 was, well, not radiologically failed, and then we
23 never really got an explanation, although I did
24 request one, in a certain format to say, "Can you
25 answer the questions in this way to tell us what

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1 happened, who was affected, what was learned?"

2 And I only got a response to four. Staff
3 got two. So it was really -- that was not responsive.
4 So to -- take it just for whatever that is, but I
5 think if there can be that responsiveness on the part
6 of staff to get back and follow up on meetings, and
7 that was HQ staff I guess at that meeting.

8 MR. CAMERON: Okay. And, you know, we do
9 remember the comments of various individuals that --
10 that in some cases their response from regional staff
11 is quicker than from headquarters staff.

12 What I'd like to do now is to see if we
13 can move down the --

14 TELEPHONE PARTICIPANT: It sounds like
15 someone just came on.

16 MR. CAMERON: -- the specific issues.
17 Jackie?

18 (No response.)

19 Okay. Well, we'll check back. We'll be
20 back with you. We're going to go to the table now for
21 -- see if we can move through these issues.

22 But let me see if -- Mike, do you have a
23 general comment you want to make before we get into
24 this? This is Mike Cavanaugh, for those of you on the
25 phone.

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1 MR. CAVANAUGH: Yes. I just want to
2 follow up a little bit, and I'll try and get through
3 it quickly. We are talking about meeting types, and
4 I want to point out to you that you should have
5 balance in your audience and we don't today. I'm
6 probably the only licensee here possibly in the room.
7 So we don't have balance in this meeting. We need to
8 think about how you do that.

9 You've got a lot of -- a lot of civic-
10 minded people out there that aren't represented here,
11 who are concerned about what you guys are doing. And
12 I urge you to consider that when you put these
13 together in the future.

14 On a lighter note, I don't agree that the
15 NRC is not improving. They are improving. I mean,
16 what are we doing sitting here right now?
17 Dramatically improving. The kinder, gentler NRC is
18 all over the place, everywhere you go. I think we
19 have to face that and let's help them do better. I
20 don't hear us doing that.

21 On that note, let me hand it back to you
22 so we can start doing that.

23 TELEPHONE PARTICIPANT: If I could respond
24 to --

25 MR. CAMERON: Listen, we're going to go to

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1 timing, the first agenda item here, to see if we can
2 get some examples. We've already heard some on timing
3 and clear notice of --

4 TELEPHONE PARTICIPANT: I would like to
5 respond to that.

6 MR. CAMERON: -- of meetings.

7 TELEPHONE PARTICIPANT: Two of us would
8 like to.

9 MR. CAMERON: Guys on the phone, I'm just
10 sorry, there's going to be some limitations on
11 participation. And we'll be back to you. Okay?

12 TELEPHONE PARTICIPANT: Okay.

13 MR. CAMERON: All right. Let's go to
14 Neill on timing, clear notice of meetings,
15 deficiencies, suggestions. Go ahead.

16 MR. HOWEY: Neill Howey, State of
17 Illinois. I brought a wish list of things to bring to
18 the table today. Almost universally in our agency the
19 issue of timing is that meetings and notices are not
20 timely enough for remote members of the public to
21 respond. And this meeting is a good example.

22 I guess there were phone calls made to a
23 couple of our staff that this meeting was going to go
24 on, but the official notice of this that I saw didn't
25 come out until the 21st. And, you know, that's about

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1 two weeks' notice, and that's not enough time for --
2 for remote people to respond, make travel
3 arrangements, get plane tickets, and adjust their work
4 schedules in order to be able to participate.

5 MR. CAMERON: Just let me give you one
6 clarification there. The meeting notice was on the
7 NRC meeting notice website at least 60 days before the
8 meeting. Okay? For the public. And we apologize if
9 there was a delay in getting the official notice out
10 to the agreement states, but point well taken. There
11 has to be more advance notice.

12 MR. HOWEY: That might be an item for the
13 website, too, because I looked on there and I couldn't
14 find it as recently as the beginning of last week.
15 And, you know, each -- each division of the NRC I
16 guess lists their meetings. And I kind of looked for
17 it in the ones that I normally touch and didn't see
18 it. It may have been in some other area of the
19 website.

20 MR. CAMERON: Well, having guided Ellen
21 Ginsberg and myself through the website to find the
22 meeting notice, I think that it's probably, you know,
23 an area where perhaps it could be more user-friendly.

24 Okay. Go ahead.

25 MR. HOWEY: One of the other items was

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1 that for public meetings often times the materials are
2 not available in enough time prior to the meeting for
3 an interested stakeholder to digest it, come up with
4 comments or opinions about it. ADAMS we all know is
5 not an effective place to go to try and retrieve
6 materials.

7 And often times in reactor space the -- if
8 NRC is considering or negotiating with NEI on a
9 guidance document that they're going to adopt, and it
10 goes out for notice, often times -- in fact, most
11 times the draft reg. guide does not have the NEI
12 document attached to it. And it's -- I've had a lot
13 of trouble trying to get those documents and have had
14 the most success getting them directly from NEI.

15 But, you know, they ought to be posted and
16 come out together. When they're issued for public
17 comment, I think they ought to be attached and married
18 together some way.

19 Another bee in my bonnet is that a lot of
20 meetings are held concurrently. Like today we're
21 having this workshop, and at the same time the ACRS is
22 having a meeting on reactor fuels, the revised
23 oversight process implementation panel discussions are
24 going on, and there's a workshop on human performance
25 going on in Florida.

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1 So we that come in from out of state like
2 to be good stewards of our time and cover as much
3 ground as we can. And I get frustrated when I can't
4 be in two places at once.

5 But on the other hand, it is good to have
6 meetings of various topics backed up day to day, so
7 that if we do come in from out of state we can stay a
8 couple of days and cover a lot of ground.

9 MR. CAMERON: Okay. Thank you, Neill.

10 And what I'm going to try to do during the
11 lunch hour is try to rack out for just a discussion of
12 solutions some of the things that everybody has been
13 talking about this morning, and including how can we
14 do a better job of scheduling these meetings.

15 But I guess I'd like to go to Dave
16 Lochbaum now. Anything on the timing issue, notice of
17 meetings, Dave?

18 MR. SHADIS: Chip, could I ask for a
19 clarification on what you just said?

20 MR. CAMERON: Sure.

21 MR. SHADIS: Are you -- as you rack out
22 these different items, are you going to now abandon
23 this list?

24 MR. CAMERON: No, no, no.

25 MR. SHADIS: Okay. So we're going to --

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1 MR. CAMERON: No, I'm not.

2 MR. SHADIS: -- go down through this list.

3 MR. CAMERON: No, we're going through the
4 list now, but I wanted to make sure that the -- some
5 of the various issues that we heard about this morning
6 that may not have been identified on this list are
7 clearly and explicitly laid out for people for
8 discussion this afternoon.

9 Jim, and then Paul. Jim Riccio? Timing,
10 Jim? Notice?

11 MR. RICCIO: I'd just like to say that
12 Neill's comments are right on in most regards. I
13 found that the website that -- where the meetings or
14 notices have actually gotten worse over time.
15 Basically, you used to be able to find not only when
16 the meeting was but a little something about the
17 meeting. I'm finding I'm having to call over more to
18 figure out what the heck is actually going on at the
19 meeting.

20 I used to keep a file of the number of
21 times NRC failed to properly notice meetings, and it
22 was a thick file. That has improved slightly, mostly
23 because of the technology. And I think also linking
24 -- you have the technological abilities to link your
25 meetings notices to more substantive pages within the

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1 NRC on their website. I think that would be a good
2 start to at least, you know, broadening the
3 perspective of what's on that one page.

4 That's all for the moment.

5 MR. CAMERON: Okay. Paul? Paul Gunter?

6 MR. GUNTER: Paul Gunter, Nuclear
7 Information Resource Service. Margaret, I'm going to
8 put you on the spot, if you could respond. But it's
9 an issue that I'd like an update on.

10 We've noticed over the past couple of
11 years that NMSS has been unique in a way of noticing
12 meetings relative to dry cask certification where
13 broad ranges of time, even in some cases three, four
14 months, were satisfying the 10-day requirement for
15 notification of meetings.

16 So, you know, anywhere from January to
17 June of 1999 provided as public notice for the
18 licensee basically to come in on an expedited basis to
19 get to the issue of an exemption or an amendment, and
20 that was being tolerated as the 10-day notice. And we
21 -- I believe there were a number of public interest
22 and affected communities that noticed that, and I'm
23 wondering if that's -- if that situation has now been
24 improved or if you're aware of that.

25 MS. FEDERLINE: I am in the enviable

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1 position of having been in this job for about two
2 weeks, so --

3 (Laughter.)

4 -- I can't give you a real good answer on
5 that. Let me get an answer over lunch, and I'll
6 follow up with you after lunch.

7 MR. CAMERON: And the implication, though
8 -- and maybe we should have this be explicit, Paul.
9 Let me ask you -- and some people may not know this
10 issue. But the NRC meeting policy requires 10
11 calendar days' notice. And as Jim has pointed out,
12 this has been improving, even though slightly was the
13 word that he used. But in some cases, some meetings
14 with licensees, there's a blanket notice put out.

15 And, Paul, correct me if I'm wrong about
16 this. Are you suggesting that there should not be a
17 blanket notice put out, that these meetings should be
18 -- follow the ordinary 10-day notification, or --

19 MR. GUNTER: Precisely.

20 MR. CAMERON: Okay.

21 MR. GUNTER: The issue is is that this was
22 a clear example to us where the ability of the public
23 -- actually, what it was is a clear obfuscation of the
24 meeting process for vendors and licensees in the dry
25 cask exemption and amendment process. And, you know,

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1 we were puzzled as to why that was being tolerated,
2 particularly by NMSS.

3 MR. CAMERON: Okay. Thank you.

4 Roger? Roger Houston?

5 MR. HOUSTON: I'd like to comment that I
6 think the timeliness has improved. There are still
7 last-minute things to get changed. But since the NRC
8 shifted to an official reliance on the website, I
9 think that the availability of notice for meetings has
10 improved. But I want to agree with Jim that I don't
11 think the NRC is taking advantage of the technology
12 that is there in that shift.

13 Most of the meeting subjects that get
14 posted on the web still are written to the kinds of
15 guidelines that we used to have when you were dealing
16 with a bulletin board system that was limited to 60
17 characters to describe the meeting subject. And
18 they're not very descriptive.

19 But I think with the advent of the web and
20 the additional space that is available, I think it
21 would be -- it should be possible, and it is done
22 occasionally but not very often, to include either
23 directly in the meeting notice or by link an agenda
24 for the meeting, a better description of what is going
25 to be discussed, and a notice of what background

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1 material is already out there, which are issues that
2 Neill and Paul have already commented on.

3 That could be, you know, a link to that
4 material or -- I don't mean to get too far ahead of
5 ourselves and get into ADAMS -- but put an exception
6 number in there. ADAMS works reasonably well if I
7 know exactly what I'm looking for. The problem is
8 trying to find it within the system. But if I know
9 that this is a document I need in order to prepare for
10 a meeting, I can then go to the system and download
11 that document.

12 MR. CAMERON: Okay. Thank you. And, as
13 you noted, that ties in with what Neill had mentioned
14 earlier.

15 Michael, a comment from you on this issue
16 of timing and notice of meetings?

17 MR. CAVANAUGH: Yes. This is Mike
18 Cavanaugh, Connecticut Yankee. I was surprised to
19 hear Roger just say that it was official that you
20 relied on your website. I was about to comment, don't
21 rely on your website to communicate for you.

22 At Connecticut Yankee, we use a wide array
23 of communication tools, and a couple of them are --
24 the website, of course, which is updated four days a
25 week. But we also use what we call a broadcast fax,

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1 and we have a 120-person list. These are the people
2 that have expressed interest in being on the list and
3 who get a broadcast fax every day.

4 Connecticut Yankee today is put in front
5 of them, because if you wait for them to go to the
6 website to find out about a meeting they won't be at
7 the meeting.

8 Another suggestion, the 10-day thing is I
9 think a little too confining. That may be appropriate
10 for meetings where the licensee is in the process of
11 working on a submittal, and you need to keep on a fast
12 pace. But for a meeting like this, I don't think a
13 10-day notice is appropriate.

14 This kind of a meeting we need to plan,
15 and there's a lot of different -- you're looking at a
16 different audience here, and you need to cater to
17 that. So the 10 days really -- it should be rethought
18 for this style of meeting.

19 And the other thing I wanted to comment on
20 was the old practice of broadcast e-mails that the NRC
21 abandoned. You used to be able to subscribe to an e-
22 mail list and daily get e-mails of all types -- news
23 releases, meeting notices -- and that was abandoned,
24 I don't know, a year or two years ago. That was a
25 powerful tool that I used heavily and it was very

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1 useful. I'm baffled that that was abandoned. I would
2 suggest that you relook at that.

3 MR. CAMERON: Okay. Thank you. Thank
4 you, Michael.

5 I'm going to go to the people out there on
6 the phone to address timely and clear notice of
7 meetings. That's the subject that we're on. And
8 while we have you, let's also hear from you on phone
9 access to the various types of meetings. I'm sure
10 that this meeting is helping to give people an opinion
11 of how best to do that. But if we could have you
12 address that issue, too.

13 And following Judy's suggestion, we're
14 going to go to Hugh first, if you're still with us,
15 Hugh. Any comments on timing and notice, and anything
16 you want to say about phone access to meetings?

17 MR. CARLIN: Thanks. Yes. Regarding
18 timing and access, I agree that the timing for those
19 of us who are in different sectors of our lives, it
20 really -- it's helpful to have certainly more notice
21 rather than less. Even today was an example. I only
22 found out a short time ago, and so I was not able to
23 be there. And the phone is a limiting thing, and
24 getting leave from work, and still taking leave from
25 work, in fact, to be here for this.

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1 But the telephone is -- although not
2 perfect, it sure is a big step forward. And I believe
3 it offers that channel for people to listen and hear,
4 and I know our people have had a good experience with
5 it so far. And I think the people from Rockville and
6 King of Prussia have also not found it to be an
7 interruptive experience.

8 Thank you.

9 MR. CAMERON: Thank you very much, Hugh.

10 Let's go to Don, two questions, Don --
11 timing and notice of meetings. And I think you've
12 already given us some examples of that. And the
13 ability of people to tune in by phone to various types
14 of meetings. Don, are you out there?

15 MR. MONIAK: Yes, I'm here. I just by
16 phone -- I actually also have like a video line here,
17 too, right?

18 MR. CAMERON: That may be possible, yes.

19 MR. MONIAK: Oh, you have done it. I
20 watched one in September -- DOE and NRC. I found that
21 to be quite helpful, especially when you archived
22 that. In fact, the entire Oconee licensing -- they
23 did a large video of the public hearing on the Oconee
24 relicensing. That should be done more often.

25 But the caveat that internet access does

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1 not, you know -- we should not be dependent upon the
2 internet access for anything really because: a) a lot
3 of people don't have dedicated lines, b) a lot of
4 people still aren't on the internet, and c) it's not
5 good for people's eyes staring at it for that long.
6 And the NRC does want to protect public health and
7 safety. We can't be expecting to spend this much time
8 on our computers, right? Otherwise, we get ionized
9 radiation.

10 MR. CAMERON: Okay. And, Don, that will
11 go into the list.

12 MR. MONIAK: And I agree with the
13 suggestion of broadcast faxes, using those as well.
14 And also, good old mailing lists would be nice. You
15 know, you should try to set up mailing lists by
16 affected groups, by reactors and licensees. There's
17 no reason that can't be done. The Defense Board does
18 it.

19 I think you could take some lessons from
20 the Defense Nuclear Facilities Safety Board. Every
21 one of their meetings, no matter where it is, I get a
22 letter about three weeks to a month before it happens.
23 I don't have to depend upon going to their website to
24 find out when they're going to meet. I get a letter.

25 MR. BEECHER: Can I clarify, Chip? This

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1 is Bill Beecher.

2 On the video streaming that you asked
3 about, Don --

4 MR. MONIAK: Yes.

5 MR. BEECHER -- the NRC has run an
6 experiment for several months to see how it worked,
7 and the Commission now has to make a decision on
8 whether to implement this on a regular basis. So
9 that's what you did tune in on, and a decision still
10 has to be made on whether they're going to extend
11 that. But the Commission is going to extend that.

12 MR. MONIAK: Has the Commission solicited
13 public input on that, to see how we think it may have
14 worked or if anybody is even aware that it's there?

15 MR. BEECHER: On the video streaming
16 itself, feedback is requested. And there's an
17 analysis being done on what that feedback was in terms
18 of what could be improved, how people liked it, that
19 sort of thing.

20 MR. CAMERON: Let me ask a question of
21 clarification on that, Bill, for everybody around the
22 table and on the phones. This afternoon we're going
23 to be talking more about each of these areas,
24 including video. And some of that will be included,
25 or not some of that but that will be included in the

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1 report and recommendations to the Commission.

2 But when you said that feedback has been
3 solicited, is that in the form of requests for general
4 comments from the public? Or if people want to give
5 us feedback on this initiative, how do they do that?

6 MR. BEECHER: Those who have accessed the
7 video streaming are asked right on screen to comment
8 if they have comments.

9 MR. MONIAK: Okay. I did comment on that,
10 but it really --

11 MR. CAMERON: Okay.

12 MR. MONIAK: -- at the time. But are
13 you --

14 MR. BEECHER: And it's archived, as you
15 mentioned, so that people who don't get it in
16 simultaneously can look at the archive and then
17 comment after --

18 MR. MONIAK: Could I add one more
19 recommendation?

20 MR. CAMERON: Go ahead.

21 MR. MONIAK: One word. C-SPAN.

22 MR. CAMERON: Good point.

23 MR. MONIAK: Yes. I think you guys should
24 be on C-SPAN more often. I mean, I don't know how
25 they work, but I'm sure they'd be willing.

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1 MR. CAMERON: Don, let me ask you a
2 question. I'm sort of -- I spoke perhaps too soon.
3 One of the ways of getting notice of meetings out
4 might be through the local cable TV channels.

5 MR. MONIAK: That's another thing, you
6 betcha, as well as the local papers, even just getting
7 other communities to look at it.

8 MR. CAMERON: Okay. Thank you, Don.

9 Let's go to --

10 MR. MONIAK: Let me add, we're willing to
11 help get the word out of meetings.

12 MR. CAMERON: Okay. Good. That's --

13 MR. MONIAK: We'll post it on our website,
14 too.

15 MR. CAMERON: All right. Thanks, Don.

16 Let's go to Owen on timely, clear notice
17 of meetings, and anything you want to say about phone
18 access, Owen. Are you still with us?

19 MR. BERIO: I don't think that the item of
20 meetings really addresses (phone connection lost
21 briefly). I have noticed in the paper meetings
22 concerning Hanford have been well posted and timely,
23 but I'm not sure if it's been NRC that has put them
24 out.

25 As far as phone access such as we're

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1 experiencing now, I find that the success of it is
2 largely attributable to the technology, the hardware.
3 Earlier in this session I was probably picking up
4 about 40 to 60 percent of what was being said. During
5 the past half hour or so, it seems to have improved
6 greatly.

7 MR. CAMERON: Okay. Well, that's good to
8 hear, and I guess the point is that if you're going to
9 do the phone access make sure that the technology is
10 going to get you there, right?

11 MR. BERIO: Right.

12 MR. CAMERON: Okay. Judy Johnsrud?
13 Timing, notice of meetings? Phone access?

14 MS. JOHNSRUD: Okay. On the meeting
15 notices, I do think that the agency can continue to
16 improve. I still receive written notices, but they
17 often come after the meetings have taken place or on
18 the same day. Not very helpful. I would like to see
19 a return to the daily e-mail notices. They were very,
20 very helpful.

21 As I recall, I was told that they were
22 abandoned because they were too costly? And I have
23 trouble believing that to be the case. However, they
24 would need to include -- they should include an agenda
25 of upcoming meetings, and that may be a little

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1 difficult initially, but I think it could be put
2 together.

3 It is certainly much easier than the
4 website for -- certainly for those of us who have only
5 a single line, as I do. I get complaints from people
6 who try for hours to get in touch and I'm on the web.
7 So I usually try to do that in the middle of the
8 night. That gets difficult after a certain number of
9 nights.

10 The telephone access I would urge you not
11 to try to use for roundtable discussion types of
12 meetings. I would find it very useful for the kinds
13 of technical meetings in which I would like to be able
14 to listen only, or perhaps could have a very few
15 questions, or an opportunity for some input before the
16 end of them.

17 I realize that the world is far more
18 reliant on technology, on the use of computers, but I
19 have recently been talking with some folks in the
20 Native American community in Nevada. There are some
21 concerns about Yucca Mountain. And they simply do not
22 have -- many of them do not have the money to have
23 personal computers. They don't have the distance
24 capability to go up to a library that might have a
25 computer available and be able to use it for extended

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1 periods of time.

2 I would like also to -- to recommend that
3 you do go back to mailing lists. I have found
4 receiving the documents, the SECY documents and
5 certainly the NUREG, and, please, the draft reg. guide
6 well in advance of deadline for comments -- that is
7 extremely useful. I find it's all too easy to miss
8 something 500 messages later the next week. It's too
9 hard to be sure that it's dealt with.

10 MR. CAMERON: Okay. Thank you. Thank
11 you, Judy.

12 Let's go to Deb, and then Glenn, and come
13 back to the table for comments on the phone
14 connection. Deb?

15 MS. KATZ: I think people have covered a
16 lot of the issues. I think that the telephone access
17 to meetings is important. I think it would be helpful
18 if people could be more engaged in the process, but I
19 think that is helpful. I think it would actually be
20 helpful for the NRC to reopen the public document
21 room.

22 A lot of people don't work on computers
23 and they have no access to information, and the
24 ability to prepare to be involved in these meetings is
25 very difficult if you can't get the information and

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1 you can't work with ADAMS, and almost no one can at
2 this point.

3 I'll limit my comments.

4 MR. CAMERON: Okay. Thanks, Deb. We've
5 noted the suggestion to open the LPDR up again, and
6 we'll put that on our list of issues.

7 Glenn, can you finish us off here on this
8 phone segment? And then we're going to go back to the
9 table.

10 MS. CARROLL: I think my comments will be
11 pretty provincial. I agree with a lot of what's been
12 said. I think the mail would be our preference for
13 receiving notice. And as far as timeliness, it's been
14 so uneven I have pondered before, how does the NRC
15 keep their database?

16 You know, GANE has been very involved in
17 our region, and, for instance, last summer there were
18 two instances that were fairly negative. You came to
19 town for the below regulatory concerns public meeting,
20 and I think we had about three days' notice. And it
21 was not via mail. It was -- I think you thought of it
22 at the last minute, Chip, and gave us a call.

23 And then, there were some transportation
24 regulation meetings here, and GANE was never notified
25 by the NRC but heard about it through our network of

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1 groups we work with here.

2 Conversely, the environmental impact
3 statement meetings, which I think the timing of them
4 is very curious, since it runs on an awkward timeframe
5 with the issue it covers --

6 MR. CAMERON: Glenn, can you just tell us
7 what environmental impact statement you're talking
8 about?

9 MS. CARROLL: Yes.

10 MR. CAMERON: Is it MOX?

11 MS. CARROLL: Yes, the MOX --

12 MR. CAMERON: Okay.

13 MS. CARROLL: -- environmental impact
14 statements come out -- well, we don't even know when
15 the license is going to be put out for public review
16 -- the license request -- and the environmental impact
17 statements will actually be done possibly before we do
18 begin the process to review the license anyway. And
19 I'm projecting ahead how these timing issues are going
20 to run, and they don't seem ideal.

