

**OFFICIAL TRANSCRIPT OF PROCEEDINGS
UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

**Title: PUBLIC MEETING TO ACQUAINT
THE PUBLIC WITH NRC'S HIGH-
LEVEL WASTE LICENSING
PROCESS**

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

PUBLIC MEETING TO ACQUAINT THE PUBLIC WITH
NRC'S HIGH-LEVEL WASTE LICENSING

Mountain View Casino & Bowl
1750 Pahrump Valley Parkway
Pahrump, NV

Thursday, May 4, 2000

The above-entitled meeting commenced, pursuant to
notice, at 7:03 p.m.

PARTICIPANTS:

- CHIP CAMERON
- WILLIAM REAMER
- SANDRA WASTLER
- DAN GRASER
- BLAIR SPITZBERG
- BUDHI SAGAR
- GORDON WITTMAYER
- MIKE SMITH
- JANET KOTAR

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1 PARTICIPANTS: [CONTINUED]

2 MAL MURPHY

3 KALYNDA TILGES

4 BOB LATTA

5 GRANT HEDLOW

6 MIKE GENG

7 SALLY DEVLIN

8 JOANN DAWN

9 JAMES WEAVER

10 LOREN HALL

11 SUSI SNYDER

12 SUSAN WARD

13 TY BUNCH

14 JENNIFER VIERECK

15 GRAHAM SULLIVAN

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P R O C E E D I N G S

[7:03 p.m.]

1
2
3 MR. CAMERON: Okay. Good evening everybody.
4 We're going to get started, so if you could all take your
5 seats, we'll begin the meeting. My name's Chip Cameron.
6 I'm the special counsel for public liaison at the Nuclear
7 Regulatory Commission. And I'd like to welcome all of you
8 to the NRC's public meeting on the overview of NRC's
9 licensing responsibilities. And it's my pleasure to serve
10 as the moderator for the meeting tonight. And I would just
11 like to call your attention to the fact this is rare for us,
12 because there's lots of restrictions on the Government. But
13 we do have coffee and danish over there for you, so please
14 help yourself. And you can probably thank Sally Devlin for
15 that, because she's bugged us enough about it, so we finally
16 figured out a way to arrange it.

17 And I just want to cover three things with you
18 briefly before we get into the meat of the program tonight.
19 One is the objective of the meeting tonight. Secondly, the
20 format for the meeting. And, thirdly, the -- I'll give you
21 a little bit of a overview of the agenda.

22 In terms of objectives, this is the latest in a
23 series of meetings that the NRC has been holding in Nevada.
24 And that we will continue to hold in Nevada, so that we can
25 inform the public of what NRC's responsibilities are for

1 licensing the repository. And to make sure that the public
2 understands what our responsibilities are by trying to be
3 responsive to questions that you might have about our
4 presentations. And also we want to hear your comments or
5 concerns about the repository licensing process.

6 Tonight's meeting is -- the focus is on providing
7 information to you about our licensing process. All the way
8 from the stage of the process that we're in now, site
9 characterization, through when and if the Department of
10 Energy submits a license application for the repository. And
11 also if that does happen, what are the NRC's inspection
12 responsibilities for the repository. So we want to give you
13 an overview of that. Sometimes when we're out here we have
14 a proposal on the table, a proposed rule that we want to get
15 your comments on. We don't have any proposals on the table
16 tonight, but as always we're interested in your comments and
17 concerns. And we will certainly listen attentively, and try
18 to be responsive to those concerns.

19 In terms of format, we were going to try to do
20 something a little bit different tonight. Which would -- is
21 to start out with a single group all together to hear Bill
22 Reamer, who is the branch chief of the High-Level Waste and
23 Performance Assessment Branch at the NRC. That's the focal
24 point of NRC's licensing efforts on the repository. We're
25 going to have Bill start out with an overview of the

