

**Official Transcript of Proceedings**  
**NUCLEAR REGULATORY COMMISSION**

Title: Public Participation Issues Workshop

Docket Number: (not applicable)

Location: Rockville, Maryland

Date: Wednesday, April 4, 2001

Work Order No.: NRC-154

Pages 1-286

**NEAL R. GROSS AND CO., INC.**  
**Court Reporters and Transcribers**  
**1323 Rhode Island Avenue, N.W.**  
**Washington, D.C. 20005**

(202) 234-4433

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

+ + + + +

PUBLIC PARTICIPATION ISSUES

WORKSHOP

+ + + + +

WEDNESDAY,

APRIL 4, 2001

+ + + + +

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1

ROY ZIMMERMAN

NRC

2

I-N-D-E-X

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

<u>AGENDA ITEM</u>	<u>PAGE</u>
Welcome, Objectives, Format and Ground Rules . . .	5
Agenda Overview . . . . .	11
Participant Introductions . . . . .	14
Context: The Current NRC Framework for Public .	31
Participation	
Questions and Answers for Management Services .	36
Participant Discussion: Opportunities for . . .	38
Improvement in NRC Public Participation	
Activities.	
Identification of Issues and Supporting Data	
Selected Issues:	
The Need for Different Policies for . . .	38
Different Types of Meetings	
Timely and Clear Notice of Meetings . . .	110
Provision of Phone Access to Various . .	120
Types of Meetings	
Provision of Relevant Background . . . .	150
Documents	
Access to NRC Information Generally	
Documentation of Public Comments	
Response to Questions and Answers	
Ensuring Fairness and Consistency	

I-N-D-E-X (cont.)

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16

AGENDA ITEM

PAGE

Selected Issues: (cont.)

How Effectively Does the NRC

Communicate Information on Risk?

Other Issues?

Participant Discussion: Potential Solutions . . . 260

to Issues and Discussion of Costs and

Benefits of Potential Solutions

Ongoing Process Solutions

Staff Contact for Public Participation Issues, 265

Periodic meetings, Public Advocate,

Feedback Forms, Other

Next Step/Need for Additional Meetings . . . . 274

Closing Remarks . . . . . 282

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

(8:39 a.m.)

1  
2  
3 MR. CAMERON: I'd like to call the meeting  
4 to order, if we can get our call-in guests to calm  
5 down a little bit out there.

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

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

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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-

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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."

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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 --

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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 --

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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 --

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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 --

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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."

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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 --

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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 --

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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.)

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25