21 MR. MONIAK: Glenn, I hate to interrupt.
22 She's absolutely right, because we were not even
23 notified that NRC had finished their preliminary
24 review. They have already --

25 MS. CARROLL: Oh, they have?

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1 MR. MONIAK: Yes. I found it ADAMS.

2 MS. CARROLL: Nice.

3 MR. MONIAK: Okay? Yes. And there's a
4 press release on 4/2. We weren't even notified. You
5 know, it's ridiculous. We've shown an interest in
6 this for years, and once in a while we're notified of
7 things and other times we're not.

8 MR. CAMERON: Okay.

9 MR. MONIAK: You know, it --

10 MR. CAMERON: Don and Glenn, thank you for
11 that not only good generic example, but also we're
12 going to -- you know, I think that there's people here
13 from the MOX project who will need to think about what
14 was just said there.

15 But what I'd like to do now is to go to
16 the table. I know that Paul Gunter has some things to
17 say about the phone access.

18 MS. CARROLL: I want to say -- I didn't
19 finish.

20 MR. CAMERON: Oh, go ahead.

21 MS. CARROLL: All of this is kind of -- I
22 was nearly finished.

23 MR. CAMERON: Okay.

24 MS. CARROLL: But all of it has made me
25 lose my train of thought. Basically, the

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1 environmental impact statements were noticed
2 adequately, so I think you need to work on your
3 database, and I advocate the mail as a method.

4 MR. CAMERON: Okay. Thank you.

5 MS. CARROLL: I think more is more here.
6 You need to notify people that you don't assume are
7 interested. You should notify -- you should be
8 keeping a better database of all the public that you
9 interact with.

10 MR. CAMERON: That's a good suggestion,
11 Glenn. Thank you. And I'll put that on the list for
12 further discussion.

13 Paul, you -- on the phone issue, I know
14 that you -- this is something you've been concerned
15 about. Is that what you want to talk about?

16 MR. GUNTER: Yes.

17 MR. CAMERON: Okay.

18 MR. GUNTER: The issue of providing
19 transparency to the NRC meeting process I think is of
20 value to both the regulator and the affected
21 community. And when meetings are held in regional
22 headquarters, often times long-standing interest in
23 particular issues is complicated by the fact that
24 these meetings are in remote locations.

25 And we've had -- without going into too

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1 much detail, what we found is is that the -- it's
2 really at the discretion of the regional offices
3 whether or not to open up these meetings -- you know,
4 with regard to safeguard information, and the like --
5 to affected public. And I don't think that it should
6 be the discretion of the regional office, that this
7 should be an overall policy consistent with making for
8 a more transparent process.

9 TELEPHONE PARTICIPANT: Hear, hear.

10 MR. CAMERON: Okay. Thank you, Paul.
11 Eliminate the discretion. Set a uniform policy. And,
12 again, we'll be coming back to this to see how that
13 should be done, etcetera, etcetera, this afternoon.

14 Ray? Phone access?

15 MR. SHADIS: Yes. I really appreciated
16 Paul's comment, because I've had some experience in
17 this area, and it hasn't been pleasant. The removal
18 of resident inspectors at decommissioning facilities
19 was accompanied with the establishment of periodic
20 telephone conferences between the region,
21 headquarters, and the licensee.

22 And in a community advisory panel meeting,
23 I asked Ron Bellamy of Region I if I could audit,
24 participate, and listen in to those telephone
25 conferences that had supplemented the now-missing

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1 resident inspector program. And he said yes. Nothing
2 happened in the couple of conferences that were held,
3 so I complained, at which point he said he never said
4 yes, at which point I went to the community advisory
5 panel minutes, dragged out his quotation saying yes,
6 got the community advisory panel to write a letter
7 saying that those were the authentic minutes, and, in
8 fact, he had said yes.

9 I then had a conversation with the
10 licensee in which the licensee admitted that they had
11 told NRC that they did not like the idea of having an
12 activist or the public listen in on these
13 teleconferences because it would provide a chilling
14 effect to their employees who like to free-wheel it on
15 the issues in these conferences.

16 And I then -- you know, having provided
17 the minutes and the letter from the community advisory
18 panel to Mr. Bellamy, I then got a letter back saying
19 he had taken it up with his supervisors in Region I,
20 and they had decided no, I couldn't listen in. It
21 would be a -- not a proper use of their resources.

22 So this is -- this is openness Soviet-
23 style, and I think -- I just want to provide, from my
24 point of view, a philosophical underpinning for why
25 this shouldn't be. You have -- I think anyone

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1 interested enough to want to participate in these
2 things should be identified as a stakeholder.

3 We have an issue of who is the public.
4 And, you know, there is the public that is unaware,
5 untuned, at the periphery of all of these issues. But
6 there is also the public who are tuned in to these
7 things. And so if they demonstrate interest, my sense
8 is, yes, that's the public, and they really need to be
9 identified as stakeholders.

10 And at that point, the burden of proof for
11 exclusion from any meeting or any conference call
12 should fall on the regulator. They have to
13 demonstrate -- and, if possible, in advance -- why an
14 identified stakeholder should not have access to these
15 communications. And by the way, communication is
16 communications all over the place.

17 Maine Yankee is famous for the Ed Trottier
18 fax, in which an NRC employee sent a list of federal
19 witnesses to the licensee. We have a responsible
20 licensee who immediately recognized the illegality of
21 this and turned that fax around and reported it to
22 headquarters.

23 But we are very, very sensitized, in our
24 area at least, to communications, improper
25 communications from NRC to licensees. And so, no, we

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1 don't take it on faith that good work is being done at
2 all times, or even good work with good intentions at
3 all times. We want to know. We want access. And we
4 base this on the idea that these are public servants
5 doing public business.

6 And I want to reiterate that if we're
7 closed out of any communication, it is the -- there is
8 a -- should be a burden for the regulator to show why
9 we should be closed out, and, of course, before, not
10 after the fact. After the fact the damage is done,
11 and we can't retrieve that.

12 MR. CAMERON: Okay. Thanks, Ray.

13 I'd just like to I guess express one
14 caution, at least in the context of this meeting. The
15 experiences that you have had are very, very important
16 in terms of identifying generic issues. But if we
17 could identify the generic issue and maybe the
18 context, but not perhaps get into the -- at least in
19 this context, the individual people that are involved,
20 I think that that would be helpful.

21 MR. SHADIS: Chip, I recognize the
22 unfairness of that, and I certainly will try to avoid
23 this as we go along. The problem with it is -- and
24 it's just like the folks out there on the phone --
25 they've complained. They've cited instances where

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1 they felt they were unfairly treated. And, you know,
2 as I look around, I get this -- just the faintest
3 shaking of heads -- no, no, that couldn't be. You
4 know? So that's why we need sometimes to cite the
5 specific case where this has occurred.

6 I mean, it's -- it puts us in a hard place
7 to, you know, make assertions, then we leave this
8 meeting, and then the assertions are gently put away
9 when the staff talks about this because we haven't
10 nailed it to a specific instance.

11 MR. CAMERON: Yes, and I think we all
12 recognize that, Ray. But I guess that if we could
13 just draw -- if there's a way to sort of draw the line
14 without talking about a specific NRC employee, at
15 least in this context.

16 We have -- let's go to Luis on this, and
17 then we're going to go to Jim, and then we're going to
18 see if we can get through at least some other issues
19 before we break for lunch.

20 Luis? Luis Reyes?

21 MR. REYES: Okay. This is Luis Reyes. I
22 just have a follow-up question for Paul Gunter, if I
23 can, to try to understand the phone access to
24 meetings. I think we recently had a situation at a
25 site where you were interested in following up the

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1 meeting on phone access, and it was a technical
2 reviewer and a supervisor who went to the site -- and
3 we noticed the meeting -- to look at a particular
4 arrangement at the facility and then have a dialogue
5 with the licensee.

6 And because of that context, I think the
7 staff told you, hey, because the discussion is about
8 something that we just observed in the plant, it may
9 be better if we could get back to you after the
10 meeting and summarize what we said, because we're not
11 sure which room in the facility we're going to have
12 the meeting.

13 And I guess I didn't follow up on it. I
14 just want to know your view on that. Did that work?
15 Didn't work? Just some feedback.

16 MR. GUNTER: Are we talking about
17 Calloway?

18 MR. REYES: No, Harris.

19 MR. GUNTER: Oh, okay. That was another
20 example. No. You know, clearly, summaries of
21 meetings -- you don't get the issue. You don't really
22 understand -- you don't get an opportunity to
23 understand all of the nuance that is explicit in -- by
24 being in the meeting.

25 So I do understand that there was a

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1 difference between the Calloway situation, which had
2 to do with overexposure of workers. We had --
3 actually, one of our Board members who has been
4 following the issue of worker exposure for 15, 20
5 years, tried to get into the meeting by phone bridge
6 and was repeatedly denied. Also, a member of the St.
7 Louis Post Dispatch was denied the ability to get into
8 that meeting, just to see what was going on.

9 But that's a different situation from
10 where you have a meeting out at the licensee's -- in
11 that case, it was out at Sharon Harris. And I don't
12 know that there should be a distinction, because the
13 Nuclear Regulatory Commission has an obligation to
14 make its meeting process public when it meets with the
15 licensee. So if that's at a -- a facility within the
16 licensee's boundaries, or within the NRC's facilities,
17 or in a Holiday Inn, clearly, the technology is now
18 available to satisfy that obligation.

19 MR. REYES: Thank you.

20 MR. CAMERON: When you say the technology
21 is there to satisfy that obligation, is that referring
22 specifically to where the meeting is going to be or to
23 the phone access situation?

24 MR. GUNTER: It applies to -- I mean, you
25 could -- you know, we now have cellular phone access,

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1 so that you could set up an arrangement like this on
2 a cellular operation and provide, you know, public
3 access to a picnic. So it's really --

4 MR. CAMERON: Apparently, it sounds like
5 it would be more fun, but --

6 (Laughter.)

7 MR. GUNTER: You know, but it -- all I'm
8 saying is that the technology is now available to
9 provide the transparency to the meeting process with
10 licensees that the NRC espouses.

11 MR. CAMERON: Okay. Thank you.

12 Let's go to Jim, and then finish up with
13 Roy on this issue, and I want to put another issue
14 before all of you. Jim?

15 MR. RICCIO: Jim Riccio, Public Citizen.
16 The timely and clear notice of meetings is next to
17 useless if the meeting is held in a remote location.
18 Neill mentioned that there's a meeting down in Florida
19 this week. We can't access that meeting. There was
20 a meeting held in Arizona on potassium iodide, I
21 believe it was last year -- impossible for the public
22 to really get to that, even the professional public.

23 I think that the use of transcripts --
24 transcripts are very useful. The meeting minutes are
25 next to useless. The way you can get around that, I

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1 know transcribing can be rather expensive and takes
2 personnel. Tape your meetings. You have the ability
3 to do streaming, which I think is excellent, but it
4 may be setting up a possibility of a technological
5 have and have not, as Judy had mentioned. And I'm
6 wondering how valuable that would be if I were working
7 on a telephone line rather than a DSL.

8 Again, back to timely and clear notice of
9 meetings, the meeting basically has to -- the meeting
10 and the issue has to be timely. What we've been
11 running into in decommissioning is that the triggering
12 of NEPA and basically -- is meaningless. The agency
13 relies upon the major federal action as being the
14 termination of the license, while the reactor is being
15 dismantled before the public's eyes.

16 So you're basically skirting NEPA
17 requirements and not providing the public the
18 opportunity to actually participate in that regard.

19 I do think that you can improve the
20 agency's ability for the public to access information.
21 I think the telephone has worked very well with the
22 Petition Review Board meetings and things of that
23 sort. But, again, it's not -- it's not the same thing
24 as being in on the meeting.

25 MR. CAMERON: Okay. Thank you, Jim.

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1 We're going to go to Roy, and then a quick
2 comment from Neill perhaps, and then I want to put
3 something on the table for all of you to see if we
4 might be able to finish that before we break for
5 lunch. Otherwise, we'll come back for it.

6 Roy?

7 MR. ZIMMERMAN: A number of the speakers
8 have rallied around the comments that have been made
9 about the remote location being a disservice, and I
10 wanted to make sure I understand that. It's not --
11 the comment isn't being made about holding public
12 meetings in the vicinity of the sites where -- it's
13 not that issue where there is a public that we're
14 trying to reach that lives close by.

15 It's more meetings that are held or
16 conferences that are held in different parts of the
17 country that are logistically a challenge to get to.
18 And it's aimed -- and for those on the phone, Jim's
19 saying yes, nodding yes.

20 MS. CARROLL: It was not possible to hear
21 what you said.

22 MR. ZIMMERMAN: I was just trying to
23 confirm the understanding of what the concern was on
24 remote location, because we have an outreach where we
25 try to hold meetings in the vicinity of our licensees.

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1 To be able to reach that public, you know, a lot of --
2 as you know, a lot of those are in remote locations,
3 and I just wanted to clarify that wasn't the issue.

4 TELEPHONE PARTICIPANT: Depends on one's
5 perspective. D.C. is very -- increasingly expensive
6 to get to. On the other hand, it is very important
7 for a meeting to take place close to the areas that
8 are most directly affected. So you do -- you've got
9 a tough problem, and I think we do understand.

10 TELEPHONE PARTICIPANT: Well, in that
11 respect, a particular concrete example is we have a
12 meeting April 16th in Atlanta regarding the PABA. Why
13 isn't that being held in Charlotte? That's crazy that
14 you're holding a meeting regarding PABA, Charlie, or
15 Rockhill, in Atlanta. Either that or you hold them in
16 D.C. I haven't seen many that are held in the
17 community.

18 MR. RICCIO: I just wanted to respond to
19 Roy's question. I was referring to conferences and
20 meetings and, and you know, workshops that are held,
21 you know, down in, you know, some resort in Florida.
22 That, you know, even if you do the 10-day notice, we
23 can't even afford the plane ticket, let alone, you
24 know, get ourselves down there in a timely manner to
25 actually participate in what are in many instances

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1 very important meetings that are setting agendas and
2 setting directions for the agency, and, you know, for
3 research or whatever.

4 And it's both -- and I understand, you
5 know, the folks in the regions have problems with
6 having meetings here in D.C. or not having them, you
7 know, at reactor locations. But I was more referring
8 to the fact that you are holding conferences and
9 workshops that are not publicly accessible even with
10 a 10-day notice.

11 TELEPHONE PARTICIPANT: I'll agree with
12 that.

13 MR. CAMERON: Okay. Can we go to Roy now?
14 Roy, do you want to ask for clarification?

15 MR. ZIMMERMAN: Yes. And I want to make
16 sure that I also understood if that's the same point
17 that Jim was making also.

18 MR. CAMERON: Paul.

19 MR. ZIMMERMAN: Oh, I'm sorry. I
20 apologize. If it was the same point about -- you made
21 it, first of all, about the remote location.

22 MR. GUNTER: Okay. There is a
23 distinction, and it's important, but we're not only --
24 what I'm specifically referencing are the things like
25 a significant determination process meeting, which I

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1 think has -- on specific issues, for an affected
2 community, when those meetings are held in regional
3 headquarters, you know, you can have a meeting
4 occurring 700, 800 miles away from an affected
5 community.

6 So, you know, our priority would be to see
7 that those -- that we first open up those regional
8 meetings to affected communities as -- via a telephone
9 bridge.

10 MR. CAMERON: Okay. Thank you.

11 We're going to go to Neill Howey for one
12 last comment. And then I'm going to see if anybody in
13 the audience has anything that they want to say. And
14 perhaps we might include Ray before we go to lunch.
15 But then we'll take a break and we'll come back and
16 continue our discussions.

17 Neill?

18 MR. HOWEY: I just wanted to clarify the
19 context of Jim's quote that I made. There is a clear
20 distinction between beltway people and people outside
21 the beltway. And in my referencing that conference
22 today, it was more in interest in attending than it
23 was inconvenience to get there, because if I have to
24 get on a plane to go someplace it doesn't make any
25 difference to me whether it's to Washington or to

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1 Florida.

2 But conferences and workshops I think are
3 different from licensee action kind of meetings. So
4 to have them in a remote location, you know, doesn't
5 bother me as a state stakeholder very much. But my
6 agreement state person sent me out here to say that
7 sometimes it doesn't make sense to have meetings in
8 Washington that affect, say, uranium mill tailing
9 licensees that are all out west.

10 And she's on the road a lot with the
11 agreement state program, so I kind of understand where
12 she's coming from. But the suggestion was that NRC
13 hold some of their meetings for specific stakeholders
14 that are out in the country some other place out in
15 the country some other place.

16 (Laughter.)

17 And in regard to summaries of meetings, I
18 find them valuable for an issue that I follow but
19 don't get particularly involved in the details of --
20 for example, this workshop or the three-day workshop
21 last week on cross-cutting issues that we're
22 interested in.

23 If there can be a summary of those
24 meetings of what the NRC has brought away from those
25 workshops or meetings posted, along with perhaps a

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1 transcript if one is taken, and maybe a video if you
2 want to sit and watch the whole thing. But I find the
3 conclusions of these meetings very useful, and the
4 timeliness of the meeting summaries getting on the web
5 is not good.

6 MR. CAMERON: Okay. Thank you, Neill.
7 And thank you everybody around the table and on the
8 phone. There have been a lot of issues that have been
9 raised.

10 Before we go to Ray for just one last
11 comment before lunch, the people in the audience have
12 been waiting patiently. You've been listening to a
13 lot of different comments. Does anybody out there
14 have a question or a comment?

15 And, Darryl, why don't you go to the
16 microphone and tell us who you are and what you're
17 doing.

18 MR. FARBER: Right. My name is Darryl
19 Farber, and I'm a fellow at Harvard University, the
20 Belfor Center for Science and International Affairs,
21 managing the ADAMS project. And one of the main
22 issues in the public understanding of -- one of the
23 main issues in public understanding is the ability to
24 understand how the documents that ground the
25 regulations are related to each other.

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1 For instance, in the case of
2 decommissioning, there's a slew of documents -- the
3 general -- the generic environmental impact statement,
4 the post-shutdown decommissioning activities report,
5 the license termination plan, the final safety
6 analysis report, as well as the state regulations,
7 and, just recently, the technical review of the spent
8 fuel pool accident risks.

9 All these are related to the 50.59 process
10 where there are unreviewed safety -- unreviewed
11 changes, and the associated probabilities -- how those
12 probabilities are determined, what is the reasoning
13 process that relates these documents, how are
14 decisions justified.

15 Now, in the case of decommissioning, there
16 is lots of issues that have been raised, and they have
17 been raised here, particularly the question of the
18 Yankee Rowe court decision and its -- either the
19 substance or the process and how the NRC has resolved
20 that. So the point here is that you have all these
21 documents that are somehow representing the knowledge
22 of the situation.

23 It is not clear to the stakeholders, to
24 the general public, how they relate, the particular
25 order of events that are supposed to follow. And

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1 that's the regulatory basis.

2 MR. CAMERON: Thank you, Darryl. And
3 that's a -- I think that's a good communications issue
4 -- is, how do we explain how the regulatory framework
5 functions? And what are the relationships of those
6 documents? So we'll put that down as an issue.

7 Anybody else out there?

8 (No response.)

9 Well, let's finish up this segment with
10 Ray, and then just let me say a couple of words, and
11 then let's go to lunch. Ray? Ray Shadis?

12 MR. SHADIS: Thank you. I was pleased
13 that Mr. Riccio brought up the question of the tapes
14 of these meetings. If tapes were distributed, I think
15 it would improve the quality of the transcripts of
16 many of these meetings.

17 I thought I was having senior moments when
18 I remembered things definitely being said at these
19 meetings but then couldn't find them in the
20 transcripts. And so I began to compare videotapes of
21 some meetings that we've had -- NRC meetings in Maine
22 with transcripts, and I found deviations from what was
23 on the tape to what was in the transcript. That was
24 disturbing.

25 I personally would want to rely on tapes,

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1 and would suggest to those activists out there on the
2 phone, too, that if you do get to a meeting it's nice
3 to make your own tape.

4 The other thing I wanted to bring up very
5 quickly is that after my glib remarks this morning
6 about Security protecting furniture, an NRC employee
7 pointedly corrected me or reminded me that there are
8 people here to be protected. And I totally, you know,
9 accept that and sympathize with that. And it is also
10 true of living downwind of a nuclear waste storage
11 facility. But, in any case, yes, I acknowledge it's
12 nice to protect people. Thank you.

13 MR. CAMERON: Okay. Thanks, Ray.

14 Thank all you for your comments and
15 attention this morning. We're sort of lurching along
16 here, but I think that we're moving towards the goal
17 of identifying issues that the NRC needs to work on
18 and potential solutions. And I'm going to try to make
19 sure we have a systematic list, at least as far as
20 we've gotten this morning, when we come back from
21 lunch.

22 But the next item on the agenda would have
23 been provision of relevant background documents.
24 We've heard a lot about that and about putting those
25 on the website, providing links, making sure that if

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1 there is a public meeting that those -- these are
2 documents identified that will help people.

3 We have the ADAMS issue. I'm not sure how
4 much we can say about that, but that is an issue and
5 we'll start there.

6 To the extent that you've already given us
7 a comment on provision of relevant documents, maybe we
8 could move through that and ADAMS quickly and get to
9 the whole issue of documentation accountability that
10 was raised several times before, and to risk
11 communication.

12 And with that, I would just release you
13 for lunch, and be back at 1:30.

14 MR. SHADIS: Did you ever notice, Chip, in
15 the movies how the mummy lurches but seems to be able
16 to catch up with the people, can really run well?

17 (Laughter.)

18 MR. CAMERON: Yes. Yes. So that's a good
19 metaphor.

20 (Whereupon, at 12:34 p.m., the
21 proceedings in the foregoing matter went
22 off the record for a lunch break.)

23

24

25

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A-F-T-E-R-N-O-O-N S-E-S-S-I-O-N

(1:43 p.m.)

1
2
3 MR. CAMERON: Can all of you on the phones
4 here hear us? Can everybody on the phone here hear me
5 talking?

6 Okay. Everybody, we're going to get
7 started now. And what I'm going to do is I'm going to
8 give a short recap of where we've been for a number of
9 purposes. One, we have a new participant on the
10 phone, Jackie Cabasso, from Western States Legal
11 Foundation, and I'm going to have Jackie introduce
12 herself in a few minutes. So I want to recap for her.
13 I also want to recap to sort of demonstrate that
14 although we've had a far-ranging discussion, there is
15 an organization to it, so that we can see where we've
16 been. And also it sort of sets the stage for when we
17 talk about potential solutions to all of these things.
18 And I'm hoping that we can perhaps quickly move
19 through some of the remaining issues and then go into
20 solutions, although we're getting proposed solutions
21 as we go along also.

22 I'm going to go to a -- I'm going to go
23 and use another mike for this, and I guess that I need
24 to have some feedback from the people on the phone
25 about whether you can hear me.

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1 Okay. We started out with -- can you guys
2 hear me?