1 licensing process. And have questions and comments from all
2 of you on that -- a discussion on that. The change that we
3 were going to make is to try to use some small group
4 discussion to try to personalize things a little bit more to
5 give you an opportunity to have a conversation with a
6 particular expert in a particular area. For example, a
7 small group on NRC's inspections responsibilities. We
8 wanted to try this for a change. We usually do a group
9 meeting like this. But we did want to check with you. I
10 guess this is like using one of my lifelines to check with
11 the audience, okay, to see, does anybody -- how many of you
12 would not like to do the small group breakout, and just stay
13 in one group? Because if you'd like to stay in one group,
14 we certainly can do that. So there's a -- I guess, a few
15 people. We're going to come back after -- if we go into
16 small groups, we're going to come back afterwards, okay, and
17 have summaries from those groups, and have that discussion
18 with you. So since there are -- most of the people don't
19 have an objection, let's try it. You know, bear with us.
20 And we'll get you the information tonight. So, I think
21 you'll see from Bill Reamer's presentation that it is going
22 to cover an overview. And if you have concerns that you want
23 to raise right away, or questions, you'll able to raise
24 that. That's the function of Bill's session. So let's give
25 this a try, and if it -- if -- at the end of the evening, if

1 you find that it's just not something that you like then we
2 won't do it again, okay, when we come out. But the one
3 luxury we have of doing it tonight is that we do plan to
4 keep coming back to talk with you, okay, so that we'll have
5 a chance to correct that if there's any problems with that.
6 And I guess what I'll do is when we are in the group
7 tonight, and if you have a question or comment, we're taking
8 a transcript over here, so that we have a record of your
9 comment. And so that you'll have a record of the
10 presentations that were made if you would like to get a
11 transcript from us. But please state your name, and your
12 affiliation, if that's appropriate, for the transcript. And
13 usually we have a cordless mic, so that I can let you stay
14 in your seats and circulate. We don't have one tonight, so
15 you're going to have to come up to the microphones to ask
16 your questions. And just ask that one person speak at a
17 time so that we could give our full attention to whoever has
18 the floor at the moment. And try to be concise so that
19 everybody can have an opportunity to speak. And thank all
20 of you who wanted to stay in the single group for your
21 forbearance and letting us do this breakout, this experiment
22 that we're going to try tonight.

23 And with that, I'm going to turn the floor over to
24 Bill Reamer, who's going to give you a bird's eye view of
25 the licensing process. Bill.

1 MR. REAMER: Good. Well, my name's Bill Reamer.
2 Glad to see so many of you here tonight. Am I coming
3 through okay? Okay. Good.

4 What are our goals tonight? We'll start out what
5 are our goals for you? We hope that you will come away from
6 this session with a better understanding of who NRC is.
7 What our roles and responsibilities are for this project if
8 there is a license application, what our role is with
9 respect to that activity. We also want you to have a better
10 understanding of how to access information about the
11 project. Thirdly, if there is a license application that's
12 filed by the Department of Energy, we want you to have an
13 understanding of what we, the NRC, are supposed to do with
14 that license application. And lastly, we want to give you
15 information about how we go about assuring ourselves that
16 people who are our licensees are complying with our rules,
17 and that's through-out inspection process.

18 And we have goals tonight for us, the NRC, as
19 well. And that's to continue what I have called, basically
20 an information dialogue with those people who are
21 potentially most effected by this project. This is the, I
22 think the eight meeting, that I have attended since I've
23 held this job, approximately 12 months. All of them have
24 been here, either in Nye County, or in Clark County, or in
25 Lincoln County. And to me that's a beginning. We need to

1 continue to be out here on a regular basis, the people from
2 the office in Washington, as well as the people who we have
3 here on site. And I'll have a little bit more to say about
4 that later. We want to hear your comments tonight. And
5 when I say "hear," I really mean that. We want to
6 understand exactly what your comments and concerns are. And
7 we want to respond to your questions as best we can. And if
8 we're not able to respond tonight, then we'll get the answer
9 for you. I heard a question just in the preliminary, a
10 question came up about, you know, how much money really has
11 been collected from rate payers for this project, and where
12 does that stand? How much has been spent? How much remains
13 in the fund? And it's not a questions I can give you an
14 answer to, but I will get an answer for you. Any questions,
15 we will get an answer for you.

16 I'd like to point out in the table, when you came
17 in, there is a form, which kind of a questionnaire. Hope
18 each one of you will get a copy of that, either take a look
19 at it tonight before you go. It asks questions like, what
20 do you suggest are topics that we ought to address in future
21 meetings? How can we better respond to your concerns. Any
22 other comments you have about the NRC, and what we do. We'd
23 be interested in hearing that, or seeing it, if you have
24 time to write it down. And you can take a form home with
25 you, if you want time to reflect, and then mail it to us, or

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1 give it to our onsite reps.