3 TELEPHONE PARTICIPANT: Yes, that's
4 better, actually.

5 MR. CAMERON: All right. Okay. We
6 started out this morning's session with looking at the
7 different types of meetings and to examine, generally,
8 whether there should be different rules for different
9 types of meetings. And I think we're still exploring
10 that. But some of the points that were made: The
11 NRC's practice is inconsistent in terms of business
12 meetings with licensees about when and whether the
13 public gets a chance to offer anything in those
14 meetings. And it's unpredictable. You don't know
15 when you go into a meeting whether the public is going
16 to be able to say anything.

17 We also had a statement that these
18 business meetings with licensees or groups of
19 licensees, that there is a need for the Agency to
20 conduct its business with the licensee and that these
21 meetings must be treated in some respects differently
22 than public participation meetings.

23 We also heard from a number of people that
24 public must be involved in these business meetings,
25 that they have to have the ability to comment on what

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1 was said in the meeting, and that just saving it to
2 the end of the meeting can be frustrating, and that
3 it's not acceptable to just informally get together
4 after the meeting with members of the public to
5 discuss what went on at those meetings.

6 It was noted that the Agency should
7 respond to questions and concerns that are raised at
8 these business meetings, not just allow the comments
9 to come in but to have some sort of response to that.
10 We heard that the technical content of the meeting
11 should not be controlling in terms of how the public
12 participates in those meetings.

13 Paul Blanch gave us an example from Indian
14 Point of perhaps a way to do these business meetings.
15 There's the meeting between the NRC and the licensee.
16 Then there's a separate public meeting afterwards with
17 the public but with the licensee present. Perhaps one
18 solution to try to address both the need for the
19 Agency to conduct its business and for the public to
20 be involved in these types of meetings.

21 In terms of notice on meetings, we heard
22 Paul Gunter say that the blanket notice of certain
23 types of meetings should be eliminated. And, Paul,
24 you have a clarification?

25 MR. GUNTER: During the break, I was

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1 informed that the NRC in NMSS has discontinued that.

2 MR. CAMERON: Okay. But I guess that the
3 point still remains is that we should not use blanket
4 notices for any type of meeting, that there always
5 should be an individual notice for a meeting. There's
6 plenty of examples, it seems, of cases of late notice
7 for meetings. It was noted that ten days is not
8 sufficient. Ten days is what is in the NRC policy
9 statement for meetings with licensees. That that
10 amount of notice is not enough notice for other types
11 of meetings, such as this particular meeting or a
12 meeting where we're -- what we could call a public
13 participation meeting.

14 One comment was made that meetings are
15 scheduled after a decision has been made. And, again,
16 we don't have -- you know, we may get examples of all
17 of these. Adequate notice is particularly important
18 for meetings on the local facility that's held in D.C.
19 or the region to give the representatives in that
20 local community, the public, an opportunity to make
21 arrangements, perhaps, to attend.

22 We need to maintain a better database of
23 who has demonstrated an interest in a particular
24 activity or facility. Instead of just using the NRC
25 web site, we should reinstitute the email notices

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1 that, I guess, have been eliminated. We should use
2 broadcast fax; we should use mailings.

3 There was a point made that perhaps we
4 need to have a better design on the web site for
5 people to get access to the public meeting notices.
6 But we also heard that not everybody has access to the
7 Internet, and that we have to make sure that there's
8 many ways that we publish notice of meetings.

9 And a couple of the other ways that were
10 mentioned is that non-governmental organizations at a
11 particular facility could put notice up on their web
12 sites. We should use the cable TV public interest
13 channels to post notice. But general point is, is get
14 that notice out there a lot of ways.

15 In terms of -- I put category up here,
16 ease of access, okay, which is we heard, "Why don't
17 you try to coordinate the scheduling of these meetings
18 as much as practicable," I guess I would add, because
19 that's a daunting task. But some attention should be
20 paid to that. We should hold meetings in the affected
21 community. The point that Deb Katz made: Phone and
22 video access should be provided, but it's important
23 that it's done right, that the technology works, and
24 that we should have a set policy, NRC policy, on phone
25 access and not leave this to the discretion of the

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1 region.

2 Judy Johnsrud noted that phone access may
3 not be an effective vehicle for roundtable discussions
4 and that phone access is particularly important for,
5 again, meetings held on local facilities where the
6 meeting is held in the region or headquarters.

7 In terms of background information,
8 important to, first of all, provide background
9 information, rather than just schedule a meeting and
10 have nothing out there for the public on what's going
11 to be discussed at that meeting. But it's also
12 important to provide that information in a timely
13 manner rather than just showing up at the meeting with
14 documents and people only have an opportunity to look
15 at when they get there.

16 Someone mentioned we should have a
17 hyperlink on the web site, the meeting notice, so when
18 you go to that meeting notice, you can click on a web
19 site that gives you agenda and all the background
20 information for that particular meeting.

21 This next point is a point that falls in
22 the risk communication area also, but there should be
23 a clear explanation of the regulatory framework that
24 the NRC is operating under, especially in a
25 presentation at a public meeting. Darryl Farber gave

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1 us the example of the relationship of all the
2 documents on decommissioning. Minutes of meetings are
3 important, brought up by several people. Audiotapes
4 or videotapes are good. Transcripts are of lesser
5 importance, and I hope the stenographer doesn't take
6 this personally.

7 MR. RICCIO: That wasn't accurate.

8 MR. CAMERON: Okay. Jim, what did you say
9 about transcripts?

10 MR. RICCIO: I thought transcripts were
11 extremely valuable.

12 MR. CAMERON: Okay.

13 MR. RICCIO: That I understood that a
14 stenographer was expensive and that you might be able
15 to also do audiotapes, because the audiotapes would at
16 least provide you with what actually occurred in the
17 meeting, rather than the meeting minutes, which
18 basically tells you very little, other than what was
19 discussed.

20 MR. CAMERON: Okay. Thank you, Jim.

21 We had a suggestion that the LPDR should
22 be reinstated or at least with particular
23 facilities, that there should be hard copies of
24 documents out in the community.

25 We had several comments on accountability.

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1 David Lochbaum started us off at the beginning by
2 saying that regardless of what type of meeting you're
3 talking about, that the focus should be on feedback
4 from the public to the NRC, rather than the
5 information flow from the NRC to the public; that the
6 response to questions and comments is important for
7 all types of meetings not just, quote, "public
8 participation," unquote, meetings. We must do a
9 better job of how comments were considered in our
10 decisionmaking process. And then there was an
11 underlying theme from several people that
12 accountability -- on the importance of making the
13 right decision, right substantive decision from an
14 accountability point of view.

15 We started to get into fairness. There
16 were a couple of general comments and some specific
17 examples given, that the public does not have the same
18 access to the decisionmaker as the industry and
19 licensees do.

20 There were some issues about attitude,
21 perception. Security checks at meetings were brought
22 up. Ray, although he caveated it later, I think,
23 talked about the security procedure for getting into
24 the building and juxtaposed that to perhaps security
25 that's at particular facilities themselves. We also

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1 heard that having a local government moderator for a
2 meeting may not always send the right message, because
3 they may not be viewed as neutral.

4 One thing that was pointed out by the NRC
5 staff, and I've run into this before, is that the
6 whole intent of this meeting is to hear from the
7 public, but, yet, on the bottom of the meeting notice,
8 the printed meeting notice for this meeting, we still
9 ran what's an outdated boilerplate that said that this
10 meeting is for public observation only. Okay. So
11 that sometimes -- you know, that sends the wrong
12 signal.

13 Margaret Federline -- and this something
14 for us to discuss when we get to the feedback for --
15 she said, "How do we know if we're improving?" And
16 not just the feedback form but perhaps other ways of
17 knowing how we're improving. We heard that the region
18 does a better job than headquarters on these types of
19 issues. I mean it was a general statement. I don't
20 know if that applies to Region II. I'm just kidding
21 you.

22 But we heard Don make a comment about FOIA
23 policies. Bill Sinclair, from Utah, said that the
24 public doesn't have a real good understanding of the
25 difference between an NRC administrative hearing and

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1 an NRC public information meeting.

2 There were some comments on how meetings
3 are conducted. A balance -- if you're doing a
4 roundtable, try to have a balance between the various
5 interests that are involved.

6 Okay. And I guess that's sort of where
7 we've been so far. The next thing that was on our
8 agenda is the background documents issue and access to
9 information. Some people may want to talk about ADAMS
10 in that context, but perhaps we can move fairly
11 quickly through that and get to this issue of
12 accountability about how we document comments in
13 decisionmaking. And there's some feasibility and
14 resource issues there too.

15 But before we do that, I wanted to give
16 Jackie Cabasso, from Western States Legal Foundation,
17 an opportunity to just introduce herself. And since
18 she didn't have an opportunity this morning, to just
19 give us a few of her thoughts on public participation
20 issues, generally. Jackie, do you want to go ahead?

21 MS. CABASSO: Sure. Thank you, Chip. My
22 name is Jackie Cabasso. I'm the Executive Director of
23 the Western States Legal Foundation in California,
24 which is a non-profit group, founded in 1982, which
25 primarily focuses on advocacy for the elimination of

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1 nuclear weapons, and, consequently, has a lot of
2 dealings with the Department of Energy but also has
3 been a consistent monitor and frequent critic of
4 related nuclear power issues and has dealings with the
5 NRC over the years.

6 In terms of public participation, I wanted
7 to mention that we've had dealings with not just the
8 DOE but also the Centers for Disease Control, the
9 Agency for Toxic Substance Disease Registry,
10 Environmental Protection Agency, the California State
11 and Alameda County Health Departments, and various
12 municipal governments. And I have to say that NRC has
13 consistently been one of the worst in terms of just
14 the basics of public participation. So I'm happy to
15 have this opportunity, but I think that the
16 information has been conveyed to NRC on numerous
17 occasions about how it can do a better job, and it
18 really is now up to NRC to put its money where its
19 mouth is, so to speak.

20 So having not heard the discussion this
21 morning, a lot of my comments are duplicative of
22 things that other people have said. But maybe it's
23 good that I run them down anyway, because I came up
24 with them independently, and it's more sort of
25 evidence of weight of public opinion, if you will.

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1 So having said that, first of all, my
2 assumption today is that NRC wants to increase the
3 quality and quantity of public participation. And in
4 order to do that, it needs to build trust and
5 establish better relationships with public interest
6 groups and the public in general. I'm also assuming
7 that NRC is acting in good faith today, so my comments
8 are given in that spirit as well.

9 But, first of all, I have to say that in
10 terms of having phone-in participation on the national
11 conference call, for a national meeting, you need to
12 take into account the three-hour time difference,
13 because what I had here was an invitation, a request
14 to participate in basically an eight-hour conference
15 call that would have begun at 5:30 in the morning for
16 me. And not being a morning person anyway, this was
17 particularly problematic. So I timed my call-in to
18 coincide with when I thought you guys would get back
19 from lunch, but really that's not a good start for
20 trying to include people from different time zones.

21 MR. CAMERON: Yes, our apologies on that
22 one, Jackie.

23 MS. CABASSO: Yes. So I mean that's
24 obvious, but I mean these things do kind of add up,
25 incrementally.

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1 So let me just sort of run through some
2 issues here. This was already stated, but I'll try to
3 elaborate a little bit -- planning early public
4 involvement in rulemaking and other procedures. And
5 I'm talking about much earlier, and including here
6 it's important for NRC to develop and use various
7 kinds of distribution lists. Now, this was alluded
8 to, but it's just astonishing to me that NRC doesn't
9 have regular, general interest distribution lists that
10 it develops and maintains and keeps people informed of
11 what's going on.

12 That would include, I think -- something
13 that would be very helpful would be making relevant
14 materials available and accessible much earlier in the
15 process. And that would include sometimes just basic
16 information about what the various NRC procedures are,
17 how NRC makes decisions, where the opportunities are
18 for public input, and that kind of thing.

19 Because NRC is a very complex agency. It
20 has its own particular and peculiar kinds of
21 rulemaking, which in many cases are different from
22 other agencies. And so unless you're going to only
23 involve specialists, you have to educate your NGO and
24 public base.

25 Now, with respect to public notice and

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1 many other things, for that matter, meeting legal
2 requirements is not sufficient is not a defense of,
3 "Oh, but we put it in the Federal Register." That's
4 not acceptable, because most people, even non-profits
5 who work on nuclear issues, don't read the Federal
6 Register every day.

7 And the NRC -- the Agency needs to
8 recognize that few NGOs are NRC specialists. Most
9 NGOs who are involved are small, have limited
10 resources, are overextended already, and so cannot
11 rely on these NGOs to comb the Federal Register and
12 mobilize the public. That's not our job. We can
13 certainly help, but if we are notified that there's a
14 notice in the Federal Register, just that notice in
15 and of itself would be guidance to give us a heads up
16 that something that was going on.

17 So that's a fairly specific example. You
18 could post the availability of Federal Register
19 notices on email distribution lists, on the fax list,
20 the postcard list, and all the other things that you
21 were talking about. But I want to stress the
22 principle here that applies across the board, is that
23 meeting legal requirements is not sufficient, and it's
24 not a defense.

25 Second thing: There's a whole lot of --

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1 there are many issues around public meetings, and many
2 of those things were mentioned already. But how to
3 plan them, how to advertise, organize, and run them,
4 obviously -- I mean I completely agree that early
5 notice is essential, that the meetings have to be
6 timely, that early notice is not sufficient. There
7 needs to be background information and sometimes maybe
8 even specially developed background introduction of an
9 introductory nature that makes it possible for, kind
10 of, entry-level people to participate. And that
11 would, again, go back to this kind of how does the NRC
12 make decisions, what kind of a procedure is this, and
13 that kind of thing.

14 And something that I really want to
15 underscore, which I heard mentioned, but I think this
16 is critically important, is the importance of follow-
17 up. When people go to a meeting, when they ask
18 questions, when there are minutes taken, when they
19 sign up on lists when they come in, and then they
20 never hear anything again, that is not good. That
21 meeting essentially didn't happen, as far as people
22 are concerned.

23 And I'm going to cite a specific example
24 here. This was the public information meeting at CE
25 Valasedos last year, California, where we actually had

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1 a lot of discussion about how public participation
2 could be improved along the lines that we're talking
3 today. And there was no follow-up at all. So if you
4 have the meetings and you don't have the follow-up, it
5 calls into question the good faith of the Agency; it
6 calls into question the use of people's time preparing
7 and speaking and submitting comments and so on.

8 The final issue I want to raise here was
9 something I came across in reviewing the materials
10 that were on the web. The question of -- this was
11 from an NRC -- raised in an NRC document, public
12 communications initiative, before the Commission,
13 April 24, 1998. How to deal with the perception of
14 the NRC as being promotional rather than objective.
15 And I thought about that quite a bit, because that's
16 kind of a bottom line, I think.

17 And I have some ideas, which I put forward
18 as kind of a challenge to the NRC. And this gets to
19 that question of accountability. First of all, NRC
20 should, in these various settings, should admit that
21 that is the widespread perception, that NRC is a
22 promoter of the nuclear power industry. NRC should
23 admit that the American people have repeatedly been
24 misled and lied to regarding all kinds of
25 environmental contamination issues and nuclear power,

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1 nuclear weapon radiation issues in particular.

2 And in connection with that, the NRC
3 should admit that many people, maybe most people, are
4 afraid of radiation exposure and that this is not
5 irrational. In fact, evolving science indicates that
6 it's highly rational to be extremely cautious about
7 the introduction of any radiation into the
8 environment, any potential radiation exposure. That's
9 rational; it's not crazy.

10 And in this connection, perhaps,
11 acknowledging that there might be some validity to the
12 precautionary principle, the principle that says that
13 there need not be a scientific certainty established
14 regarding the link between cause and effect in order
15 to act in a precautionary manner, in order to act to
16 prevent the potential damage to the environment, in
17 this case, perhaps extra release of radiation into the
18 environment and so on. And furthermore, that the
19 burden of proof is not on the public but is on the
20 Agency.

21 And, finally, in this regard, perhaps
22 inviting people representatives of organizations with
23 anti-nuclear perspectives to share the podium
24 sometimes on a more or less equal basis as presenters.
25 Again, this is going to indicate that the NRC is

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1 objective, is not just a tool to promote the nuclear
2 power industry. And that principle, actually, could
3 be applied.

4 I meant to mention this earlier, but in
5 the case of planning meetings, it is possible to plan
6 public meetings with members of the public or public
7 interest organizations from different perspectives and
8 to come out of it with a meeting that will meet some
9 of these criteria that I've been putting forward.

10 And I've had that experience, actually,
11 amazingly enough, once about two years ago with the
12 Department of Energy. Now, admittedly, that was the
13 result of a settlement and a lawsuit, so they were
14 under more pressure than usual. But I think that all
15 of the participants would agree that the meeting was
16 much better as a result, and that was a meeting that
17 had to do with the establishment of a database for
18 DOE-controlled nuclear waste.

19 So I guess those are the things that have
20 come to mind as I went through the materials that were
21 on the web site. So, again, I apologize for being
22 duplicative, and thank you for the opportunity to
23 participate.

24 MR. CAMERON: Thank you, Jackie. That was
25 very coherent and useful. And we're going to go back

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1 and pick up on our agenda and see how much time we
2 should spend on some of these other topics in terms of
3 the identification of problems. And then see if we
4 can examine some solutions, and also some solutions
5 have been put forward. I mean it would be useful in
6 that regard, too, to hear what some of the constraints
7 or downsides on particular solutions might be and how
8 we might fashion something -- I mean how we might deal
9 with those particular constraints.

10 And I'm going to start at the table this
11 time, and then we'll go to the people on the phone.
12 Do we need to say anything more on -- does anybody
13 have anything else they want to offer on provision of
14 background documents that we haven't discussed? And
15 Jackie added one.

16 TELEPHONE PARTICIPANT: I do. I
17 definitely would.

18 TELEPHONE PARTICIPANT: Yes.

19 MR. CAMERON: Pardon me?

20 TELEPHONE PARTICIPANT: When did we
21 discuss provision of relevant background documents?

22 MR. CAMERON: No. I'm saying that there's
23 been several things that have been said about
24 provision of background documents that I just
25 summarized, and I'm wondering whether anybody has

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1 anything in addition to add to that.

2 TELEPHONE PARTICIPANT: Yes.

3 MR. CAMERON: And we're going to start
4 with the people here at the table, and then we're
5 going to go to you people on the phone. And if you
6 want to say something about access to information,
7 generally, along with that, go ahead and do that. So
8 we're going to go to Jim Riccio and then Roger Houston
9 and then Dave Lochbaum.

10 MR. RICCIO: In regard to provision of
11 relevant background documents, when NRC provides
12 relevant background documents to the industry, they
13 should also make them available to the public.
14 There's already been an inspector general's report
15 showing that SECY papers have been released to NEI for
16 comment and review, and the public was not afforded
17 the same opportunity.

18 Likewise, when the Agency is relying more
19 and more upon self-regulation by the industry, those
20 documents should be made available to the public by
21 the Agency. I've been very successful at getting
22 NEI's documents from NEI. I've been very much less so
23 in terms of getting them from NRC. For instance,
24 there will be a meeting tomorrow on security, and I
25 was unable to get the current document on security

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1 from NRC's web site. I'm hoping that they'll be
2 provided tomorrow by NEI.

3 And one thing that didn't seem to get
4 captured in your review, and I just want to throw this
5 out there, actually, for Jackie as well, is that while
6 we're talking about public participation issues,
7 public participation means more than merely public
8 meetings. It means our ability to participate in the
9 process, which means commenting on proposed rules, it
10 means having access to the courts. And we're finding
11 that while we're having this nice meeting about how to
12 run better public meetings, our rights to cross
13 examination and discovery are being circumscribed.
14 Our ability to comment on rulemakings is being
15 prescribed by basically replacing rulemaking with
16 voluntary industry initiatives. And I just wanted to
17 throw that out there for Jackie's benefit, as well as
18 to reemphasize in case it wasn't captured in our flip
19 charts.

20 MR. CAMERON: All right. Thanks, Jim.

21 MS. CABASSO: Thank you.

22 MR. CAMERON: I captured it somewhere, but
23 we put it up there again, and I did not mention that.
24 Roger Houston?

25 MR. HOUSTON: Yes. I'd like to just

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1 continue a theme for a moment. I mentioned this
2 morning, when we were talking about meeting notice,
3 the ability to use the hyperlinks and/or list
4 accession numbers for documents for upcoming meetings.
5 But with respect to providing relevant background
6 documents, I'd like to suggest that that be continued
7 for meetings that have occurred. Right now, once a
8 meeting's occurred, it gets wiped off the web site,
9 and that's, again, kind of a return -- a leftover from
10 the days of older technology.

11 I can find a SECY on the web site going
12 back to 1996, so there's no reason that we couldn't
13 keep an archive of meeting summaries in some form that
14 will then include references to links or accession
15 numbers to the meeting summary, to the slides, to
16 other documents that were produced or discussed at the
17 meeting or thereafter and would allow an interested
18 member of the public, even some of us who could
19 attend, to find the relevant documents for things that
20 have already occurred.

21 MR. CAMERON: Okay. Thanks, Roger. Let's
22 go to Dave. And then Paul and Ray, do you have your
23 card up?

24 MR. SHADIS: Been up since you ended your
25 summary.

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1 MR. CAMERON: Okay. Thank you very much.
2 Go ahead, David.

3 MR. LOCHBAUM: This is David Lochbaum. I
4 just wanted to point out a category background
5 document I think is missing. I made the suggestion a
6 couple years ago to Region I. Following an event at
7 the Salem plant where there's a preliminary
8 notification of occurrence of a loss of coolant
9 accident at the plant, and I continued to monitor the
10 web for a follow-up. And the next thing I knew, the
11 plant status report said the plant was at 30 percent
12 power. And I knew that something had to happen
13 between the loss of coolant accident and making
14 electricity, but there wasn't anything available to
15 the public to explain what was fixed, what the problem
16 or what the assurance was that it wouldn't happen
17 again.

18 I talked to Mr. Miller about that, and he
19 explained what the NRC had done to come to that
20 assurance, but there was a missing. So I talked to
21 Diane Srenchy about is a there a follow-up to P&O or
22 something like that to let the people know that the
23 loss of coolant accident is not ongoing while the
24 electricity is being made. And she said it was too
25 much of a resource -- there was a resource constraint

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1 issue. But I still think something needs to be put
2 out following events or high profile inspections.

3 When NRC sends an inspection team out, an
4 augmented inspection team out to look at a problem,
5 the inspection report comes out weeks, months later.
6 There needs to be some plain English document that
7 goes out to tell the people living around the plant
8 why it's okay that that plant is making electricity
9 until that inspection report gets issued down the
10 road.

11 MR. CAMERON: Okay. Thanks, David. Paul?

12 MR. GUNTER: Is this an appropriate time
13 to address ADAMS? I don't want to get into it in
14 detail, but as far as providing background
15 documentation, it's our concern that we can no longer
16 rely on ADAMS to do that.

17 MR. CAMERON: Okay. And, no, it's not an
18 inappropriate time to raise that issue. And you
19 stated it very simply, as you can't rely on it, and
20 perhaps there will be other comments about why people
21 can't rely on it.

22 Let's go to Ray, and then we'll go to
23 Ellen Ginsberg.

24 MR. SHADIS: Two items. Back to your
25 summary, you summarized the security concern as a

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1 contrast between security at NRC headquarters and at
2 some other facilities, and I want to press you on
3 that, because "some other facilities" just doesn't do
4 it for someone who lives less than a mile downwind of
5 where there is sited a high-level waste storage
6 facility. The risk is great; it's personal. It was
7 brought as an example, because that's something that
8 I, as a member of the public, have to live with. And
9 so when you recharacterize it as "and other
10 facilities," you take the immediacy away from it.

11 And I think that that way of dealing with
12 input from the public is something that we've seen in
13 NRC public meetings at plant sites and around the
14 country. The public raises an issue, it gets restated
15 -- it starts out as rocky road, and when you get done,
16 it's vanilla. And that's a problem for those of us in
17 the public. So I'd like you to go back to that thing
18 and write down either high-level waste storage
19 facility or independent spent fuel storage
20 installation, whichever you prefer, as a more accurate
21 characterization of the example that was raised.

22 MR. CAMERON: Yes. And, Ray, I didn't
23 mean to mischaracterize it or change it, but to just
24 make the point that you were trying to make, that
25 sometimes there's a difference in the security.

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1 MR. SHADIS: There may be nothing more
2 dangerous in the world that NRC regulates than high-
3 level waste storage, including reactors, in terms of
4 ounce for ounce, pound for pound. So it's very
5 important that that real big contrast between what the
6 commissioners are concerned with protecting and what
7 they're not concerned with protecting is recorded.
8 And I entered it here to get it on the record and to
9 make it plain. I am, of course, highly offended by
10 the commissioners' attitude on it. So I just wanted
11 to make sure that was clear.

12 MR. CAMERON: Okay. We got it.

13 MR. SHADIS: Now, the other thing has to
14 do with meeting scheduling. And it's a new aspect,
15 not one that was on the board before. But there is no
16 standard set for the documentation requesting a
17 meeting with NRC staff. And this has been a problem
18 for me. I asked for a meeting with NRC staff on spent
19 fuel pool issues back in August of last year. I was
20 advised that I needed to be more specific. We had
21 phone conversations about it. I was advised that the
22 document in question was going up to NRC Commission.
23 Suddenly there was a meeting with the NEI.
24 And when I asked how they managed to bump ahead of me
25 in line on this, there was no answer forthcoming.

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1 When I asked for the documentation on their request
2 for a meeting, I was told it was done by telephone.
3 When I consulted with the licensee, I was told, "Oh,
4 no. It was a matter of an understanding that was
5 arrived at sometime back that they would have periodic
6 meetings on the question. So it really only needed to
7 be nailed down by phone."

8 I think it would serve well if we knew
9 what it took to get a meeting, and there was a
10 standard form that was filled out that would require
11 information at a specific threshold of being
12 informative so that we would know, a, how to get a
13 meeting, and, b, how somebody else got a meeting.
14 That's it. Thank you.

15 MR. CAMERON: Thank you, Ray. Ellen?

16 MS. GINSBERG: Thanks, Chip. The reason
17 I raised my card initially was to comment -- make a
18 comment in response to something Jim had said, which
19 relates NEI's receipt, if inadvertent, receipt of
20 information from the NRC that's not publicly
21 available. It's NEI's policy that any such
22 information be returned to the NRC. And my
23 understanding is that that has always happened.

24 On another issue, the issue of
25 accountability has been discussed back and forth a

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1 number of times this morning. And while I think it
2 would be useful to have a metric for accountability,
3 I think it would be inappropriate to have that metric
4 be the outcome or the result of the decisionmaking
5 process being one way or the other. I think it's
6 important for the NRC to receive the public's
7 information, to evaluate that information provided by
8 the public. But the result of the NRC's decision
9 can't be the basis for determining whether or not the
10 process is successful.

11 And I think that's a very important point,
12 not to mix process with substantive outcome. And that
13 was something that was discussed pretty broadly this
14 morning, but I think it's an important issue that
15 needs to be front and center when we talk about it.
16 Margaret Federline mentioned, "How do we determine
17 whether we're doing better?" And I don't think that's
18 the right metric. Thank you.

19 MR. CAMERON: Okay. Thank you, Ellen.
20 And I'll note that on the accountability session. And
21 we're going to go back to that. We're going to go to
22 all of you out there on the phones now. And, again,
23 we're trying to focus on background documents. ADAMS
24 has been mentioned. And Neill, I'm sorry, we're going
25 to come back to you; missed your card.

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1 How about, Deb Katz, do you want to say
2 anything on this issue? Okay. Deb may not be there.
3 How about Glenn Carroll?

4 MS. CARROLL: Yes. I want one document.
5 I want the construction authorization request. I
6 haven't been able to get a personal response from the
7 NRC. I keep getting the generic, "It's going to cost
8 you \$40," which is mighty steep for a little group
9 like GANE who's planning to intervene.

10 TELEPHONE PARTICIPANT: That's not the
11 document; that's the CD, right?

12 MS. CARROLL: No. I want the hard copy.

13 TELEPHONE PARTICIPANT: They said that
14 they'd provide a CD-Rom for 40 bucks, right?

15 MS. CARROLL: Yes. I don't even know if
16 you can get a hard copy, according to the status quo.
17 So that is my simple request, and that's what I have
18 to say on this topic. Margaret, if you're listening,
19 see what you can do, please.

20 MS. FEDERLINE: Yes. I'll follow-up on
21 that.

22 MS. CARROLL: Thank you.

23 MR. CAMERON: Okay. And I think that,
24 Glenn, that also illustrates -- probably illustrates
25 the generic point also.

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1 MS. CARROLL: We don't ask for much, but
2 we want this one.

3 MR. CAMERON: Okay. Hugh, are you still
4 there? Owen?

5 MR. BERIO: Yes?

6 MR. CAMERON: Provision of background
7 documents, availability of material through ADAMS?

8 MR. BERIO: I'm not familiar with ADAMS.

9 MR. CAMERON: Okay.

10 MR. RICCIO: You're fortunate.

11 MR. CAMERON: I knew someone was going to
12 probably add that.

13 MR. BERIO: I gather that from the
14 comments being made.

15 What information and documentation I've
16 had to find from the NRC has simply a pattern that we
17 established working with the State of Washington.
18 That is starting with where we have an a different set
19 we can't reconcile with the state, we have asked the
20 state and received guidance and the procedures that
21 would take us through the appeals process within the
22 state government that would put us on a basis for
23 exhausting all remedies prior to going into
24 litigation.

25 We have asked the NRC essentially for the

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1 same thing, a block five grant or a road map where we
2 identify specific items, either from UMFREGA or the
3 Code of Federal Regulations, where we have the issue
4 with the State of Washington, as an agreement state,
5 that would lead us through the appeal process within
6 the NRC that would essentially exhaust those remedies
7 prior to going into litigation.

8 And our requests have been received with
9 more or less, "Gee, we don't know how to do that."
10 And we find at this time we have very limited
11 resources, and we can't waste them. So therefore what
12 we do expend has to be with an objective that can be
13 obtained. That is our problem with the NRC, period.
14 And we are looking for an answer to that. It's very
15 important to us.

16 The second thing has to do with the
17 agreement states' degree of information available. In
18 our case, in a comparison, even such things as simple
19 documents, correspondence, and so forth, there is a
20 big zero available with the State of Washington. And
21 I find that in this age where even the most basic,
22 such as impact statements, are now compiled
23 electronically, they should be available
24 electronically.

25 Our frustration has been along the same

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1 lines for impact statements, amendments, proposals,
2 and so forth, that we have to obtain them through FOIA
3 and have to pay a copy --

4 (End Tape 4, Side 1)

5 MR. BERIO: -- A lot of this is quite
6 difficult, because the information from the state is
7 essentially over on the west coast, and we are in the
8 far Northeast. We would like to see the agreement
9 states being held to such a degree of public service,
10 that is available information, that we would find on
11 the NRC home page for areas that are not inclusive in
12 the realm of the agreement states.

13 MR. CAMERON: Okay. Thank you. Thank
14 you, Owen. The basic point there on the last one is
15 that the agreement states should follow the same
16 standards for making documents available as the NRC.

17 MR. LOCHBAUM: With the exception of
18 ADAMS.

19 MR. CAMERON: Yes. Thank you, David.

20 MS. CARROLL: Chip, this is Glenn. I'd
21 like to add another point to my comment.

22 MR. CAMERON: All right. Okay. Why don't
23 you do that, and then I want to go to Don and Judy and
24 Jackie. And then come back up here to the table. Go
25 ahead, Glenn.

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1 MS. CARROLL: Since this is the only
2 document, this MOX licensee request, that we've had
3 withheld from us when we've asked, it sounds like it's
4 a money issue. And please forgive me if I'm getting
5 unclear on the agenda when I would suggest a fix for
6 this problem. I think that's the cost of doing
7 business with the licensee. I think that it comes up
8 again and again that the NRC is understaffed, that
9 your resources are overwhelmed. So whenever a
10 document is requested, be it about Vogle or Hatch or
11 the Ducogema Stone and Webster thing, it should be
12 incumbent on the licensee and a part of doing business
13 for them to provide materials to the public. And the
14 NRC could enforce that instead of nickeling and diming
15 yourselves to death with copying and mailing fees.

16 MR. CAMERON: Okay. Thanks, Glenn. And
17 I do want to just clarify that, because the term
18 "withheld" sort of is a term of art, that the document
19 is available through various media, but there is a
20 cost associated with acquiring it, depending on how
21 you want to get it. And I put your recommendation
22 down up there next to provision of the hard copy.

23 Don?

24 MR. MONIAK: Yes?

25 MR. CAMERON: Do you want to say anything

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1 more on background documents, ADAMS?

2 MR. MONIAK: Yes. Okay. I want to start
3 with cost, because it seems like the NRC and some
4 other agencies just haven't caught up to times.
5 Undoubtedly, you have high-speed printers there,
6 copiers, and if you don't, you should after charging
7 people so much for so long. There's no reason why --

8 MR. CAMERON: Don, could you just speak up
9 a little bit. I think we're losing you a little bit.

10 MR. MONIAK: Sure. Cost per copy should
11 be no more than four cents a copy to the public.
12 That's what the Defense Nuclear Facility Safety Board
13 charges for copies of things in their technical
14 correspondence log, and they cover all of their costs.
15 And they're very efficient about it. If you can't get
16 it down to three or four cents a copy, I'm sure
17 there's contractors in that area or printers who would
18 be willing to contract to do it.

19 We should not have to be paying for
20 government's inefficiency, and the NRC shouldn't be
21 profiting from our desire for copies. You get it down
22 to that level and we're less likely to demand fee
23 waivers. But we're asked to pay ten, 20 cents a page
24 and getting these outrageous, exorbitant fee estimates
25 on FOIAs.

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1 Secondly, when it comes to ADAMS, I have
2 a few suggestions, and I'll send them along in writing
3 too. But break down the documents by a clearly
4 defined category on daily basis would be really
5 beneficial -- nuclear power plants, hospitals, waste
6 sites, fuel fabricators, et cetera. Somewhere there
7 should be a listing of accession numbers or a
8 database, I'm sure you have it, so that if you know
9 the number, you can find a document much easier. But
10 I have a great amount of difficulty searching for
11 stuff and finding things; it's almost hit and miss.

12 I'll say that ADAMS is a good example of
13 good government intentions. I wish the Department of
14 Energy had something like this where so many documents
15 are at least listed. But, as you know, it's a bad
16 design. It's barely accessible to most people. It's
17 slow. But I will say it has improved a little bit.
18 I can actually save two files. And so that's what I
19 have to say about ADAMS. And it reminds me a little
20 bit of -- the Defense Board has a technical
21 correspondence log that's very beneficial that keeps
22 down FOIA cost.

23 The last thing I want to talk about is the
24 Freedom of Information Act. And NRC needs a major,
25 major overhaul of its FOIA program. On the one hand,

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1 its FOIA program is very efficient and quick when you
2 have a small request, if it's less than 100 pages.
3 But the first request I made in the job I'm now, I
4 just got a \$950 fee estimate. And I think that's
5 totally unreasonable, because everything I asked for
6 is in one file; it's in one docket. And they're
7 telling me it's going to take 15 hours of search time.

8 Nobody in the public should have to pay
9 for government's inefficiency. We're being charged
10 for inefficiency and bad estimates, not for the actual
11 cost, in my opinion. And if you're that inefficient,
12 then you need new people, but I don't think you're
13 that inefficient.

14 Secondly, when it comes to fee waivers,
15 you're making the public jump through hoops that are,
16 in my opinion, illegal, flat out. According to the
17 Department of Justice, there are six factors to be
18 considered when applying the statutory fee waiver
19 standard. The NRC has 14 factors, including asking
20 people what their qualifications are, how they're
21 going to use the information, and why they want it.
22 That's none of your business. All you need to know is
23 we know how to read and write, we're a member of the
24 public, and we're capable of disseminating it. Other
25 than that, that's totally unreasonable.

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1 And one thing I'd like to see out of this
2 call is instructions on how to petition the NRC to
3 change its FOIA rules. And this will be a test of how
4 responsive you all are, because maybe you can help
5 some of us who have never gone through the petition
6 process to guide us through it like you guide the
7 Nuclear Energy Institute and the industry through its
8 licensing processes and changes.

9 I have one more thing. Another thing I'd
10 like out of this is an explanation on how you decide
11 what is relevant, because NRC's perspective of what's
12 relevant versus the media's versus the public,
13 everybody has their own perspectives on what's
14 relevant.

15 And also who does the reviews of
16 information that industry says they want kept
17 confidential? The construction authorization request
18 for MOX is a perfect example. There's almost an
19 entire chapter considered proprietary. And does the
20 NRC ever challenge the statements made by the licensee
21 or potential licensee that these are trade secrets?
22 Who does that? How often have you overruled it, et
23 cetera? I'm real curious about this, because claiming
24 proprietary information is just a way of excluding
25 public access to documents. So on the one hand, you

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1 all do a pretty good job, in some respects, but you've
2 got your own Public Relations Department that can toot
3 that horn. I'm interested in -- we're interested in
4 improving it.

5 MR. CAMERON: Okay.

6 MR. MONIAK: It needs a lot of
7 improvement. Thanks.

8 MR. CAMERON: Don, we'll try to get you
9 the information on both of those issues, if not today,
10 we will respond to that. But I believe that Brian
11 Sheron from our staff does have some information to
12 offer on one or both of those questions.

13 MR. SHERON: This is Brian Sheron. I did
14 want to point out that we have -- I won't say very
15 frequently -- but we do sometimes turn back licensee
16 submittals on claims where they've claimed it's
17 proprietary, and we have concluded that it is not.
18 And they basically have two choices at that point.
19 They can either just keep the information or they can
20 resubmit it in a non-proprietary form. But we do not
21 automatically accept everything that a licensee
22 submits as proprietary.

23 We go through a review, we compare it
24 against -- I believe there are nine criteria which we
25 judge it against to see if it meets any of those. I

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1 would say probably about 99 percent deal with the
2 trade secrets type of deal where it would affect them
3 in a competitive fashion. But if we don't agree with
4 it, we basically send it back, and we've done that a
5 number of times.

6 MR. MONIAK: And do you have a record of
7 the times you've sent it back versus --

8 MR. SHERON: I don't think we've kept any
9 records on that, quite honestly.

10 MR. MONIAK: Okay. So you don't have to
11 file some kind of form that says why it's not?

12 MR. SHERON: Yes. I think if somebody
13 went through a lot of docket files, you would find
14 letters that might have been sent back to a licensee
15 telling them that it was being returned for that
16 reason, that we did not agree with their proprietary
17 determination. But like I said, we would have to
18 dredge through Lord knows how many docket files to try
19 and find that to get any kind of statistics.

20 MR. MONIAK: I'd like to see some of those
21 justifications or whatever you wrote as to why it
22 wasn't proprietary. Because we're going to be
23 appealing a FOIA, a denial of trying to get the
24 proprietary information.

25 MR. CAMERON: I just want to interrupt

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1 right here for one point, and I know that Roy wanted
2 to offer something too. But, Don, we'll put both of
3 those items down as action items to get you the
4 information or put you in touch with someone who can
5 explain the process. And that will be noted here for
6 the meeting now.

7 I do want to get to Jackie and Judy and
8 move on, but, Roy and Jim, can you quickly state your
9 points? I think Roy wanted to provide some more
10 information. Go ahead. And Jim had a question or a
11 comment.

12 MR. ZIMMERMAN: This is Ray Zimmerman.
13 Thanks, Chip. I think Brian did cover it at the end
14 of his discussion, that the information flow should be
15 publicly available where we provide our rationale why
16 we did not find the licensee's request for proprietary
17 nature to be appropriate. So that information is
18 publicly available. Whether we have a log in one
19 location or not is a question I can't answer at the
20 table, but it is done in a manner that the letters are
21 publicly available.

22 MR. CAMERON: Okay. Thanks, Roy. And,
23 Jim, quickly.

24 MR. RICCIO: All I want to do is point out
25 that it's no longer that easy to go to a docket file,

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1 and I was going to recommend to Don that when he comes
2 up here, before he comes to D.C., that he request from
3 the PDR that they bring the entire docket of whatever
4 it is you're interested in to the public document room
5 so you can actually go through the docket, which is no
6 longer possible now that they've removed the paper
7 from the document room.

8 MR. MONIAK: They've removed what?

9 MR. RICCIO: The NRC has removed all the
10 dockets from the document room, and in order for you
11 to review them, you're going to have to request in
12 advance that the paper be replaced into the document
13 room so you can review it.

14 MR. CAMERON: Okay. Let's finish this
15 topic up so we can go on. And I would ask Judy and
16 then Jackie, do you have anything to offer on
17 background documents/ADAMS?

18 MS. JOHNSRUD: I do. This is Judy. I
19 have found ADAMS impossible. I had understood that
20 the Commission was going to replace it with something
21 a little more user friendly. Is that true or not
22 true? Or had we better all go back to school and
23 really learn ADAMS?

24 MR. CAMERON: Was the question is ADAMS
25 going to be replaced?

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1 MS. JOHNSRUD: Yes. That was my
2 understanding from one of the last meetings I came to.

3 MR. CAMERON: Can we quickly give
4 everybody just the status on ADAMS?

5 MS. JOHNSRUD: And I'm not finished. I
6 have some other points.

7 MR. CAMERON: Well, yes.

8 MR. ZIMMERMAN: This is Roy Zimmerman.
9 What I can add is that we are not doing away with
10 ADAMS. We are very much interested in feedback; we
11 have been all along. We collect it both internally as
12 well as from our stakeholders. And we have been
13 working in a dynamic way to address the issues that
14 come to our attention to improve it.

15 MS. JOHNSRUD: Well, may I suggest that
16 you give another one of those workshops that explains
17 it to us. I'm back there and thought I understood,
18 but it simply wouldn't work.

19 But on a more general basis, with regard
20 to relevant background documents, I have been very
21 much concerned, as have others, that with the transfer
22 of documents from hard copy to digital, that there may
23 be a substantial loss of some of the older
24 information. My understanding is also that AEC
25 documents that go way back to the earlier days of

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1 records have now all been shipped away, am I correct,
2 to Oak Ridge and presumably are stored there. If that
3 is true, I would ask what mechanism the NRC has to
4 assure that, first, those documents are retained in an
5 accessible manner. And, secondly, that the processes
6 for obtaining those long past documents, some of which
7 may very well still be relevant, are clear and again
8 accessible for the public.

9 My view of a democracy is that there are
10 at least real fundamentals. One is access to
11 information; the other is access to the judicial
12 system. Now, it would have to be my observation that
13 we are seeing increasingly a decline in the
14 availability of access to -- free access and readily
15 available access to information and that that is being
16 followed by the inability to utilize judicial
17 processes to obtain information that may be crucial to
18 safety factors.

19 MR. CAMERON: Okay. Thank you, Judy.
20 We're going to go to Jackie. We have one more comment
21 up here on ADAMS, and then we're going to go to the
22 issue of accountability. And then I'm going to have
23 some recommendations on how we proceed for the rest of
24 the afternoon.

25 Jackie, do you have anything more to say

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1 on background documents? You said something on it
2 before. Do you have anything more to add?

3 MS. CABASSO: Yes. First of all, I want
4 to admit that I don't know what ADAMS is either, so I
5 don't know that it's worth getting into it now, but
6 there is more than one person participating who
7 doesn't know what it is. That tells us something.

8 MS. JOHNSRUD: Oh, I know what it is.

9 MS. CABASSO: Okay. But I don't even know
10 what it is, so that tells us something. I'm not sure
11 exactly, since I missed the conversation, what you're
12 talking about with respect to background documents,
13 but I want to make a suggestion anyway, that I would
14 include in that the suggestion that I made for the
15 development of basic information fact sheets regarding
16 NRC procedures, and Don actually requested the
17 development of a particular one, how to petition the
18 NRC to change its FOIA rulemaking.

19 I think that those kind of materials and
20 other documents, as they become available, should be
21 compiled and distributed regularly, let's say,
22 quarterly to the distribution list which needs to be
23 developed, so that you're, in an ongoing way, building
24 relationships with interested members of the public
25 and public interest groups. In other words, a regular

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1 quarterly e-mail, fax, postcard, whatever saying the
2 NRC -- these documents have become available. This is
3 a brief synopsis how you get them, something like
4 that. And I don't know whether that would be feasible
5 to do on a national basis or whether it would be done
6 based on regional or interest or facilities, but it
7 should not be impossible to do something like that.

8 MR. CAMERON: Okay. It's a recommendation
9 that we'll note, not only the development of basic
10 background information, but I think you made the point
11 earlier that we may need to develop a specific -- a
12 new background document if we're going out to do a
13 public meeting on a particular facility or activity.

14 MS. CABASSO: Right. And I'd suggest you
15 could do one on what is ADAMS.

16 MR. MONIAK: I'd like to make a little
17 add-on. I would like to see block diagrams of the
18 administrative structure of the NRC and in that block
19 diagram, I would like to see the agency or office that
20 has administrative oversight of the compact states or
21 the agreement states.

22 MR. CAMERON: Okay. And, Don, I'm going
23 to see if there is some information like that already
24 that we can send you, but I will note that.

25 I want to go to --

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1 MS. JOHNSRUD: Before you do --

2 MR. CAMERON: -- Roger now, so that we
3 really do need to move on, okay?

4 MS. JOHNSRUD: As you move on, please, add
5 the availability of the laws under which the NRC
6 operates. You used to publish it. If you still do,
7 I haven't seen it for a long time, and would love to.

8 MR. CAMERON: Say that again, Judy. The
9 availability of what?

10 MS. JOHNSRUD: For the NRC to make
11 available a compilation of the laws under which the
12 Agency operates.

13 MR. CAMERON: Oh, okay.

14 MS. JOHNSRUD: The AEA, UMTICA, all of the
15 appropriate laws. You used to do it.

16 MR. CAMERON: Okay. Thank you. Last
17 comment, Roger?

18 MR. HOUSTON: I just wanted to make a
19 comment with respect to the availability of documents.
20 There have been lots of comments made and could be
21 more made on the ADAMS system, but I'd like to suggest
22 that a goodly portion of the problems that we're
23 having with ADAMS, perhaps as much as half, is really
24 independent of the system, of the software, but they
25 are people-related issues. And it has to do with how

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1 documents get input into the system, when they get
2 input, and most importantly, how they're
3 characterized, how much information goes into the
4 subject line, what the document type is that's
5 recorded. That's a function of each individual.