2 So who is the NRC? I liken this to introducing
3 myself, I want to keep reaffirming when I introduce myself
4 who we are. We are an independent regulatory agency. We
5 are not a part of the Department of Energy. We don't get
6 our money from the Department of Energy. We don't report to
7 the Department of Energy. We are a separate independent
8 entity from the Department of Energy. Our job is a
9 regulatory job. It's to protect the public health and
10 safety. We regulate this project, but we also regulate a
11 number of other projects. Nuclear power plants, there, you
12 know, a hundred plus nuclear installations in the United
13 States that are under our regulation. Fabrication of fuel
14 for those plants. Disposal of the waste from them. A
15 myriad of other nuclear, atomic energy energies that are
16 commercial in nature, we have responsibility for to
17 regulate. And we want to bring our experience in regulating
18 those other activities to this project. Now usually, and
19 typically the Department of Energy in their projects, are
20 not regulated by the NRC. There are what's called, self
21 regulated. But Congress did make a specific provision with
22 respect to a repository that DOE not be self-regulated as
23 they are at the test site, for example. But be subject to
24 an independent regulatory agency, and that's the Nuclear
25 Regulatory Commission, that's us.

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1 What are we -- what is our role with respect to a
2 geologic repository? If the project does go forward at
3 Yucca Mountain, we're to set the rules and regulations that
4 the Department of Energy must comply with to protect the
5 public health and safety. We also are to provide comments
6 on Department of Energy documents, such as the Environmental
7 Impact Statement, and the Site Recommendation, which is due
8 in 2001. And then if that site recommendation that's
9 supposed to be made in July of 2001 is favorable, and if the
10 President of the United States agrees with that
11 recommendation, and if the Congress agrees with the
12 recommendation, and the project does go forward, then the
13 next step is the Department of Energy must file a license
14 application with the NRC. And it's our responsibility to
15 first decide whether the project should be permitted to
16 start construction. That's called a Construction
17 Authorization Decision. And then later it's our
18 responsibility to decide whether waste should be received at
19 that -- at Yucca Mountain, at that site, and actually
20 disposed of.

21 If we do grant a license, if we do issue a
22 license, it's our responsibility to assure that the
23 Department of Energy complies with those regulations that
24 are designed to protect the public health and safety. And
25 specifically it's our responsibility, it's our job to

1 inspect the project to assure that there is compliance. And
2 if there's not compliance, to take what's called,
3 Enforcement Action against the Department of Energy to
4 correct any situation that exists, and to assure that a
5 similar situation doesn't arise in the future.

6 How will we carry out our role here? As we do in
7 all the projects that we regulate we want to fairly and
8 objectively review all of the information. We want to make
9 decisions that are public, that are open, that you can see,
10 that you can understand. And decisions that are justified
11 by all of the evidence. We will use a step rise approach to
12 those decisions. And this is a little complicated. But the
13 thought is that is there's a license application for the
14 project, if DOE is permitted to go forward, that a
15 construction authorization decision would be made by the
16 NRC. And that would be based on all the facts that exist
17 then. And then sometime later, perhaps five or ten years
18 later, another decision would be made whether to permit
19 waste to be received, and in placed in the in the
20 repository. And that would be based on not only that
21 initial base of information, but all the new data that has
22 come forward in the years immediately preceding that
23 decision. And then ultimately when -- if there is waste in
24 place at this facility, and operations cease, then the
25 decision -- another decision would have to be made whether

1 to permit the repository to be closed. And that decision
2 would be based, not just on that initial base of evidence,
3 but all the information that has been developed over the
4 many years that the facility has been there. So there's a
5 growing amount -- a growing information base that decisions
6 will be made on. And the public, you, will be involved
7 throughout the process.

8 The next step, as I mentioned, is that the
9 Department of Energy is working on a site recommendation.
10 The Nuclear Regulatory Commission's role with respect to the
11 site recommendation is not to approve or to disapprove that.
12 That responsibility belongs to the President and the
13 Congress. It -- but it is our responsibility to provide
14 advice to the President, and that advice is to provide
15 preliminary comments on the extent to which all of that
16 Department of Energy information seems to be sufficient for
17 a license application, if the project goes forward. That's
18 a kind of complicated statement. But it does describe what
19 our role is with respect to the site recommendation. And
20 you may have some questions on that, and be happy to answer
21 that.