6 And what that tends to affect is the
7 ability to search for documents under ADAMS if there's
8 no consistency there. Under BRS, we had a system
9 where all the documents went through a handful of
10 people who assured that there was some consistency.
11 Under ADAMS, we've eliminated that. We're taking
12 documents in from everywhere. That's a management
13 function, and I understand there are issues that have
14 got to be dealt with on that.

15 But my suggestion, and kind of a theme
16 that you've seen in some of the other comments that
17 I've made today, is as much as possible let us avoid
18 the need to use the ADAMS search function. Yes, it is
19 there, we can use it to find things, but when there is
20 an opportunity to put down an accession number, to
21 provide a specific reference that will allow us to
22 retrieve something from ADAMS, which it is good for,
23 let us use that reference, let us make that retrieval
24 without having to rely on just "Go look in ADAMS, you
25 can find it there."

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1 MR. CAMERON: Okay. Thank you. Thank you
2 very much, Roger. Neill, you had your card up for a
3 while. Let's go to you.

4 MR. HOWEY: I just wanted to echo what
5 Roger said in a couple of areas, in terms of
6 timeliness of documents being posted electronically.
7 That seems to me to be a function of the
8 conscientiousness of the staff person in charge of a
9 particular area. And it was brought to my attention
10 that the three-day on cross-cutting issues last week
11 has the flip charts and the documentation that guided
12 the workshop on the web already; the meeting summary
13 will be coming along later on. But there are some
14 other series of public meetings by panels that have
15 met where the previous two meetings' summaries are
16 still not posted on the site. So that's, I think, a
17 function NRC needs to work with in getting consistency
18 among their divisions and branch chiefs or whatever to
19 get information promptly posted on the web.

20 MR. CAMERON: Okay. Thank you very much,
21 Neill. Ray, did you have something to add on this?

22 MR. SHADIS: A question.

23 MR. CAMERON: Yes.

24 MR. SHADIS: We've been looking for
25 documentation on events at West Valley Reprocessing

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1 back in the '70s, and that resulted in a dead end here
2 at the headquarters PDR. We did get the address and
3 phone number of the Buffalo, New York local PDR, which
4 may still have that stuff in some coherent fashion.
5 And this was relevant to the recent explorations
6 regarding spent fuel pool heat-up, because it was
7 quite a bit of an experience with zirconium cladding
8 fire at West Valley. But that information is now
9 buried. And the question is, is NRC undertaking an
10 effort to collate and restore those older records?

11 MR. CAMERON: I don't know if there's
12 anybody can provide a simple answer right now for you.
13 But let me put that up on the board.

14 MR. SHADIS: Put it in the lobster pen.

15 MR. CAMERON: The lobster pen, the lobster
16 parking lot.

17 Let's go to accountability. We've heard
18 some comments on accountability already, including
19 this underlying philosophical issue about making the
20 substantive decision. I'm not sure that there's
21 anymore that we can add to that, other than what Glenn
22 and others and Ellen Ginsberg have said. But I think
23 that it's been expressed that we need to document --
24 the NRC needs to document how it considered comments
25 in the decisionmaking process. It needs to respond to

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1 comments.

2 I think the NRC might have concerns about
3 how should we do that comment response, when should we
4 do it, in terms of what public meetings? And I think
5 that there's two concerns there: One is doing it
6 right, and, secondly, the resource issue. And I'm
7 just going to set it up like that, and I'm going to go
8 to David for first comment on this.

9 MR. LOCHBAUM: This is David Lochbaum. I
10 don't think there's one answer to that question. I
11 don't think there's one right answer to that question.
12 I think there's plenty of wrong answers to that
13 question. Because, in many respects, I don't care how
14 the NRC documents its response or consideration of
15 input that I provide. I cited to the Commission an
16 example where Chris Grimes in the License and Renewal
17 Branch addressed everybody's comments individually at
18 a meeting that Jim Riccio and I were at. I think Paul
19 Gunter was at that as well. Whether it's that way or
20 whether it's undefined where there's, "A commentor
21 made this comment, and this is what the resolution
22 was," or if the NRC decision is so clear that it's
23 evident implicitly that the input was considered,
24 that's fine. Any of those or individually. If they
25 want to send me back a letter saying, "You said this,

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1 and this is why we did or didn't resolve it," any of
2 those are fine.

3 If there's none of that present, then I'm
4 going to assume that my input remains valid, and the
5 NRC's outcome was wrong, because my assumption is I'm
6 right until proven almost right. So if the NRC
7 chooses not to respond in any of those mechanisms or
8 any other mechanism it develops, I'm going to assume
9 that my input was not considered, remains valid, and
10 the outcome was flawed. That may provincial, but
11 that's the way I'm going to view it, and I think
12 that's the way a lot of members of the public view it
13 when they don't get a response to input they've
14 provided.

15 Related to that is the recent initiative
16 the NRC had, which is good but it's somewhat flawed,
17 and that's the NRC public meeting feedback form, NRC
18 Form 659. Question 14 says, "How well did the NRC
19 respond to your concerns at this meeting? A, my
20 concerns were directly addressed; B, I was provided an
21 alternative source of information to address my
22 concerns; C, I did not raise my concerns at this
23 meeting; or D, I raised my concerns and I'm not
24 satisfied with the response." There's not a category
25 for if you were bound and gagged in the corner and not

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1 allowed to say anything, which might be a subset of C,
2 "I did not raise my concerns at that meeting. Explain
3 why you didn't raise them."

4 The survey doesn't address the question
5 Roy asked this morning, "How many meetings or what is
6 the vector, if we're not given opportunities, how do
7 you answer this question or how to you provide that
8 feedback?"

9 In addition, I mentioned this morning that
10 I'd asked some questions on one of these forms and
11 never got a response. As I read the thing at the
12 bottom, it says, "If you would like someone to contact
13 you, please provide your name, number, and phone
14 number." Well, I implicitly assumed that that means
15 that somebody would, and all it really says is, "I
16 would like to if I fill in this form." So that may be
17 an assumption on my part that that would lead to a
18 response, and the NRC didn't promise that they would
19 respond if I filled it out, so it may be a
20 communications flaw on my part. Thank you.

21 MS. NORRY: Chip, could I just ask here
22 that we recognize, first of all, that obviously we
23 screwed up in not answering your question, and we need
24 to do a better job, and we are going to do a better
25 job of looking at those forms to make sure that all

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1 questions where someone has provided the information
2 how we can get in touch with them will be done.

3 But we also need specific suggestions,
4 because this form has to be revised. So I would like
5 to just use this opportunity to solicit, not right
6 here but I mean to solicit, if you could, send
7 suggestions for how the form might be more specific,
8 might illicit better information. We really would
9 appreciate it.

10 MR. LOCHBAUM: When you say "we," should
11 I send that to your attention?

12 MS. NORRY: Yes. Send it to me,
13 absolutely.

14 MR. LOCHBAUM: Okay.

15 MR. CAMERON: Okay. And I hope everybody
16 heard Pat's request. And I'd like to hear more on the
17 documentation issue around the table. We'll go to the
18 phones, but since David did bring up the feedback form
19 mechanism, I mean we don't want to review the form in
20 detail now, but if anybody has any other comments on
21 it and it ties in with Margaret's question before,
22 please do that now. Neill?

23 MR. HOWEY: I may be getting ahead of the
24 agenda here, but I think I have a suggestion that
25 covers a lot of ground.

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1 MR. CAMERON: And that's fine. I mean I
2 think we've been -- it's not hard to get ahead of the
3 agenda.

4 MR. HOWEY: Well, my plane leaves at 4:30
5 too.

6 MR. CAMERON: But, no, I think people have
7 been giving us suggestions all along, and I guess this
8 might be a point -- when we're done with this
9 accountability, I think we need to check in with the
10 public. Then we need to take a break. Then I'd like
11 to go to perhaps risk communication and those specific
12 ideas that were listed -- the contact person, public
13 advocate -- get those done so that at least when we
14 get to five we might have some of that information.

15 So, I'm sorry. Go ahead, Neill.

16 MR. HOWEY: Well, in terms of the various
17 and sundry formats for public interaction in meetings,
18 to use Dave's characterization of being bound and
19 gagged in a corner, there are many different forms, as
20 has been pointed out, from conferences, roundtables
21 and workshops, clear down to enforcement actions,
22 enforcement conferences, annual licensee performance
23 assessments, and those kinds of things. I would
24 suggest that NRC sit down, if you don't have these
25 already, and develop an internal procedure for how to

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1 conduct these various and sundry kinds of meetings.

2 For example, the only fuel cycle facility
3 in Illinois had an enforcement conference in Region
4 III, and one of our managers went up to sit in on it.
5 Nobody expected him to show, nobody asked who he was,
6 so therefore he didn't get any opportunity to comment.
7 And his observation was there was a lot of information
8 at the meeting that was considered proprietary,
9 because it involved through-puts from the licensee and
10 things that could affect your ability to compete. So
11 his suggestion was that there be some kind of an
12 internal procedure on how to deal with that particular
13 kind of meeting and that particular kind of
14 circumstance.

15 And I think that could be said down
16 through all the different levels of meetings and
17 different kinds that are at least routine, that there
18 could be a procedure format that the whole Agency uses
19 consistently on what public input is going to be
20 provided in what manner, and what opportunities will
21 be provided and when.

22 MR. CAMERON: Okay. Thank you very much.

23 MR. HOWEY: And one of our frustrations is
24 about advanced notice of public rulemakings when the
25 public is asked for comments and we submit comments,

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1 and then don't see how those comments are reflected
2 until the final rule comes out after it's too late.
3 And there's a couple of issues out there where the
4 proposed rulemaking has gone on for a long, long time.
5 So, obviously, there's more dialogue going on
6 approaching the final rulemaking. If our comments are
7 not going to be received or there's no feedback as to
8 how that's going to happen, if there's an opportunity
9 for further comment, we don't have the benefit of that
10 information in order to prepare our next set of
11 comments.

12 MR. CAMERON: Okay. Thank you very much,
13 Neill. And, Margaret, I'm going to go to you now, but
14 I would also ask the -- if the NRC staff has
15 particular questions about how do we approach this
16 comment and response, please put them on the table.
17 Margaret?

18 MS. FEDERLINE: Yes. I was just going to
19 note, it would be useful for me -- we are trying to
20 use the feedback forms, both when I was in research
21 and I'm sure Roy is too, as in NMSS. We're trying to
22 figure out how we can use this information. And,
23 occasionally, we'll have a meeting where we'll only
24 get two forms returned, and it's very difficult for us
25 if it's been a large meeting and there were a large

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1 number of people attending to read that message, what
2 should we do differently and how to use the feedback
3 that we're getting.

4 So if you have any suggestions as to how
5 we can interpret. Obviously, if there's a specific
6 question on a form and an individual identifies
7 themselves, we're going to follow-up directly. But
8 we've looked back at how can we best use this
9 information, and it's just not clear at this point.

10 MR. CAMERON: Okay. Thank you. Let's go
11 to Ray and Jim on this issue, and then I want to go
12 out to the people on the phone. Ray, did you have a
13 comment?

14 MR. SHADIS: Yes. It's in the broad area
15 of accountability, and it has to do with public
16 statements made by NRC representatives in field
17 meetings, whether there's an event like at Indian
18 Point and public representations are made by staff.
19 The Agency has traditionally retained a kind of a
20 prerogative of deniability so that when
21 representations made by staff are taken into court or
22 before an Atomic Safety and Licensing Board, we then
23 have NRC legal staff saying, "Oh, well, that was just
24 the opinion of that person, not the opinion of the
25 Agency." I'd like some clear demarcation of when NRC

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1 staffers running around out in the field are speaking
2 for the Agency or they're just giving their personal
3 opinion about how things may fall. And this can be
4 crushingly important.

5 At a license termination plan meeting, I
6 asked, when the public comment period came up, I asked
7 NRC legal counsel, the senior legal counsel member
8 there, to identify for the public the process for
9 obtaining standing as an intervenor and what the
10 qualifications would be. And what I got was a demur,
11 essentially, "Well, you know, it's all there in the
12 Federal Register, and then you just follow those
13 directions, and da, da, da, da, da."

14 And when we did follow those directions to
15 the letter, NRC staff then responded, citing about 30
16 different legal precedence for reasons that we
17 couldn't obtain standing. And this follows on the
18 representations by an NRC staffer who was a radiation
19 specialist at an earlier meeting who said, "You want
20 a hearing? Sure, we'll give you a hearing. All you
21 need do is write us a letter. You don't even need an
22 attorney."

23 So what we have is just whopping
24 disconnects here from reality. And it comes down to
25 a question of what can the public take to the bank

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1 when NRC staffers make comments in public as being
2 from the NRC? In other words, what can they really
3 rely on, count on as being the official NRC position?

4 MR. CAMERON: And, Ray, there's two -- I
5 think there's two issues there. There's a -- I'm not
6 trying to minimize the importance of them, but there's
7 the narrower issue of what the NRC is held to in a
8 legal proceeding based on something that an NRC staff
9 person might have made at a public meeting. But
10 there's the broader issue, which is the communications
11 issue of speaking correctly and forthrightly and
12 acknowledging perhaps that this may -- that the staff
13 person doesn't have all of the information available.

14 MR. SHADIS: You're absolutely right. And
15 in a kindly fashion, I just want to offer, the NRC
16 does need to train folks who are going out in the
17 field not to speak out of school, not to speak out on
18 issues that they really don't know about. The public,
19 I think, is willing to accept a flat out "I don't
20 know. I'll go get an answer for you." And that's not
21 as much of a put-off as you might think. And it's
22 certainly much better than trying to represent
23 something in an area of expertise that doesn't belong
24 to you.

25 MR. CAMERON: Okay. Thank you for that

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1 point. Jim, you have a comment?

2 MR. RICCIO: In terms of accountability,
3 we've heard repeatedly here today that the only time
4 that NRC seems to be held accountable is when we drag
5 them into court. We shouldn't have to do it over FOIA
6 requests, we shouldn't have to do it on many issues,
7 but, seemingly, that's the only time the public gets
8 any satisfaction.

9 And to simultaneously talk about
10 increasing our public confidence while removing our
11 rights to basically bring you to court seems that we
12 are never going to get any satisfaction out of this
13 Agency. And that you are going to make yourselves
14 even less accountable to the public, because we're not
15 going to have the means necessary to hold you
16 accountable.

17 If your cornerstone of public confidence
18 means anything other than assuaging the public's
19 concerns, taking away our rights is not the way to go.
20 I seem to be beating this horse to death, but it's
21 obviously very important to us, and it seems to be the
22 only way that the public can get a fair arbitration of
23 issues.

24 There's the illusion or the perception
25 that this Agency is captured by the industry that it

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1 supposedly regulates. That is not a perception that
2 is only shared by the public. It's shared by the
3 press, it's shared by Congress. And to simultaneously
4 remove our rights to hold the Agency accountable while
5 pontificating about your desire to increase public
6 confidence, seems to me to be disingenuous.

7 MR. CAMERON: Okay. Jim, thanks. And I'm
8 making sure that we capture that with under public
9 confidence. And the reason I didn't call the parking
10 lot or the paddock or the lobster pen the paddock was
11 because of the dead horse analogy on that one.

12 (Laughter.)

13 But let's go to the people out on the
14 phone, and hopefully we can go through this and get
15 some questions from the audience, and then take a
16 break and come back and explore a few other issues.
17 Jackie, you've been listening to this accountability.
18 You've already touched on some of these things. Do
19 you have some more to add?

20 MS. CABASSO: I think that the comments I
21 made at the beginning about sort of how NRC could
22 tackle the perception that it's a promotional agency
23 for the nuclear industry really goes to this question.
24 The only other comment I would make is this question
25 of how public input can be recognized and measured is

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1 a problem that cuts across different agencies.

2 But I have to say that what you're up
3 against -- what the Agency is up against is the
4 perception that we might as well take our comments at
5 a public hearing and feed them into a paper shredder
6 to save you the trouble of reading them. I just want
7 to put that out there as kind of the perception from
8 this side. We actually have done that at a DOE
9 hearing to make a point, but it's certainly equally
10 true in many cases with the NRC.

11 MR. CAMERON: Okay. Thank you, Jackie.
12 Let's go up the coast to Owen. Owen, are you still
13 with us?

14 MR. BERIO: Our experience has been
15 primarily with the Washington Department of Health as
16 an agreement state. An illustration is in the last
17 go-rounds on the renewal of the license for the site.
18 And at that time, the issue was the availability of
19 uranium mill tailings within the United States. The
20 company proposal was based on supposedly their ability
21 to economically be competitive as a dump site. We
22 very carefully inventoried the entire country as far
23 as commercial facilities as well as government
24 facilities. There alone we found little likelihood
25 that in the immediate future there would be available

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1 mill tailings. We also looked at the situation from
2 the economic side is the cost of transportation. Our
3 conclusion was that the company's assertion that they
4 could import was erroneous.

5 We documented this to the Washington
6 Department of Health. Yet the Department of Health's
7 major turning point on going along with the company's
8 proposal was without, as far as we can tell, ever
9 taking any pains to ascertain which party was correct
10 as to the availability of tailings, automatically
11 defaulted to the company's position. That's with
12 Washington State.

13 With the NRC itself, as I had said
14 earlier, we have made two requests to them. One was
15 our concerns that the Washington Department of Health
16 was not following the guidelines in the Code of
17 Federal Regulations, or UMFREGA. And the second was
18 our request of how we are to proceed in addressing our
19 concerns to the NRC. In both, my presumption is that
20 we never even got our toe in the door, never mind our
21 foot. It was slammed in our face.

22 MR. CAMERON: Okay. Thank you. That's,
23 again, that NRC/agreement state relationship, I guess.

24 MR. BERIO: As well as the NRC itself. We
25 went both times directly to the NRC and through the

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1 agreement state.

2 MR. CAMERON: Okay. And that gets back to
3 sort of the "passing the buck" concept, I think, if I
4 could refer to it as that, that you raised initially.

5 MR. BERIO: In a sense, yes. In another,
6 the buck never stopped.

7 MR. CAMERON: Okay. Thanks, Owen. Don,
8 how about you on this issue?

9 MR. MONIAK: And repeat the question
10 again. I had to step out for a few minutes, and I
11 kind of missed something. You're talking about
12 accountability --

13 MR. CAMERON: We're talking about the
14 accountability issue, NRC response to the comments
15 that are raised, the feedback form. That's the
16 general issue we're on, and I think everybody's given
17 us examples of a lot of these issues before. But do
18 you have anything further to add on that?

19 MR. MONIAK: No, I think I'll just pass
20 right now.

21 MR. CAMERON: Okay. Thanks, Don. Glenn?

22 MR. MONIAK: I'll think about it.

23 MS. CARROLL: Yes. Well, I've certainly
24 spoken about it a lot today. And I want to point out
25 that the only person who has articulated that the

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1 accountability does not need to go as far as ending up
2 in the substantive outcome is -- and I say this in the
3 friendliest fashion -- my enemy, the NEI. So let's
4 keep that in context. That is our beef. I hear what
5 Dave is saying, but I find that a little tiresome that
6 they acknowledge receipt of my comments and they lay
7 out a real pretty reason why it's irrelevant or
8 doesn't make it into the substantive issue. And we
9 don't go out there to be wrong and to raise irrelevant
10 issues. So it absolutely is the substance of what
11 we're looking at.

12 MR. CAMERON: Okay. And, Glenn --

13 MS. CARROLL: I'm not through.

14 MR. CAMERON: Okay.

15 MS. CARROLL: But you wanted to say
16 something to me?

17 MR. CAMERON: I just wanted to say that I
18 did emphasize that again here, that the heart of
19 accountability for your is not just that comments are
20 responded to or rationales given for why the Agency is
21 not going to follow a particular recommendation, but
22 it goes to following the recommendation that a
23 representative of the public, in this case, your
24 group, puts forward, right?

25 MS. CARROLL: Now, I want to point out

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1 that as rats in the NRC maze, GANE finds that when it
2 pushes the litigation lever, we still get the feedback
3 telling us that the issues we're raising are
4 irrelevant. But somehow or another, presto magico,
5 what we're looking for happens. So pushing that
6 litigation level is what gets us satisfaction.

7 So now I would say to Margaret's question,
8 which I actually intended to answer a while ago and
9 forgot, is how do you know how you're doing? And I
10 don't mean this personally, Margaret. It's almost
11 insulting to hear that. You talk about public
12 participation, and you institute one step licensing?
13 You know, it's obvious; it's basic. We know you're
14 totally insincere; not you, Margaret, but the NRC.
15 You are about to review a license for an unprecedented
16 activity involving plutonium and truck out a process
17 that doesn't include cross examination, discovery.
18 It's basic. You're not sincere about public
19 participation. And so I say don't ask us. It takes
20 basic common sense to look at the trend of the NRC to
21 see are you responding to the public. And the answer
22 is, no, you're not.

23 MR. CAMERON: Okay. Glenn, thank you.
24 That fits right in with, I think, Jim's comment.

25 MS. CARROLL: Yes. I think it does too.

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1 MR. CAMERON: Okay. Well, Judy, can we
2 hear from you on the accountability issue?

3 MS. JOHNSRUD: Yes. I don't know that
4 you'll like what you hear. I share prior frustrations
5 tremendously. And I would say that until and unless
6 the NRC can provide the public with a clear statement
7 of all of the times that fundamental significant
8 health and safety and environmental protection issues
9 have been adopted coming out of the recommendations of
10 intervenors, members of the public, local and state
11 governments, in some instances, that members of the
12 public can only conclude that indeed this entire
13 process is a sham and is designed simply to allow the
14 Agency to proceed with public relations. And I, for
15 one, want to think a lot better than that of the NRC.
16 But the burden of proof, as Jackie said earlier, is on
17 the Agency to become more, not less, protective of the
18 public's concerns.

19 Now, let me use you a specific example
20 since everyone else has, and I've spoken only very
21 generally. And that is the fact that there has been
22 opposition on the part of industry's, as well as
23 members of the public, to the release and recycle of
24 radioactive materials and waste, going back to the
25 late 1970's. Nonetheless, repeatedly, over the years,

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1 under one name, one rubric or another, the NRC has
2 persisted in its insistence upon allowing the release
3 and recycle and reuse of radioactively contaminated
4 materials and wastes.

5 Now, we are told that you must be
6 compatible with international standards. DOT has just
7 done its harmonization; DOE has revised its 5400.5,
8 although not finalized, I gather, yet. But the NRC
9 continues to persist in developing standards and
10 regulations that will allow what appears to us to be
11 a massive release, without taking into consideration
12 many factors pertaining to health and safety, their
13 interactions of such materials, the multiple sources.
14 You've heard this from me many, many times.

15 The only conclusion that we can come to is
16 that either you are not listening or you do not care
17 or you just flatly refuse to adopt the recommendations
18 that come to you from members of the public and public
19 interest organizations. And I'd like to think much
20 better of the Agency. I know there are some within
21 the Agency who have deep concerns try to make those
22 heard and accepted at various levels. I don't envy
23 you that job, but neither do I feel that on the whole
24 the staff has expressed its responsibility toward the
25 public.

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1 MR. CAMERON: Okay. We're following along
2 the same theme of making the right decision. And
3 thank you, all of you, Judy, all of you on the phone.
4 I'm going to ask if there's anybody in the audience
5 now that wants to comment or ask a question before we
6 take a break? All right.

7 MR. HOYLE: My name is John Hoyle. I'm an
8 analyst with Lamont Anderson at the moment. I'm also
9 the former Secretary of the Nuclear Regulatory
10 Commission. This is more a comment perspective than
11 a question, Chip.

12 I think NRC needs to first ask itself what
13 is an independent regulatory commission in the year
14 2001? That brings responsibilities with it, it brings
15 limitations, but it brings opportunities as well. You
16 do represent the public, but you have ties with the
17 executive branch; the legislative branch, of course,
18 controls your budget; and the judicial branch will
19 look at the litigation that is brought to it. I see
20 25 years, 26 years after its establishment legacy of
21 the Atomic Energy Commission. It was a very closed
22 meeting type of commission. And 25 years later,
23 you're still struggling with that.

24 Now, a lot of things have changed. Media
25 technology has changed in the last 25 years. You

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1 should use it to your best advantage. There is less
2 rulemaking today. There is one-step licensing or
3 perhaps opportunities for it. I see progress that has
4 been made, but you have to look at the fish bowl
5 again. What does it look like it in the year 2001?
6 It's very different from 1975, and you're getting some
7 very good input here today, Chip. But I think the
8 Commission also has to ask itself what is an
9 independent regulatory commission's role and mission
10 in the year 2001?

11 MR. CAMERON: Okay. Thank you, John,
12 suggesting a radical relook at what the Commission's
13 role is at this point in time, and what implications
14 that might have for how the Commission interacts with
15 the public.

16 Anybody else in the audience have a
17 comment or a question at this point? Okay. It's 25
18 after three, eastern daylight time. And why don't we
19 come back in 20 minutes, and I would recommend that we
20 go to risk communication issues, and then look at some
21 of the specific so-called solutions that are
22 identified on the agenda and go through those, and
23 then see where we are. Thank you.

24 (Whereupon, the foregoing matter went off
25 the record at 3:28 p.m. and went back on

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1 the record at 3:52 p.m.)

2 MR. CAMERON: We have about an hour, and
3 I think the discussion today has generated a lot of
4 good information for the NRC to consider. And I do
5 want to make sure that we touch on a couple of
6 important issues and hear from all of you on those
7 issues before we adjourn today. And one of them is
8 risk communication, which can take many forms.

9 Just to recap what we've heard, and I'm
10 sorry if I missed something here, but on risk
11 communication, we heard Ray Shadis talk about the NRC
12 staff perhaps not saying that, well, they may not be
13 sure of some information. I think you all remember
14 Ray's point on that. We heard Jackie Cabasso talking
15 about we need public information fact sheets, and I
16 don't know how familiar Jackie is or others are on
17 what the Office of Public Affairs does along those
18 lines. And I know Bill will be back to participate in
19 this. But Jackie also talked about specific fact
20 sheets, public education fact sheets in preparation
21 for a particular meeting on MOX or whatever.

22 Darryl Farber from the audience talked
23 about -- gave us an example of it's extremely -- well,
24 it's confusing to try to piece together how the NRC
25 regulations, reg guides, whatever, all tie together in

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1 some sort of coherent framework for decommissioning.
2 That can be confusing to people. It's all risk
3 communication.

4 And Ray wanted to make a comment on what
5 John Hoyle said. Ray and John Hoyle are both gone, so
6 what I'd like to do is ask David Lochbaum to start us
7 off on risk communication.

8 MR. LOCHBAUM: Thanks, Chip. Since
9 joining UCS, I've had a series of communications with
10 the NRC staff on the issue of risk and plant safety.
11 I recall a few years ago writing a letter to the
12 regional administrator in Region I asking a question
13 about Millstone, which at the time all three units
14 were shut down, doing extensive repairs. And the
15 question was, what was the NRC's view of that plant
16 safety level the day before it shut down? And the
17 answer I got back was, it was safe. I was trying to
18 find out what would be unsafe. I keep hearing the NRC
19 tell me that things are safe or being operated safely,
20 so where is that line drawn? Where would something
21 cross that line? And that didn't do it.

22 So then I've heard, in testimony to the
23 Congress, the NRC commissioners tell the Congress that
24 safety levels have continuously improved over the past
25 two decades. So I asked the question, well, what was

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1 the safety levels 20 years ago? Was that unsafe? No,
2 that was safe too.

3 So I don't know if ever -- the only thing
4 I found was in March of 1987 when the Peach Bottom
5 Plant was shut down, Victor Stello considered the
6 Peach Bottom Plant to be representing a threat to
7 public health and safety, or words to that effect.
8 And that was for having a deficient corrective action
9 program. That wasn't for the operator sleeping. That
10 was for having a deficient corrective action program,
11 which now that we see examples of deficient corrective
12 action programs elsewhere, I wonder why that's not
13 unsafe. If it was unsafe at Peach Bottom, why is it
14 not now? And I have no clue.

15 So I think there's a big problem with the
16 words that NRC uses. Ray Shadis last week at the
17 reactor oversight process workshop brought up the
18 issue of minor violations versus major violations.
19 The procedures say you don't document minor violations
20 in inspection reports. And yet when the public points
21 out an inspection finding, a green finding in the
22 inspection report, the staff's answer is, "Well,
23 that's a minor violation." Well, if your procedures
24 say you don't document minor violations, how could
25 something you document be minor? So you seem to be

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1 having it both ways.

2 Also, a lot of the discussion nowadays in
3 this risk informed environment is on probablistic
4 numbers -- ten to the minus fifth, ten to the minus
5 sixth, or whatever. And the public has a real problem
6 understanding that. I was talking to Doug Cove of the
7 NRC staff last week, and he said that a few years ago,
8 the NRC Office of Research commissioned the University
9 of Wisconsin to do a literature search on risk
10 communications across various industries and prepare
11 a NUREG document, and I haven't had time to find the
12 number yet.

13 It basically reported the results of this
14 literature search. There was no follow-up on that to
15 then figure out what's the right words to use, what's
16 the right way to communicate to a broad audience on
17 risk. I think that seems like that would be a good
18 thing to do now and then communicate the results of
19 that within internal stakeholders so that those folks
20 could talk to the public in a more consistently
21 understood manner.

22 The whole issue of risk numbers themselves
23 is a little confusing to us, because I think it was in
24 June of 1998 somebody called in a bomb threat to NRC
25 headquarters here. I think it was June 24, 1998, and

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1 I do have an alibi.

2 (Laughter.)

3 But the response to that was to evacuate
4 the building and to bring in authorities to look for
5 the bomb, which is a prudent response. I'm not at all
6 criticizing that aspect. But I sat down after that
7 event, long after that event, and took numbers from
8 the ATF and the FBI and calculated what the risk of
9 any person, federal employee, being hurt from a bomb
10 explosion. And it came out to be in the range of ten
11 to the minus eighth to ten to the minus 12th,
12 depending on some of the assumptions you made in your
13 input.

14 So if you were protecting your own lives
15 with the same rigor that you protect the American
16 public, you wouldn't draw the line at ten to the minus
17 six. You obviously didn't. You have an example in
18 the recent past where you ignored -- you didn't sit
19 down and do a risk number of what the threat level is
20 and then either take action or not take action based
21 on that threat level. You did the prudent thing and
22 got the people out of harm's way till you verified
23 that there was no harm, and then you sent people back
24 into the building.

25 If you find a problem in a plant today,

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1 you can go out and calculate it at ten to the minus
2 fourth or ten to the minus fifth and leave that plant
3 running and leave those people in harm's way, and that
4 just seems hard to reconcile that you would protect
5 yourselves to -- well, it's not hard to reconcile. I
6 would do the same myself. But it's hard to
7 communicate to the public that you're putting safety
8 first when you're using this risk number dodge, and
9 that's all it is.

10 I think that's a problem you're going to
11 have to get over, and we're going to continue to point
12 out the example of the bomb threat and how you
13 responded versus how you protect them, just to make a
14 little bit harder for you. I don't think that's the
15 right way to do it. I don't think you should throw to
16 the ten to the minus sixth and LERF and CDF numbers at
17 the public. I don't think that's the right way to
18 communicate the risk.

19 In the attachment, or the handout, I
20 provided today, I provide an example of what we think
21 is the right model. And maybe it needs some tinkering
22 yet, but I think it's the right model. And that's
23 when a problem occurs at the plant, look at the as-
24 found risk levels, and don't do it in numbers, because
25 anybody can come up with a set of numbers. Do it in

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1 terms of would people around the plant have been
2 harmed had the accident occurred from that condition?
3 If the answer is no, explain why not.

4 Today, all too often, when a problem is
5 found at a plant, both the plant owner and the NRC
6 talk about the as designed safety margins, and that's
7 not an issue. What's a problem is the plant doesn't
8 meet its design or doesn't meet its license. Look at
9 the as-found safety margins, and if they're adequate,
10 say so. And if not adequate, say so, and explain
11 what's going to be done to fix it. So I think that's
12 the problem with risk communication more than a --
13 it's even less than a nutshell, but at least that's
14 the framework that we use in talking about risk.

15 MR. CAMERON: Thanks, David. I would like
16 to ask others around the table, NRC staff, if you have
17 questions about the as-found safety margin or some of
18 the other things that David said.

19 Let's go to Paul and then Neill and then
20 Ray.

21 MR. BLANCH: Paul Blanch again. I'd just
22 like to reinforce what Dave said. And I relate to an
23 incident that occurred, I think it was either 1994 or
24 1995, that really will emphasize what Dave said.

25 At Millstone, I think it was Unit 2, they

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1 determined that the containment sump recirc valves may
2 not have been able to be opened if there a loss of
3 coolant accident. NRC and the licensee said, "Well,
4 the accident didn't occur; therefore, everything was
5 okay." They never said what would happen if the
6 accident did occur. And I think there's enough
7 nuclear engineering people around here who can take
8 that to the extreme. If a loss of coolant accident
9 did occur, it would have been a disaster.

10 I think this is what Dave is saying. What
11 would happen had you lost that safety margin? And
12 there is a lot of cases where we see diesel generators
13 determined to be inoperable, containment spray,
14 containment recirc, and all we ever hear is, "Well,
15 the accident didn't happen." And, Dave, I think
16 you're right on in your point, and I wanted to just
17 reinforce that with an actual example.

18 MR. CAMERON: Okay. Thanks, Paul. Neill?

19 MR. HOWEY: Well, we in Illinois are fans
20 of risk analyses but understand that numbers that come
21 out of them are full of uncertainties, especially in
22 the human performance area. So I would support a
23 couple of these comments by saying in lieu of the
24 numbers if an event happens, it's analyzed through a
25 risk analysis, that there be an easy to understand

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1 articulation of what else would have had to happen
2 before there was a risk to core melt? There's no risk
3 to the public until the core melts in terms of
4 emergency response. So I'd like to hear an
5 articulation sometimes of if there is a problem, what
6 else needed to happen before you ended up into a core
7 melt sequence?

8 The other thing -- and this whole thing is
9 flawed in our minds, because, first of all, the use of
10 risk analysis is voluntary; second, there's no
11 requirement or standards for -- well, actually, there
12 are standards, there's numerous standards, and it's
13 sort of a case by case basis on how these things are
14 used. So we kind of look at the results cynically.

15 But I agree with the observation that when
16 you're responding to events that occur, similar to
17 analyzing the A4 maintenance rule, that the
18 conditional core probability be used rather than the
19 core damage frequency to identify what margins were
20 lost at what particular time and what particular
21 sequence, and what else needed to happen before there
22 was a real loss or real danger to the public.

23 MR. CAMERON: Okay. Thank you, Neill.
24 Let's go to Brian right now and get NRC perspective,
25 and then we'll go back to Ray and Jim and over to

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1 Michael.

2 MR. SHERON: Well, this was, I guess, more
3 of a question, actually. The NRC does look at how far
4 away were we. That's called the ASP Program, Accident
5 Sequence Precursor Program. And they're typically
6 documented. The Office of Research does those. And,
7 basically, they will take an actual sequence or an
8 event that occurred at a plant and analyze it from a
9 risk perspective to see how close were we to some sort
10 of a core damage accident. And those are published.
11 So I'm wondering, first off, do members of the public
12 find those useful or helpful in putting certain events
13 in a risk perspective?

14 And just the other thing is that
15 recognizing that PRAs do have uncertainties in them,
16 some more than others and the like, we've tried to
17 emphasize that our decisionmaking process is a risk
18 informed one, not a risk based. And, basically,
19 presumably the more uncertainty there is, the more you
20 rely on other factors when you make your decisions.
21 So I just wanted to point that out.

22 MR. CAMERON: Okay. Thanks, Brian. And
23 I would ask Jim and Ray, if they choose to, to respond
24 to -- besides what they have to say, if you want to
25 respond to what Brian asked about the usefulness of

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1 what we do. And we'll go back to other people. And
2 we will go to the phones too. But, Ray?

3 MR. SHADIS: It's always helpful to get
4 the insights of the professionals on reactor core
5 damage probabilities of risk. There are other issues,
6 minor issues, or smaller issues -- how do we state
7 that? There are other major minor issues that just
8 leave the public wondering. So often an inspection
9 report will detail some defect, and then use chance,
10 mere chance to explain away its significance.

11 Recently, I believe it was at Millstone
12 that a security gate failed to latch because of snow
13 and ice conditions, and then swung open and was
14 essentially left open, blocked open with snow. And
15 this was regarded as being of very low safety
16 significance, because, hey, no terrorist showed up to
17 walk through. So that may make sense to you NRC
18 folks, but I can tell you that doesn't make sense to
19 somebody who grew up in a family that ran a retail
20 store. When the police called us up at night when
21 they did a door check and said, "Hey, the front door
22 of the store was left open," I was disciplined.

23 (Laughter.)

24 So you can follow that.

25 But one of the problems here the previous

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1 speakers were all being all together too logical.
2 Some of these things really have to do with the way
3 that NRC comes across, what's the connotation in what
4 is being said.

5 At the Regulatory Information Conference,
6 one of our commissioners said that the NRC was
7 pursuing more realistic radiation standards. Now,
8 that means one thing to you folks that work in the
9 Agency. It means another one thing to the public. It
10 means that radiation standards are going to be made
11 more lenient. That's all it means to us, and that NRC
12 is out hunting for the means to make that happen.

13 And what we see, especially when there's
14 an urgency to it, we say, well, what is the motivation
15 here? What's the driving force? It's certainly not
16 -- it doesn't begin -- it may be excused away this
17 way, but it certainly doesn't begin with NRC saying,
18 "Oh, we must heighten public protection, health and
19 safety." That's not where it begins. So, you know,
20 when we hear that kind of communication coming out of
21 NRC, we think we're being snowed.

22 And the other thing is, well, that may be
23 demonstrated by an exchange that took place during the
24 Commission briefing on the spent fuel pool risk
25 analysis. And, essentially, the initiating event for

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1 spent fuel pool draindown that was considered to be
2 the most probable in that meeting was an earthquake,
3 and it would have to be a whopper of an earthquake to
4 challenge most -- at least most PWR spent fuel pools.
5 And so we got into risk analysis, and it was way out
6 there, the probability numbers.

7 But the spokesman for the Nuclear Energy
8 Institute at that meeting said that, "Yes, yes, yes.
9 We have to prevent against these things. On the other
10 hand, we also have to prevent against a negative
11 gravity episode should one ever occur." And the
12 commissioners and one and all chuckled. At that
13 point, living with a spent fuel pool at this point I
14 didn't think it was all that funny, but then one of
15 the commissioners joined in to say, "Oh, yes. Well,
16 you know, in historic times, we've had asteroid
17 strikes, but I don't suppose we want to go around
18 preparing for an asteroid strike."

19 TELEPHONE PARTICIPANT: That's why we need
20 nuclear weapons.

21 MR. SHADIS: That's a help.

22 TELEPHONE PARTICIPANT: That's an argument
23 Livermore makes, in all seriousness.

24 MR. SHADIS: Well, it's an argument that
25 the public rejects, in all seriousness. And not only

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1 that, but it's an attitude. It's a flippant -- the
2 word was used before -- arrogant attitude toward
3 public sensibilities. The public was in attendance at
4 that Commission briefing. And so whatever our
5 concerns may be, whatever the foundation for those
6 concerns may be, what was thrown in our face was
7 simple mockery.

8 MR. CAMERON: Okay.

9 MR. SHADIS: And I call that bad hosting,
10 by the way.

11 MR. CAMERON: The whole idea that's been
12 expressed about hosts and courtesy to guests and
13 inappropriate behavior well taken. Thank you, Ray.

14 MR. SHADIS: Well, this is in the area of
15 risk, and let me just tie it together, because in the
16 different panels that I've sat on, it often comes up
17 to, well, how can we explain to the public "risk."
18 And the conversation runs to comparative risk. What's
19 your risk of dying in an airplane wreck or getting bit
20 by a black widow spider or whatever it may be. And
21 they run out all these different little risk
22 scenarios. But, basically, what it comes down to is
23 not how can we assure the public that the NRC is doing
24 its job, it comes down to how can we assure the public
25 that nuclear power is safe? And that is not the job

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1 of the NRC.

2 MR. CAMERON: Okay. Thanks, Ray. And
3 we're going to go to the rest of the people at the
4 table. And then we have to go out to the people on
5 the phones. Let's go to Michael, and then we'll come
6 back to Jim. Michael?

7 MR. CAVANAUGH: Risk communication is --

8 MR. CAMERON: Michael Cavanaugh from
9 Connecticut Yankee. Go ahead, Mike.

10 MR. CAVANAUGH: Thanks. Risk
11 communication is near and dear to my heart, and I
12 thought I would make a couple of suggestions for you.
13 And I'll harken back to the example that Hugh Curley
14 gave you where we talked about 200 filled canisters
15 versus failed canisters. And then I didn't really
16 even -- when we got back to a number like four or six
17 failed, we still left the public thinking that four or
18 six times some member of the public was tragically
19 exposed to a failed canister.

20 Risk communication requires skill, and
21 that requires that NRC identify some individuals in
22 the Agency that have that skill and stick to those
23 people and get them consistently out there speaking
24 and speaking with authority. That's a difficult thing
25 to do. But I was reading this initiative, this SECY

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1 from 1998, and there was some talk about training a
2 cadre of 300 to 400 people. And I hope you didn't do
3 that or are not doing that.

4 What I hope you'd do is get 300 or 400
5 people that you think might be speakers and get
6 somebody from the outside to do a facilitated session
7 to find out who among that group would be good risk
8 communicators. Once you identify those people,
9 deputize them. If you have to deputize one for each
10 of the divisions, then do that. And then stick with
11 that guy. Don't say, "Well, we'll rotate these guys
12 through." That confuses the public. Be consistent,
13 put forth the same familiar face so that people will
14 have somebody to go back to and send that email to,
15 "You said this. I wanted to follow up with that."
16 It's very important to be consistent. It's what we
17 concentrate on in the industry a great deal.

18 Second, I would say know your audience.
19 Most of the world out there they're more concerned
20 about soccer practice than the stock market. But
21 there is a section out there that's concerned about
22 what's going on here. And I call them either the
23 civic-minded, the concerned folks or the critics. And
24 some of the critics, they'll never change their mind,
25 and you have to be careful that you're not tailoring

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1 your messages for that one slice of audience. You
2 have to consider all the audience equally, because
3 some people that are truly concerned will have their
4 concerns allayed if you can just use sensible risk
5 communication.

6 This whole thing about the spent fuel pool
7 risk study is really difficult, because there's no
8 such thing as zero, so the headlines read, "Ah, fuel
9 can catch on fire." As a nuclear engineer myself, I
10 do not believe remotely anywhere that it's at all
11 possible. Recognize the power of your words.

12 And Ray Shadis was absolutely right when
13 he said, if you're not sure, don't stick it out there.
14 Say you don't know. Come back and come back with the
15 right answer. The power of your words is incredible,
16 and a good skilled risk communicator understands that
17 and isn't afraid to come back with an answer, rather
18 than trying to wing it.

19 Know when to say when on public
20 participation. And I know this will draw some
21 retorts, but there are some cases that I'm observing
22 where this kinder, gentler NRC has just opened the
23 doors everywhere, and the scientists are having a hard
24 time. They're suddenly public speakers, and they
25 don't know how to say zero very well. They say one in

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1 so many million people will die based on this risk
2 calculation. This does not endear confidence, which
3 I love pointing back to the NRC's performance goals:
4 safety, confidence, efficient and realistic and
5 unnecessary regulatory burden. These are very good
6 goals, and I ask the NRC to harken back to those each
7 time you put a scientist in the public forum and ask
8 him to be a public speaker, because they're just not
9 cut out -- they don't want to be public speakers. And
10 I wish there was a scientist in the room that would
11 say, "Yes."

12 But putting scientists in the public eye
13 could hinder their work, because they're constantly
14 worrying of what's the public perception of this going
15 to be. And the license termination plan that
16 Connecticut Yankee has in progress is a perfect
17 example of that, because the staff is struggling with
18 what -- and this has come out in these conferences
19 that we've been having. They're concerned what's the
20 perception going to be. Well, there's a standard out
21 there and there's a regulation. Why can't we work to
22 that?

23 This whole idea of risk communication
24 requires skill, and we have to come back to
25 identifying those people with the skill to do that.

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1 And don't put the people that are making scientific
2 decisions in that position, because it will make their
3 job much harder. And I point back to efficient and
4 realistic in your goals.

5 Now, if you're looking for ways to get out
6 there in the world, I have another near and dear
7 example. There's a lot of conferences, there's
8 societies that deal with risk communication. There's
9 a High Level Rad Waste Management Conference in Nevada
10 next month. Please come to that. There's going to be
11 a community forum.

12 TELEPHONE PARTICIPANT: How much does it
13 cost? What's the cost?

14 MR. SHADIS: About 800 bucks for the
15 Nevada one, yes.

16 TELEPHONE PARTICIPANT: There you go.

17 MR. CAVANAUGH: There will be a session on
18 community involvement, and there's a session on
19 examples, and I think it would good. The NRC could
20 come, and there's community groups that are going to
21 be brought. One of them that we'll be bringing from
22 Connecticut Yankee and one from Maine Yankee.
23 California is going to be bringing some members of
24 their community groups, and that will give you a good
25 --

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1 TELEPHONE PARTICIPANT: You're going to
2 pay their way?

3 MR. CAVANAUGH: That's affirmative; we
4 are.

5 TELEPHONE PARTICIPANT: Including Ray
6 Shadis from Maine Yankee.

7 MR. SHADIS: Yes.

8 MR. CAVANAUGH: Yes. Maine Yankee.

9 MR. CAMERON: Let's keep going, Michael.
10 We'll get to the people on the phone, and they can --

11 MR. CAVANAUGH: I'll just tie a ribbon on
12 this thing by reminding you, please, remember your
13 goals and identify that spokesperson and empower him,
14 deputize him, and be consistent with putting him in
15 the public eye.

16 MR. CAMERON: Okay. Thank you. We have
17 two cards that we're going to take here at the table,
18 and then we're going to go out to you guys on the
19 phone.

20 One thing I should mention is that Terry
21 Concannon, who's the Chair of the Nuclear Energy
22 Advisory Committee that was formed by the State of
23 Connecticut, did mention one thing. She unfortunately
24 couldn't join us on the phone, but one of the problems
25 that she mentioned that Michael alluded to is that

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1 it's distressing for people out in the public to have
2 to deal with the continuity of NRC staff issue.
3 Project managers keep changing. And how do you
4 maintain that continuity of staff?