22 The Regulatory philosophy that we bring to bear on
23 these projects is that the applicant or the licensee that we
24 regulate, the party that's operating the facility, it's
25 their job, it's their responsibility to protect you. It's

1 our job to be looking over their shoulder. To be reviewing
2 their documents. To be reviewing their activities to make
3 sure that they're doing that.

4 Now let's talk about the licensing process, which
5 is what we want to talk about tonight. It starts -- it
6 begins with the submittal of a license application. Now
7 that's only in this case, only if there is a site
8 recommendation the President and the Congress approve. If
9 there is such a recommendation, and the Congress approves
10 it, only then will there be a license application submitted
11 by the Department of Energy to the NRC. That license
12 application has got to contain certain information.
13 Specifically, it's got to contain evaluations of the safety
14 of the repository. It has to contain the plans and
15 procedures that the Department will use to assure safety.
16 And it has to include their measures to continue to oversee
17 the activities at the site to assure that the public is
18 protected.

19 Now their evaluation and safety has to include
20 first, all of the ways in which potentially people might be
21 impacted or affected by the radiation at the repository.
22 Secondly, to perform safety assessments to ask the what if
23 question. What if something happens? What would be the
24 consequence? In fact there's a -- kind of a discipline way
25 to think about this. The first question is, "What could go

1 wrong at the facility?" The second question is, "How likely
2 is that to happen?" And the third question is, "What are
3 the consequences of that?" And we will require that the
4 Department of Energy look at those three questions in their
5 license application. And that will be a public document.
6 Also, they can't just rest on the information today. They
7 must update their document to us if they get new information
8 that could potentially affect their conclusions. And in
9 addition, they must include their plans to monitor ground
10 water.

11 That license application, as I said, must also
12 include a description of their safety plans and procedures.
13 How do they plan to assure that all the people who are
14 involved in the operations of the facility are trained and
15 certified for their positions? What are their plans to deal
16 with emergencies? And how will they demonstrate that they
17 can feasibly retrieve waste if something does go wrong,
18 and it demonstrates that waste needs to be retrieved.

19 The license application also needs to include how
20 the Department will continue oversight of the project. The
21 controls that they propose to put into place to warn.
22 Permanent markers. The way in which they will retain all
23 records that relate to what has been disposed of as the
24 facility. Again, how they will continue to monitor the
25 performance of that facility to assure that it's performing

1 as they have projected. And to satisfy any other
2 requirements that we might impose upon them as part of a
3 license.

4 The staff -- the Nuclear Regulatory Commission
5 staff will review that license application. I have
6 approximately 30 to 40 technical people who work for me, and
7 in addition there is a federally funded center for nuclear
8 waste regulatory analyses in San Antonio that works
9 exclusively on high-level waste matters for the Nuclear
10 Regulatory Commission. They don't work for the Department
11 of Energy. They don't work for anyone else in the United
12 States on high-level waste issues, they just work for us.
13 And there are in the vicinity of 40 to 50 technical people
14 at that entity as well, who will be assisting us in the
15 review of a license application. So we do have substantial
16 technical firepower to bring to do this job.

17 I'd like to take a moment just to introduce three
18 of the members of the center who are here tonight. Mr.
19 Budhi Sagar is here. He's the technical director of the
20 center. And two of his staff, Mr. Gordon Wittmeyer, and Mr.
21 Mike Smith. And during our breakout sessions I hope you'll
22 find a few moments to go and hear what they have to say
23 about what they do, because I think it's very relevant and
24 important to understand how we are going to go about doing
25 this review.

1 And in brief I like to think -- I like to describe
2 it as the license application comes to the commission and we
3 will literally tear it apart. We will look to make sure
4 that the conclusions that are reached in the application are
5 justified by the facts. And we will trace those conclusions
6 back to the facts. And we will assure ourselves that the
7 technical data that they've used in the license application
8 is being used appropriately, and that it was collected in
9 the proper manner.