5 Let's go to Jim and then to Neill, who has
6 to leave, and then let's go to Don Moniak, first, on
7 the phone.

8 MR. RICCIO: Okay. I would disagree with
9 Michael. I think risk communication doesn't require
10 skill; it requires honesty. And as far as the public
11 is concerned in the risk-informed approach that's
12 being taken by this Agency, the emperor has no
13 clothes. Your PRAs are premised upon plants meeting
14 their design basis. They don't. Your PRAs are
15 premised upon there being a stable grid. There isn't.
16 If you want to be realistic, how about using two
17 times, or what is it, your core damage frequency is
18 two and about 2,600 reactor years, not one times ten
19 to the negative four, five, six or seven or eight.

20 You want to risk numbers? Use the core
21 damage frequency that's occurred in this nation, and
22 that's not even -- that's excluding the core melt
23 accidents that occurred at test reactors. That's only
24 in the commercial industry -- Fermi and Three Mile
25 Island. So because you haven't melted down a reactor

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1 in the last 20 years doesn't mean that your safety
2 level is adequate. We're retreating from defense in
3 depth into a risk-based regulatory approach, which
4 doesn't have a basis in reality.

5 Risk communication, you can communicate
6 all you want, but if you're not going to deal with the
7 facts that the emergency core cooling system at Haddom
8 Neck may not have performed its function for 28 years,
9 the design basis problems up at Maine Yankee that were
10 identified by an NRC inspector before licensure. You
11 guys don't have a design basis that's in tact; you
12 know that. But you're heading down a path to risk-
13 based regulation anyway and putting the public at
14 greater risk because of it.

15 Obviously, I have some very strong
16 opinions on this issue. I fail to see how you can
17 continue down this path when you don't have PRAs that
18 are of ample quality. I don't see how you can
19 continue to head down this path when, basically,
20 you're using PRAs that you're claiming are proprietary
21 to make license amendment changes. And so, basically,
22 you're saying, "Trust us. Trust us. Our PRAs are
23 fine," when you're holding them from public purview.
24 I know Dave's been invited out to check out a PRA at
25 some point, but that's one PRA.

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1 You have people in your own agencies that
2 are questioning the move to risk-based regulation, yet
3 you're ignoring them, and the reason is the bottom
4 line. I keep on reading in Commission correspondence,
5 actually, in commissioner vote sheets, of the
6 financial imperative. That is not NRC's purview. NRC
7 is here to protect the public health and safety. The
8 economics of the industry be damned. I've said
9 probably more than I should have.

10 MR. CAMERON: Okay. Jim, thank you.
11 We're going to go to one last comment at the table for
12 right now, and then we're going to the phones, and
13 then we'll come back to Ray. Neill?

14 MR. HOWEY: I need to make these comments
15 and run.

16 MR. CAMERON: What are you going to say?

17 (Laughter.)

18 MR. HOWEY: And maybe for more than one
19 reason.

20 I'd like to follow-on with some comments
21 Ray and Mike both made about the importance of
22 communication and the honesty of those communications,
23 and just point out that that's a two-way street. From
24 my observations, NRC staff over the years have gone to
25 an awful lot of angst over trying to define an pin

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1 down terms like "safety-related," "important to
2 safety," "risk-related," all those kinds of words that
3 are powerful in terms of John and Mary Q. Public's
4 understanding of whether a reactor is safe or not.

5 NRC needs to be responsible in the way
6 they use those terms, but also I think the intervenors
7 and others, public advocate groups, need to be equally
8 responsible, because I tried to review the certificate
9 of compliance on a dry cast storage system that Com Ed
10 is using, and it was voluminous. Obviously, there was
11 a lot of technical considerations in terms of how safe
12 those things are, and the licensing process for those
13 is pretty robust. So to refer to them as tin cans
14 that you're going to put spent fuel in, I think
15 distorts really the technical analyses and the safety
16 things that went into that.

17 The last comment was our Agency regulates
18 all the agreement state kind of source materials and
19 things of that sort, including people who install
20 radon systems in houses, x-ray machines and food
21 irradiators. But we also feel that we need to take a
22 role in educating the public about these risks and
23 what they can do about them, in terms of the value of
24 food irradiation to the public health, the robustness
25 of the systems they put in their houses.

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1 So we feel radon is a risk, and food
2 irradiators do add some value to public safety, and
3 have taken a proactive role in engaging other public
4 groups in bringing this to the public's attention in
5 a way that they can understand in plain language
6 really what those risks are.

7 So I guess my point is that the culture
8 within the NRC since the split up of NRC and DOE is
9 that any promotion or any education is seen as
10 promotion. But I think that whole concept needs to be
11 rethought, because NRC is smart enough, I believe, to
12 distinguish between where the regulatory role is where
13 a potential public information role is. So we
14 encourage NRC to go back and take a look at that
15 cultural environment and see if there might be some
16 changes made there. Thanks.

17 MR. CAMERON: Thank you very much.

18 TELEPHONE PARTICIPANT: I'm sorry, who was
19 speaking, please?

20 MR. CAMERON: That was Neill Howey.

21 TELEPHONE PARTICIPANT: Who?

22 MR. CAMERON: Neill Howey, from the
23 Illinois Department of Nuclear Safety. And Neill is
24 leaving us now, so, Neill, we would say thank you, and
25 thank Tom Wartzinger for allowing you to be with us

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1 today.

2 MR. HOWEY: Thank you for inviting me.

3 MR. SHADIS: Sorry you can't stay to hear
4 the rebuttal to your rebuttal.

5 MR. CAMERON: Okay. Don, do you have some
6 comments on these risk communication issues?

7 MR. MONIAK: Yes. I'm going to start off
8 -- I want to provide you a quote from a guy named W.C.
9 Nichols, who was Director of the Surety Assessment
10 Center, Sandia National Laboratory. He gave the
11 welcoming address to the Second High Consequent
12 Operation Safety Symposium in 1998 in Albuquerque.
13 His title was called, "The Summary of Nuclear Weapon
14 Safety History." Surety assessment at Sandia means
15 it's the science of making sure nuclear weapons don't
16 detonate accidentally, making sure that they can't be
17 detonated through sabotage, and making sure they go
18 off when they want them to go off. It's a very
19 intense science.

20 And what he said was, "We, all of us in
21 the high consequence engineering business, are
22 partners in stewardship of the public trust. It is
23 not our job to play God by judging the acceptability
24 of the risk." Now, I would really like to see that
25 kind of thing put into practice by both the Department

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1 of Energy and Nuclear Regulatory Commission, the EPA,
2 and every other regulator.

3 The government is supposed to be an
4 objective source of information. It's not supposed to
5 spin anything. And you may think that I'm naive
6 saying this, but when I worked for the Forest Service,
7 I said the same thing. I said, "It's not our job to
8 tell people what to think. It's only our job to
9 provide the information. Let them shape their own
10 opinions."

11 Otherwise you're pushing an agenda. And
12 the NRC is pushing an agenda very hard. When it comes
13 to information, the fact is that the NRC was very
14 quiet about this letter they sent to Congress, to Vice
15 President Cheney -- it's kind of buried in ADAMS --
16 about what it would like to see for legislation.

17 Now, when it comes to risk, what we always
18 hear is, "Oh, it's only this much above background
19 level of radiation." Well, I don't care. Background
20 levels aren't necessarily safe. Radon's unsafe; we
21 know that. Cosmic radiation from the sun can cause
22 skin cancer. So what makes you think a few more
23 millirems are okay for somebody, especially when it's
24 not your choice?

25 It's like saying, "Oh, you smoke three

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1 packs of cigarettes a day. Here, have another half a
2 pack. It's okay, because you're going to die anyway."
3 It's bogus. And the way I say it to people is -- and
4 I will say it to anybody in this room who will
5 challenge me -- is, "How about if I put a little bit
6 more lead in your kid's water, in their drinking
7 water?" Lead's natural. We're exposed to lead. It
8 doesn't mean it's safe. Quicksand is natural. You
9 don't tell your kids to play around quicksand.

10 We get a lot of irrelevant analogies --
11 "Oh, the dose is the same as what you have from a TV
12 in the '50s." Well, that was pretty high. A dose of
13 non-ionized radiation in those TVs were pretty harsh.
14 Probably why a lot of us who grew up in the '60s, '70s
15 as kids are kind of goofy. X-rays, it's only the same
16 as an x-ray. Well, some of the common violations
17 within the NRC involve x-rays. Who knows how many
18 people are overexposed during x-rays, because somebody
19 was unqualified, because they took it too casually,
20 because the NRC failed to define the risk to their own
21 licensees.

22 We have too many people in public
23 relations, and the government is not supposed to be in
24 the business of public relations. It's supposed to be
25 in the business of public service and providing

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1 information. They're unable to speak in technical
2 terms.

3 And the idea that a scientist is incapable
4 of speaking to the public is truly offensive. And
5 anybody that thinks that just -- I just can't believe
6 that. If a scientist can't speak in public, that's
7 not because they're a scientist. It's because they
8 have bad public speaking skills. Anybody that's ever
9 met Arjan Mackajanie, who was a scientist, speak in
10 public. Dave Lochbaum, who's a nuclear engineer,
11 which is pretty much a science-based occupation, is an
12 excellent speaker. Ed Lyman's a scientist. There's
13 many, many people in NRC who are scientists who can do
14 a great job of speaking. There's people at the
15 Savannah River site who do a great job of speaking.
16 It's when the public affairs people or public
17 relations people are asked to define risk in a
18 discipline that they're untrained in is when we get
19 into trouble.

20 MR. CAMERON: Don, I hate to do this to
21 you first, but I'm going to -- could you just wrap up,
22 and then we'll go on.

23 MR. MONIAK: What I want to say about risk
24 is risk is not for you to define; it's for us to
25 gauge. You have to tell us what probability -- risk

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1 is an abstraction. I want to know what the hazards
2 are first. Just like in the industry they say, "This
3 is the hazard. Tell me what the hazard is; let people
4 decide what the risk is." But otherwise you're
5 throwing abstract numbers that are based on models
6 that do not reflect real world situations.

7 MR. CAMERON: Okay. Thank you, Don.
8 Let's go to Glenn.

9 MS. CARROLL: I would defer to Don. He
10 can have my time.

11 MR. CAMERON: All right. Well, let's go
12 to Judy.

13 MS. CARROLL: Wait.

14 (Laughter.)

15 If you're not going to let Don have my
16 time, I'm going to fill it up.

17 MR. MONIAK: Yes. Why don't you go,
18 Glenn. You don't need to give me time.

19 MR. CAMERON: I'm going to have to ask
20 everybody, not just those of you on the phone, to just
21 try to be short and sweet for us so that we can get to
22 some of the solutions that have been suggested and
23 what the next steps should be.

24 MR. MONIAK: I just gave you five
25 solutions. Let the scientists who can talk, talk.

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1 MR. CAMERON: Great. Okay. And thank
2 you, Don. We have those. Could we hear from Judy?

3 MS. CARROLL: Well, wait a minute. I'm
4 going to use my time and then Judy, okay? I want to
5 say that I don't understand the topic. Although I
6 understand what people are saying, I don't understand
7 the topic to know how to contribute to it.

8 MR. MONIAK: Can I add one more thing?

9 MR. CAMERON: Okay. Don, why don't you
10 add one more thing for Glenn, okay?

11 MR. MONIAK: Yes. Glenn gave me a few
12 minutes of her time. Let's get off the nuclear issue
13 and toxic issue for a second. Think about forest
14 fires, okay? How about if I tell you that the risk of
15 you dying from a forest fire is virtually nill; it's
16 almost zero? Almost nobody had died from forest fires
17 except fire fighters in decades. It's very rare. In
18 those fires in Montana last year that were ripping
19 across the countryside, those were safe. There was no
20 problem; nobody died.

21 When you start measuring safety in terms
22 of whether it's a catastrophic accident versus the
23 absence of a catastrophic accident or whether somebody
24 died versus whether they're still alive, that's not a
25 safety culture. That's a bad approach to defining

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1 safety and defining risk. So try and think of it as
2 that.

3 MR. CAMERON: Okay. Thank you, Don.

4 MR. MONIAK: Thank you.

5 MS. CARROLL: So is the NRC talking about
6 changing the criteria and they're addressing that?

7 MR. CAMERON: Glenn, all we're talking
8 about here and what Don has been talking about is --
9 well, a couple of things. We started on risk
10 communication. Don has brought the point forward that
11 the acceptability of risk is really a societal
12 decision, I think, is what he was saying, rather than
13 an Agency decision.

14 But could we go to Judy and Owen, and then
15 we really need to come back to the one solution, at
16 least, that's been proposed that I would like to get
17 on the table and discussed before we adjourn. So,
18 Judy, do you have anything for us?

19 MS. JOHNSRUD: Okay. I will try to
20 summarize rapidly. I regret not having an equal
21 amount of time. However, yes, risk is a matter of the
22 individual, the individual recipient of the
23 contaminants, whatever they may be, in totality. And
24 so in order to begin to assess the risk, which the
25 individual has the right to accept or reject as a

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1 fundamental of radiation protection and standard
2 setting, it's necessary to consider all of the health-
3 related factors, which will include health cost
4 factors. They're never considered in any cost-benefit
5 analysis associated with risk.

6 Now, the regulatory system that the NRC
7 has adopted, performance-based and risk-informed, to
8 the public means, to put it crudely, is "The valve
9 performing it's okay, and we don't need to put it into
10 our risk analysis. It's performing. It's fine."
11 You're going to answer that that is not the case, that
12 the analyses are far more careful. But I'm telling
13 you the way that that is perceived and the way that it
14 will continue to be perceived by those who are being
15 required to accept the risks, whatever that risk is,
16 without having the choice to say no, to avoid the
17 risk.

18 I think that NRC and the industry
19 communicate their view of risk extremely well, and I
20 think that you should continue to do so. But I can
21 warn you, the public is not going to believe it and is
22 not willing to accept it. Let me, again, go back to,
23 briefly, the release, recycle and reuse of radioactive
24 materials. When a member of the public hears that, he
25 or she begins to think about the whole variety of

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1 sources to which he or she will be exposed without
2 having the ability to determine the magnitude of each
3 of those risks, much less the totality of those risks,
4 not only from the radioactive component but also from
5 all of the other contaminants in the biosystem and
6 also dependent upon the age, the condition of health,
7 prior health problems of that individual recipient.

8 So for the Agency to continue to utilize
9 probabilistic risk assessments is, in my opinion,
10 tantamount to rejecting any possibility of ever
11 gaining real public acceptance and approval.

12 MR. CAMERON: Okay. And, Judy, I'm going
13 to stop you there. We've been switching from risk
14 communication issues to how the NRC uses risk, and
15 that's fine. But we really need to go to Owen. Ray
16 has a final comment on risk, and then I'm going to ask
17 David to talk about a proposal that he has for the
18 Agency contact, perhaps a modest start but it is a
19 specific recommendation. Owen? Anything on this?

20 MR. BERIO: Stop me if I get off-line
21 here. I'm not quite sure I understand. To me, risk
22 can be two-fold: institutional and material. When
23 you go over a bridge, you're taking a risk, but you
24 have confidence in the engineering. Institutional,
25 we're accepting that the food that we eat, the drugs

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1 that we have in our cabinets are safe because of
2 institutional controls.

3 In the area of radioactive waste, the
4 controls are institutional. Here in this area, our
5 way of judging is comparative. Brochures from the
6 Fernauld site and the St. Louis site. It shows
7 uranium mill tailings and other materials being wetted
8 down to control dust, hand covered with tarps, that
9 the workers have on protective gear, breathing
10 apparatus and so forth. What we have seen here is we
11 have trucks that come down carrying source materials,
12 dump trucks. They slopped it on the road.

13 We saw that at Kingsman, Arizona in 1997
14 a truck carrying waste, liquid waste in proper
15 containers, has a small spill at a rest stop. The
16 result was that the Department of Energy made an
17 intensive investigation issuing two documents
18 approximately a quarter to three-eighths of an inch
19 thick.

20 At the Dawn site, when the stuff was
21 slopped on the road, the source material, all that
22 happened was it was merely wiped up. We have seen
23 where 10,000 gallons of radioactive acid had been
24 spilled on the ground, and actually no institution has
25 ever taken action. Three months later, we found out

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1 it was Bureau of Mines' area of responsibility, and it
2 had never been reported.

3 MR. CAMERON: Owen, I am going to have to
4 interrupt you there, because I think we're -- and it's
5 not just you, but I think we're sort of getting far
6 afield from the area of risk communication.

7 TELEPHONE PARTICIPANT: No, no. He's
8 right there.

9 TELEPHONE PARTICIPANT: Chip, we're right
10 on it.

11 MR. CAMERON: Forgive me for going back to
12 the table right now so that we can hear one more
13 comment and get to a proposal by David Lochbaum. Ray,
14 one more comment, risk communication?

15 MR. BERIO: All right. What I was trying
16 to say is we realize there's risk here with the
17 institution, that is overseeing this site, and we have
18 tried to convey it to the NRC. And what I've been
19 saying all afternoon is the door has been slammed in
20 our face. We have an institution here that's driven
21 by private interest with profit motive. Health and
22 public concerns have not been addressed. I can even
23 show you a video of where people and little kids, one
24 of them pushing a baby carriage, actually walked right
25 into the midst of the tailings area.

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1 MR. CAMERON: Okay. Owen, this all very
2 important information, but it's --

3 MR. BERIO: You bet. We live with it.

4 MR. CAMERON: -- off of our risk
5 communication subject, I think, and we really do --

6 TELEPHONE PARTICIPANT: Don't you think
7 Michael Cavanaugh's promoting irradiation was a little
8 off the track too?

9 MR. CAMERON: -- we really do want to get
10 to the proposal that David Lochbaum has. I'm going to
11 ask Ray Shadis if --

12 TELEPHONE PARTICIPANT: We do want to hear
13 that, but --

14 MR. CAMERON: Yes. Well, let's go there.
15 Ray, one further comment, and I'm going to ask David
16 to present his proposal.

17 MR. SHADIS: Three quick ones. The tin
18 can analogy. It's approximately the same proportions
19 as a spent fuel canister. They're around 15 feet --
20 close to 15 feet high, five and a half feet wide. If
21 you enlarge this tin can up to that size, you get up
22 to about the five-eighths-inch wall thickness of those
23 cans. This is actually slightly under thickness. You
24 might almost get to twice the thickness. It's about
25 20 mils is what it reduces down to. That's my way of

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1 demonstrating risk.

2 NEI on this side of the room, the licensee
3 on this side of the room, both expressed concerns
4 that, one, that accountability -- concerns with
5 accountability not drive conclusions, and, two, that
6 accommodating the critics also not be considered,
7 because you'll never satisfy them. And that trends
8 into debate.

9 But I want to point out that there's a
10 reverse side to that. And that is accommodating the
11 ongoing concerns of industry and thinking that NRC has
12 to be accountable to industry should also not drive
13 conclusions.

14 And then, finally, the statement from
15 John, the former Secretary? Yes. One big thing has
16 changed in 20 years, and it's a remarkable thing in
17 the history of the world, and that is the end of the
18 Cold War. This industry was deployed under the need
19 for national priorities built under the Cold War and
20 lots of the notion of the fortress agency and secrecy
21 and all the rest of it "need to know" kind of stuff
22 was symptomatic of that Cold War era. The Cold War is
23 over. And in fact the capitalists have declared an
24 end to history.

25 And now comes the substitution. What else

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1 will drive this Agency? What else will influence this
2 Agency on a philosophic base to accommodate the
3 perceived need for nuclear power? And now it really
4 is, it's the triumphal time of global capitalism, and
5 I think that the economic considerations are the
6 background. And in this country, our President has
7 rolled a California energy crunch into a national
8 energy crisis. And here we go, but I caution the
9 Agency that those of us who are advocates for nuclear
10 safety will not permit that to go forward as a driver
11 for the Agency.

12 MR. CAMERON: Okay. Thank you. Thank you
13 all on this, risk communication issue.

14 We probably only have time to talk about
15 one specific solution right now, and it's one that
16 David has raised, and I'm going to turn it over to
17 David. David Lochbaum.

18 MR. LOCHBAUM: Thank you, Chip. The
19 recommendation we had was basically for something down
20 the road out of this. There were some very good and
21 constructive comments or suggestions made during the
22 day today by various stakeholders. But what we
23 thought would be most important for the NRC to do down
24 the road would be to develop a formal process for any
25 external stakeholder to make a recommendation on how

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1 to improve public participation or public involvement.

2 I know in the past, when I've attended
3 various meetings, and something occurred to me I might
4 have made it to the NRC person that was running the
5 meeting. That may or may not be the right person for
6 the Agency to deal with that issue. And if that
7 person didn't pass it along, that's not their fault;
8 that's more my fault. I need to get it to the right
9 person within the Agency to deal with the issue.

10 So what we're recommending is that the
11 Agency create a point of contact for external
12 stakeholders who wouldn't be tasked with solving the
13 problem but parceling it out to the right program
14 office or right department within the NRC for
15 evaluating the proposed improvement, for getting a
16 feedback or getting a response back from that
17 appropriate agency department, and getting the
18 response back to the stakeholder who made the
19 suggestion.

20 I think it would be worthwhile, if the
21 Agency agrees that that's something worthwhile, to
22 perhaps pilot that on a few. A couple examples would
23 be the revised public involvement for various types of
24 meetings. I think there is a -- I think "alignment"
25 is the word the Agency's using now, not consensus.

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1 There was an alignment that there are different levels
2 of public involvement depending on the types of
3 meetings. So maybe pilot that and see how it works,
4 and that would provide the feedback that Margaret
5 asked earlier about how do you look at incremental
6 changes to the process and evaluate whether they met
7 expectations or not.

8 And the other example that might be tested
9 was the one that Michael Cavanaugh recommended earlier
10 about returning to the electronic distribution of
11 meeting minutes or other communications that the
12 Agency had in the past.

13 Regardless of the examples, I still think
14 if the Agency established a point of contact for
15 external stakeholders to funnel ideas through, that
16 would enhance or be a vast improvement over what we've
17 had in the past. Because I do believe the Agency's
18 wanting to hear suggestive, constructive comments.
19 They need to provide a mechanism for us to provide
20 those, a pathway for us to get those comments to the
21 Agency. Thank you.

22 MR. CAMERON: Thanks, David. I would like
23 the NRC staff to make sure that they understood that.
24 While they're thinking about that, then I want to hear
25 from others around the table. But let me go to Owen

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1 first. Owen, do you have comments on what David has
2 just proposed? I realize that it may have been the
3 first time that you've heard it, but do you have
4 anything to say on it?

5 MR. BERIO: What we've been looking for is
6 essentially someone who functions in the capacity of
7 an ombudsman at least to get us into the loop.

8 MR. CAMERON: Okay. And thank you for
9 that. And I think David's proposal is more modest
10 than an ombudsman, but let's put the ombudsman up here
11 as another recommendation. And, David, you would --
12 I guess, wouldn't you agree with me that your proposal
13 is more modest than the ombudsman?

14 MR. LOCHBAUM: I don't really know what an
15 ombudsman is, so I can neither agree nor disagree.

16 MR. CAMERON: All right.

17 MR. LOCHBAUM: I don't know. I'll get
18 back to you.

19 MR. CAMERON: Hey, Glenn?

20 MS. CARROLL: Yes.

21 MR. CAMERON: What do you think of David's
22 proposal?

23 MS. CARROLL: Sounds good to me. I like
24 the ombudsman idea too.

25 MR. CAMERON: And I guess I'll --

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1 MS. CARROLL: Oh, and I have a point of
2 correction, since I falsely insulted Mike Cavanaugh
3 with promoting irradiation. I recall it was Neil, and
4 he's run.