10 We also will use our authority to request
11 additional information from the Department of Energy if we
12 need that in order to perform our licensing review. And we
13 will, and we have the ability to conduct independent
14 confirmatory analyses that bolster our confidence in the
15 conclusions, or our lack of confidence in the conclusions
16 that are reached by the Department of Energy. And we will
17 document our results in a safety evaluation report, which we
18 will make available to you, and we will be here to describe
19 it, and to make it understandable to you.

20 MR. GENG: (phonetic) Can I ask a question?

21 MR. REAMER: Yeah.

22 MR. GENG: Do you provide comments to DOE on the
23 draft environmental impact statement?

24 MR. CAMERON: Sir, you have to be near a
25 microphone.

1 MR. REAMER: Yeah. The question was, "Does NCR
2 provide comments to the Department of Energy on the draft
3 environmental impact statement?" The answer is, yes.

4 MR. GENG: So you've already kind of seen their -
5 - processes then -- put into these -- the licensing requests
6 up front. You've already got a head start on reviewing some
7 of that information, then?

8 MR. REAMER: Correct.

9 MR. CAMERON: Okay. We have a little bit of a
10 logistical problem in the sense that for everybody who's
11 going to talk, you're going to have to use the mic. And
12 that's why we were trying to save the questions until the
13 end of the presentation. But I would ask you to ask those
14 questions again to make sure that everybody hears them, and
15 we can have a more exposition by Bill on that. Okay? And
16 Bill if you want to answer that in your presentation, go
17 ahead.

18 MR. REAMER: Okay. There are three potential
19 outcomes from the licensing process that we're describing
20 tonight. One is a decision to grant the license. The
21 second would be a decision to grant it, but only if certain
22 conditions are met by the Department of Energy. And the
23 third outcome of the process would be to deny the licensee's
24 application.

25 And how does the public participate? Through

1 these meetings. I understand these are not your first
2 choice as to where you would like to be. But I do
3 appreciate very much your coming tonight. I hope we can
4 establish and continue an informal dialogue with you so that
5 you'll feel comfortable in asking questions. And you'll
6 feel some confidence in the answer you get. And if you
7 don't feel that confidence you'll keep asking the questions.
8 But one way that we want you to participate is through these
9 meetings and through this dialogue. Another way is through
10 actually formally providing comments when we have a
11 proposal. We don't have a proposal tonight that we're
12 seeking comment on. And of course the third is, if there is
13 a license application before us, down the road, that would
14 be to participate in that process as well.

15 Okay. So maybe now's a suitable time to take a
16 break for questions. Grant?

17 MR. HEDLOW: Yeah. In the, I guess, my question
18 falls in the area of additional conditions, over and above
19 business as usual for the NRC. And I --

20 MR. REAMER: Grant, you need to identify yourself
21 for the record.

22 MR. HEDLOW: Okay. I'm Grant Hedlow. I live here
23 in Pahrump. I'm with the enramp group -- que and lv,
24 sponsored by DOE. And I guess the thing that I'm really
25 concerned about is when are you going to get technical

1 people onboard from a variety of industries? The -- I've
2 asked this question, and I haven't really received a
3 satisfactory answer. The Michigan casks, the dry storage
4 casks that split open were licensed by NRC. They were done
5 by the M&O Sandia. They were used technology that in my
6 industry we discarded sometime before 1950. And just to add
7 a little bit more to that, in talking to the DOE the other
8 day, I found out that they hired the top nuclear
9 metallurgist in the world, from GE, and those metallurgist
10 did not know the technology that I've use in my industry
11 since 1955 to solve those problems with regular, routine,
12 everyday basis. One of the things that non-technical people
13 don't understand is that the industry is badly splintered.
14 In my industry, the kind of information I'm talking about
15 would normally be considered proprietary. And it's not
16 something that we would discuss with other people. And --
17 but it's so common that in the industry it's called a rule
18 of thumb. You don't even need to have the papers anymore,
19 you just know how the thing works, and you go do it. And
20 only people from these various industries are going to have
21 that information. You're -- if you're going to get that
22 information, you have to pull those people in. You can't
23 have scientists from the university. You can't have people
24 from Government. They don't have that information, they
25 never will, until you get it for them. And I -- I'm working

1 with the DOE with these experts from GE now to get the 1955
2 paperwork, the 1975 paperwork. They have casks far more
3 dangerous material, far more severe conditions. Lasted 20
4 years with absolutely no damage. If those things were still
5 in operation they've now lasted 40 years, or 45 years with
6 no damage. And I assume they're still in operation. I
7 don't know that. I haven't bothered to check. That
8 problem was solved so long ago that why would I go back and
9 reinvent the wheel again? You see what I'm saying?