5 MR. CAMERON: Okay. Thank you. Just
6 briefly, there's a concept such as the ombudsman or
7 what's known as public advocate really is to create
8 within the Agency, and sometimes it's done by statute.
9 The EPA has an ombudsman that is there to try to
10 assure that the communities, citizens who don't think
11 that the EPA is performing its responsibilities, in
12 this case, for hazardous waste control, that the
13 ombudsman can investigate and make recommendations to
14 the agency. So I think it's much different than what
15 David is suggesting. But that's it in a nutshell.

16 Judy, David's idea?

17 MS. JOHNSRUD: Chip, with regret, I don't
18 think it is likely to be any more successful than all
19 of David's other efforts and those of the rest of us
20 in trying to gain a real reformation of your Agency.
21 We've got to see the evidence in terms of the
22 excellence of regulation, the conservatism, no
23 relaxation of standards, doing a better job,
24 abandoning, frankly, what I consider to be the mere
25 hoax of risk assessment, really protecting the public,

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1 recognizing the entire range of radiation injuries and
2 factoring it into regulation. That's what will really
3 improve public participation and public acceptance.

4 MR. CAMERON: Okay. We're going back to
5 that substantive theme, improve the substance. We
6 noted that -- I guess I would ask now, Don, on the
7 process issue, you just heard Judy talk about
8 substance. On the process issue that David
9 recommended or similar ideas, do you have anything to
10 say to us about that?

11 TELEPHONE PARTICIPANT: Who?

12 MR. CAMERON: Don.

13 MR. MONIAK: Process issues? No, I guess
14 the -- I did it in writing, I think. Sounds good
15 initially.

16 MR. CAMERON: Okay.

17 MR. MONIAK: I want to point out the
18 ombudsman idea is pretty good. The Agency for Toxic
19 Substance Disease Registry had to go that route,
20 because they were so hostile to the public as well.
21 And I had good luck with one of their people who
22 managed to -- I hope, I believe he did -- managed to
23 kind of clear up some of the glitches they had in
24 their FOIA process, which was totally illegal as well.
25 They were using FOIA to try and drive people out of

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1 the system.

2 MR. CAMERON: Okay.

3 MR. MONIAK: So it is a possibility. You
4 don't have an ombudsman now in NRC?

5 MR. CAMERON: No.

6 MR. MONIAK: Well, you have an Inspector
7 General.

8 MR. CAMERON: Yes, and I guess that's one
9 of the questions that people bring up when the
10 ombudsman idea is brought up. They say, "Don't the
11 responsibilities of your Inspector General really
12 satisfy the ombudsman capacity?" I don't know what
13 the answer to that is.

14 MR. MONIAK: I think the Agency just has
15 to live up to its words. It has all these high-
16 minded, high-sounding missions and directions, and
17 it's plain language stuff. And if it just started
18 living up to its words instead of just trying to say,
19 "We did this, you know, because there's an executive
20 order to do it." I'd say we wouldn't be here.

21 MR. CAMERON: David, is one part of your
22 proposal --

23 MR. MONIAK: We're going to disagree a lot
24 --

25 MR. CAMERON: -- the Agency might be able

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1 to live up to its words more if there was a staff
2 contact?

3 MR. MONIAK: What's that?

4 MR. LOCHBAUM: No.

5 MR. CAMERON: I'm asking David a question,
6 and he said no to it. Do you have some more to tell
7 us, Don, before we go back to the table?

8 MS. CARROLL: Chip, this is Glenn, and you
9 asked me how I felt about Dave's idea. You didn't
10 really indicate but the conversation is now open.
11 We're talking about solutions, right? I mean this is
12 what we're going to do with the rest of our time is
13 try and make suggestions?

14 MR. CAMERON: Yes. If you do have a
15 solution along this line that we're talking about of
16 David's staff contact, please -- and I think you did
17 say ombudsman -- then please put it forward now.

18 MS. CARROLL: Well, I mean I know we're
19 running out of time. So what's the rest of the agenda
20 here, and when are we going to --

21 MR. CAMERON: Well, the rest of the agenda
22 is to hear from the people at the table who want to
23 comment on David's suggestion now that we've heard
24 from all of you out there. And then, basically, I
25 think we're going to be pretty much out of time, and

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1 I was going to ask Pat Norry to say some closing
2 words.

3 MS. CARROLL: So you're pretty much going
4 to run with everything you've gathered earlier today,
5 and we aren't really going to be able to totally open
6 up this topic.

7 MR. MONIAK: What's the follow-up here, I
8 guess?

9 MR. CAMERON: Okay. Let's do one thing.
10 Let's get the comments from people on the table of
11 this issue, and then the next item is going to be
12 follow-up, and we'll hear from everybody on that, and
13 then we'll go to Pat Norry for closing. So all of you
14 on the phone, we're going to come back up here to the
15 table. We're going to come back up to you for a
16 follow-up. So we're going to go to Ray Shadis now,
17 Paul Blanch, Jim Riccio, and then we're going to talk
18 about next steps. Paul, do you want to go first?

19 MR. BLANCH: Ray said I could go first.
20 Yes, I'd like to formally nominate Dave Lochbaum as
21 the NRC ombudsman. You didn't hear that, Dave.

22 MR. LOCHBAUM: Yes, I did.

23 MR. BLANCH: Oh, okay. Any seconds on
24 that?

25 MS. CARROLL: I second it.

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1 MR. RICCIO: Yes. The industry would love
2 to get him out of the business.

3 MR. BLANCH: Yes, I'm sure.

4 MS. CARROLL: I hope it pays better than
5 your current job.

6 MR. BLANCH: No, I'd just like -- no, I do
7 support it, but I would just like to take 30 seconds
8 and a closing comment that while this has been
9 worthwhile in helping foster public confidence, I
10 think public participation is just a small part of
11 public confidence. And I think that the Agency needs
12 to take a similar look at public confidence in the way
13 that Millstone did it. And they have regained public
14 confidence. And that was, number one, identify the
15 stakeholders, whoever they are -- the public, the
16 public interest groups, the media, the politicians,
17 the general public, and the NRC itself. Number two,
18 identify what are those issues that are out there that
19 cause a reduction in public confidence, and there are
20 literally hundreds of issues. And the third step is
21 how are we going to address those issues to help
22 regain public confidence? Again, public participation
23 is just one of hundreds of issues that are out there.
24 And while this is an admirable effort, I think that the
25 Agency needs to back up a little bit and take a

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1 strategic approach to public confidence.

2 MR. CAMERON: Thank you very much, Paul.
3 Ray?

4 MR. SHADIS: As you know, Chip, the
5 question of having an Office of Public Advocate, or
6 ombudsman, was something that raised back last spring
7 when we had the scoping meeting on solid materials,
8 and raised it again at the Commission briefing and
9 every other opportunity that we've had along the way
10 to raise this issue. And part of it is to somewhat
11 help to level the playing field here in terms of
12 access and in terms of access to information.

13 We have the nuclear industry rightfully
14 representing their interest here every day, but that's
15 not something that public interest organizations can
16 afford to do, and we certainly don't have the money to
17 bring in the backup studies and so on, the contract
18 studies to argue our case. So I think what Mr.
19 Lochbaum and UCS are proposing is a good thing. I
20 would really appreciate that being in place. But it's
21 a small step in the direction of having a proactive
22 Office of Public Advocate.

23 MR. CAMERON: Ray, let me ask you one
24 question on that too, and Ray has brought this up
25 several times, and that's why it's explicitly

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1 identified on the agenda. Ray, what about this
2 question of the fact that we have an IG? Is that the
3 same thing as having a public advocate or does the
4 public advocate serve a different purpose or operate
5 in a more user friendly manner?

6 MR. SHADIS: My view of the IG's
7 responsibilities is that that office is to investigate
8 the possibility of falls and failings in NRC pursuing
9 it's mission. And that's something quite different
10 than the Office of Public Advocate would be.

11 MR. CAMERON: Okay. Thank you.

12 MR. SHADIS: One more thing I just want to
13 bring up too. I think NRC would do well to look at
14 the efforts that some of the nuclear licensees have
15 undertaken. And I would point to Connecticut Yankee
16 and Maine Yankee. And Connecticut Yankee's got its
17 own spokesman here, but speaking for Maine Yankee,
18 they have proactively reached out. They've opened
19 their files, they have offered to do copying for
20 intervenors. In every way that they can, they have --
21 when I say every way, I mean by every means possible
22 -- they have opened up communications with us.

23 It's not perfect, but it can, in many
24 ways, serve as a model for the NRC. And I know that
25 the NRC uses the industry resources to investigate

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1 technical areas and so on. And this is another place
2 where they've spent an awful lot of energy to see how
3 they can develop their public involvement. And I hate
4 to give them any credit, but, yes, they've been
5 working real hard.

6 MR. CAMERON: Okay. Thank you, Ray. Jim,
7 final comment on this issue?

8 MR. RICCIO: Sure. I think David's
9 suggestion is a good one. I am doubtful that it would
10 be successful. The NRC's own -- the gentleman who's
11 in charge of NRC's own internal grievances got so
12 frustrated with this Agency that he actually applied
13 for a job with my organization. Unfortunately, he
14 couldn't afford to take that much of a pay cut, and so
15 he went to work elsewhere.

16 I have got two concrete examples of how
17 you can improve public participation. Number one,
18 take your Part II rulemaking and shelve it. If you
19 want to offer the public the opportunity for informal
20 hearings, create a rulemaking that will do that, not
21 one that removes our right to formal hearings.
22 Secondly, you've likened your suggestions to the EPA.
23 The EPA also has citizen supervisions. You might want
24 to look at those and incorporate those into NRC laws.

25 My second proposal, and one thing that

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1 would increase public participation, would be to wipe
2 out the voluntary industry initiatives. They have
3 already resulted in the public being unable to
4 participate through notice and comment rulemaking on
5 steam generator issues. And I want to read something
6 into the record. It was comments made by Commissioner
7 Merrifield prior to voluntary initiatives taking
8 place. "It must be clear to the public that
9 substituting voluntary industry initiatives for NRC
10 regulatory action can provide effective and efficient
11 resolution of issues." At Indian Point it did not.
12 "Will in no way compromise plant safety." It already
13 has. "Has not represented a reduction in NRC's
14 commitment to safety."

15 MR. CAMERON: Those side bars --

16 MR. RICCIO: Sorry, the side bars are
17 mine. Sorry, sorry. The side bars are mine.

18 The Commissioner did go on to say that
19 "Failure of either the NRC or licensees to effectively
20 carry out its responsibilities would undermine the
21 regulatory process and serve to erode stakeholder
22 confidence in the merits of using voluntary industry
23 initiatives in this manner." It already has.

24 MR. CAMERON: That's a side bar.

25 MR. RICCIO: The side bar is that it

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1 already has. It's already undermined public
2 confidence.

3 MR. CAMERON: All right.

4 MR. RICCIO: It's already resulted in the
5 removal of the public from the process. And if you're
6 really interested in public participation rather than
7 merely allowing us to play at meetings, you shouldn't
8 be taking away our rights.

9 MR. CAMERON: Okay. Thank you. We're
10 five minutes past five. We're going to continue for
11 a little while longer just to discuss the next steps.
12 At the beginning of the meeting, I mentioned that the
13 staff was going to take all these comments, evaluate
14 them, and report to the Commission. There may be
15 recommendations, short-term recommendations that
16 result. There may be longer-term things that have to
17 be looked at.

18 But just quickly around the table -- well,
19 let's quickly go to the phone. Anybody have any
20 suggestions for next steps to follow-up on what's been
21 going on here? And I would just ask everybody to be
22 brief. Don?

23 MR. MONIAK: Yes. I think we need to
24 elicit widespread public input on this whole thing.
25 This is just a meeting between people who happened to

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1 be lucky enough to be on. Every region should be
2 directed to do some serious outreach as to what was
3 addressed at this meeting.

4 MR. CAMERON: Okay. Next steps, written
5 comments on --

6 MR. MONIAK: One more thing: No strategic
7 plans on how to handle the public, please. Because
8 otherwise we're going to -- I just won't tolerate
9 that.

10 MR. CAMERON: Okay. Thank you, Don.
11 Glenn?

12 MS. CARROLL: Well, the substantive
13 outcome that would be meaningful to GANE would be to
14 receive a copy of the DCS license request, Ducogema
15 Stone and Webster license request. And to then have
16 a formal process for the intervention of Subpart D
17 normal process.

18 MR. CAMERON: Okay. Thank you, Glenn.
19 Judy?

20 MS. JOHNSRUD: I've love to see the
21 commissioners, all of them, out talking to members of
22 the public, simply taking several months of their time
23 to travel around the country and to listen to people
24 with a real intent to absorb and act upon what
25 citizens tell them.

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1 MR. CAMERON: Okay. That's interesting.

2 MS. JOHNSRUD: The staff can go with them
3 too.

4 MR. CAMERON: Okay. The Commission going
5 out across the country and meeting with the public in
6 several locations. Owen?

7 MR. BERIO: Essentially, what I've heard
8 and the only thing I'd like to add was the suggestion
9 that it would be appreciated of a block cut diagram
10 showing the tables of authority or administrative
11 oversight in which the states are part of the
12 equation.

13 MR. CAMERON: Okay. And I think that was
14 a suggestion that came from Don Moniak. And we're
15 going to -- we have that down as an action item.
16 We'll provide that to everybody. There also are some
17 written comments that we have here today that you on
18 the phone did not get, and we will assure that you get
19 those comments.

20 Okay. We've gone through everybody on the
21 phone. Around the table, next steps, David? Roger?
22 Mike, anything?

23 MR. CAVANAUGH: I defer to Ellen.

24 MR. CAMERON: Okay. This is Ellen
25 Ginsberg.

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1 MS. GINSBERG: A lot of suggestions have
2 been made. I would endorse many of them. I think the
3 idea of getting additional public input is a good
4 idea. If the NRC so decides to go through the
5 regions, that's certainly one way to do that, and I
6 think probably would be valuable. I think written
7 comments -- the opportunity for written comments would
8 also be a good idea. Bumping this up to the
9 commissioners, whether it be now or later, obviously
10 is the best way to get policy decisions and get them
11 aired in a public forum, I think at a Commission
12 briefing eventually would be useful. And I believe
13 ongoing continued discussion of these sorts, whether
14 it is with the same participants here or different
15 participants also would be very useful.

16 The industry finds it extremely helpful.
17 I personally find it extremely helpful to hear
18 people's views who have experiences that are different
19 than mine and can assimilate that information, think
20 about it, and then react to it as appropriate. So I
21 think all of the ideas and continued interaction would
22 be very valuable on this topic.

23 MR. CAMERON: Thank you Ellen. Jim?

24 MR. RICCIO: No.

25 MR. CAMERON: Brian? Great.

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1 MR. SHADIS: I'd like to see the Agency
2 get a contract, a professional assessment of its
3 internal culture, as it relates to the public, to
4 public confidence and to public communication. That's
5 one. Two, ASAP, I would like a transcript of this
6 meeting, written transcript of this meeting.

7 MR. CAMERON: Okay.

8 MR. MONIAK: I had one more request.

9 MR. CAMERON: Don.

10 MR. MONIAK: Could you get the people who
11 do the ADAMS stuff to not -- to split out the
12 documents? I can't download 380 pages of files. And
13 I end up missing a lot of good muckraking because of
14 it.

15 MR. CAMERON: I want to make sure I know
16 what you want. What does he want?

17 MR. SHADIS: He wants to be able to split
18 the documents apart.

19 MR. CAMERON: Oh, you don't want the --

20 MR. MONIAK: Actually, my suggestion --

21 MR. CAMERON: You want a single page image
22 file.

23 MR. MONIAK: My other suggestion is that
24 I have found a lot of people in NRC to be responsive
25 when you ask for something. I found others to be

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1 totally unresponsive, but usually eventually somebody
2 is. And you have a lot of people in the Agency who
3 want to do their job right, and I think there's
4 probably a lot of people in the Agency who aren't
5 allowed to do their job right, who would agree with
6 almost everything we've said today. And they need to
7 be given a little bit more freedom to speak up too
8 within the Agency. Your own Agency needs more
9 openness within.

10 MR. CAMERON: Okay. Thanks, Don. We're
11 going to go to Paul. Anything?

12 MR. BLANCH: Nothing.

13 MR. CAMERON: Pat, you're going to give us
14 a closing. Do you have something to say right now?

15 MS. NORRY: No.

16 MR. CAMERON: Margaret? Mike? Bill
17 Beecher?

18 MR. BEECHER: Pass.

19 MR. CAMERON: Roy?

20 MR. ZIMMERMAN: Just a few comments. I
21 think this has been very useful. We've had a lot of
22 very good insights from this. Early on in the
23 discussion, I wanted to engage, and I did engage, and
24 then I realized that for the amount of information and
25 energy that was visible, it was better to go into a

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1 listening mode.

2 And I think that's what you saw from us,
3 that we did much more listening and note-taking. I've
4 got tons of pages of notes, and I think everybody else
5 does as well. And that may have been a dynamic here
6 that may have been perhaps frustrating for those that
7 were doing most of the talking, but it shouldn't be,
8 because we were listening intently. Again, they were
9 good ideas, and if we would have gotten into exchanges
10 to try to understand each and every aspect in great
11 detail, we would have been here for days. So I think
12 Chip did a very good job of taking the time that we
13 had and allowed us to get through a lot of
14 information.

15 There was a lot of discussion about
16 feedback. I think that's very important here. And I
17 feel that in the past -- I said this in my opening
18 comments -- I think in the past, the last couple of
19 times we did this, it was much more modest, but some
20 of the same individuals were involved at that time.
21 And I think we were successful. I think the areas
22 that we undertook together did in fact make changes
23 that exist today and have been in place for a couple
24 of years, and I see some heads nodding from
25 individuals that were involved.

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1 So I think that the term "cynicism" was
2 used early by some of the individuals on the phone,
3 and I don't debate that. I think rightfully so coming
4 at it with this skeptical eye -- I'm almost done --
5 coming at it with this skeptical eye, I think, is
6 good, coming from your own experiences. But if we
7 have had some success in this area in the past and
8 you've given us good ideas today, let us look at what
9 we can do in terms of taking these comments, looking
10 at what can be done in the interim. We probably won't
11 necessarily agree on each item, but the feedback will
12 be there. I think it will move us forward, and
13 hopefully that will be enough that you'll see benefits
14 and perhaps considerations for future meetings.

15 MR. CAMERON: Thank you very much, Roy.
16 And I think that perhaps one possible follow-up that's
17 implicit in what you're saying is that on selected
18 issues, smaller, more manageable issues, we have
19 future meetings and try to get some concrete
20 suggestions on those.

21 Before we go to Pat, I just -- I promised
22 there'd be opportunities for the audience. Anybody
23 want to say anything out here? Darryl? This is
24 Darryl Farber from Harvard University.

25 MR. FARBER: Darryl Farber. I think also

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1 that you need a clarification of the logic of the
2 regulatory framework, particularly when you're risk-
3 informed. You have to ask yourself, what do you know,
4 what is fact, what is value? And, in general, the
5 overarching issue, as I see it, is how knowledge is
6 enabled. And this is an issue in the private sector,
7 and it should be an issue in the public sector in the
8 sense how do you map out what the knowledge is, what's
9 contestable, because there are legitimate differences
10 among the stakeholders, and that those differences
11 make a difference.

12 MR. CAMERON: Okay. Thank you very much,
13 Darryl. Anybody else?

14 Okay. What I'd like to do is I would like
15 to turn it over to Pat Norry now for closing remarks.
16 Pat?

17 MS. NORRY: Thanks, Chip. Most of what I
18 would say has already been said. I agree with the
19 comment that was made that public confidence is a lot
20 more than public participation. But in line with the
21 suggestion that was made that we have to approach this
22 incrementally and in line with the obligation to
23 answer this Commission SRM, we wanted to bite off that
24 piece of it and see how we could improve it.

25 I remain convinced that if we can improve

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1 public participation, it ought to go a long way toward
2 the public confidence solution. So we will sort out
3 the tremendous amount of ideas we've received today,
4 and then we definitely will have to have some follow-
5 up sessions. How we do that without having the
6 problem of effective communication with maybe too many
7 people, I don't know. We'll have to have smaller
8 meetings. Maybe we need to have another large
9 meeting.

10 But I also agree with Roy that we were all
11 listening, and we decided, I think, each individually
12 not to try to react to everything just so we could
13 listen. And that has been tremendously valuable.

14 I would just reiterate my request that
15 anybody who has any suggestions for how we might
16 revise that public meeting feedback form, it would be
17 welcomed. And I'd like to ask David Lochbaum for a
18 little clarification, because your suggestion at the
19 end about having a contact, I think, quickly, kind of
20 evolved into an ombudsman idea. But I don't think
21 that's what you were suggesting, and I was a little
22 unclear as to whether your suggestion was a contact
23 for people for questions about public participation or
24 a contact for everything. Surely, that's not what you
25 meant. Could you just clarify that a little bit?

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1 MR. LOCHBAUM: I guess what I was
2 recommending was that as people discuss the issues
3 that were raised today or issues come up in the
4 future, we thought that it would be a good idea to
5 have a single point of contact within the Agency for
6 those ideas or those recommendations to be the initial
7 point of contact for us to reach. And then that
8 person would then figure out who within the Agency
9 should address the issue or look at the issue and get
10 back to the person. I guess that person could also be
11 used to answer questions about public involvement, but
12 that wasn't part of my original recommendation.

13 MS. NORRY: Okay. I understand. Well,
14 that's certainly something that we need to look at
15 carefully.

16 I just remain convinced that this was a
17 very valuable session, and to once again express the
18 appreciation of the Agency for so many people being
19 willing to come and share their concerns and their
20 ideas. And to thank Chip for what I think was a very
21 good facilitation in a difficult situation with that
22 many people coming in by telephone. So we owe you a
23 debt of gratitude, Chip.

24 MR. CAMERON: Thank you. I would just
25 thank everybody for trying to follow the guidelines

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1 and to be as economical as they could be. And we do
2 have the public meeting feedback forms available for
3 this meeting, and I thought I should point that out.

4 TELEPHONE PARTICIPANT: Could you send
5 those?

6 MR. CAMERON: I will send those out. I
7 will send out those to all of you on the phone. And
8 thank you -- I need to say thank you, particularly, to
9 the people who came in by phone, because it is
10 difficult to spend this amount of time on the phone.
11 It's easier to be here and probably more fun to be
12 here. So thank you for being with us and bearing with
13 us today.

14 TELEPHONE PARTICIPANT: Worked out pretty
15 well.

16 MR. MONIAK: Thanks. I think you did a
17 good job, too.

18 MR. CAMERON: Yes. Well, there were a
19 number of the commissioners' staff here today. And
20 thanks to Jim's reading in the record of Commissioner
21 Merrifield's remarks. I guess they were here, albeit
22 with the side bars.

23 MR. RICCIO: Sorry about the side bars.

24 MR. CAMERON: But, yes, there were some
25 Commission staff here, Don. But thank you all. And

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1 I guess we're -- Pat, are we adjourned?

2 MS. NORRY: We're adjourned.

3 MR. CAMERON: Okay. Take care.

4 (Whereupon, at 5:25 p.m., the NRC Public
5 Workshop was concluded.)

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