10 MR. REAMER: I think I do. I -- one statement you
11 made about casks splinting open. There haven't been any
12 casks, licensed by the NRC, that have splint open. But I
13 think what you were saying is the technology that's being
14 used, with respect to some of these storage systems, is not
15 the most advanced technology. And that's not the technology
16 that would be used for disposal. I think --

17 MR. HEDLOW: Well how can somebody have a dry
18 casks storage onsite at a nuclear power plant without an NRC
19 license? That even disturbs me even more.

20 MR. REAMER: They have an NRC license, but there
21 have been no casks that have been -- that have splint open
22 or ruptured at the NRC.

23 MR. HEDLOW: Yeah. We brought you the news
24 article on it. What happened, it split open many times.
25 And what happened this last time was for some reason they

1 added acid to it before they welded it, and then they hit it
2 with a welder, and the thing exploded. So they got caught.
3 See and -- it's a regular routine thing, according to these
4 GE experts, you have pipes split open all the time in these
5 nuclear plants. That's why they've been working so hard on
6 the metallurgy. But they didn't talk to other people in
7 other industries, or it would have been solved years ago.
8 And this cask that split open is just another routine thing.
9 It split open, you welded it back up, and you go back in
10 operation again. And there isn't anybody in the NRC that
11 knows the details of that stuff, so there's no oversight is
12 my point. And we need to get oversight, especially with
13 Yucca Mountain.

14 MR. CAMERON: Okay. Grant, I'm going to interrupt
15 you for one second. And have Blair Spitzberg, I think can
16 shed some light on this particular issue for you and the
17 rest of the audience. And Blair, why don't you -- could you
18 -- well, why don't you go there, I guess.

19 MR. SPITZBERG: I believe the event that he's
20 talking about was a hydrogen ignition event that occurred
21 during the welding of a shield lid for a dry cask. After
22 the fuel had been placed in the cask, they weld the lid.
23 And because of a galvanic reaction between the borated
24 water, and the cask coating had generated a small amount of
25 hydrogen gas, which was ignited with the flame from the

1 welding. That was not a case of the cask itself splitting
2 open. The cask had not been sealed at that point.
3 Nevertheless it was an event that got our attention, and
4 corrective actions have been put in place at that licensee
5 and others similar to that to prevent or mitigate the
6 generation of hydrogen gas.

7 MR. CAMERON: Okay. Thanks for that
8 clarification, Blair. Let me ask this gentlemen who had the
9 question earlier. Why don't you ask it on the record for
10 everybody, and we'll get an answer.

11 MR. GENG: Sure. My name is Mike Geng. I live
12 here in Pahrump. And the question I asked was specifically
13 does -- did the NRC provide inputs or comment to the draft
14 environmental impact statement that DOE provided on the
15 Yucca Mountain project? And second question related to that
16 was the fact that they did provide the comments that
17 provides you people with some abilities to actually start
18 doing your homework in a way in preparing for the license
19 request. And they had a lot of material that I assume is
20 presented in those, both the draft and final impact
21 statement, is going to be material that you're going to use
22 in your licensing process?

23 MR. CAMERON: Okay. Bill, do you understand the
24 question?

25 MR. REAMER: Yeah. The first question, yes, we

1 did provide comments on the draft environmental impact
2 statement to the Department of Energy. The second point is
3 it did give us all a glimpse of information, although
4 there's a great deal of additional technical data that's
5 available as well. During this period of this there are
6 daily technical reports that are being prepared right now
7 that are being made available to the NRC, and I think will
8 be made available as well to the Governmental units that the
9 Department will be relying on. And we're going to review
10 those documents as well.

11 MR. GENG: A follow up, I guess, as long as I'm
12 going.

13 MR. REAMER: Yeah.

14 MR. GENG: With regards to the commentary it did
15 provide on the DOE impact statement, have you found anything
16 critical in the material provided by them up to now --

17 MR. REAMER: We had --

18 MR. GENG: -- with regards to stuff you would be
19 evaluating and using?

20 MR. REAMER: Yeah. We had many of the same
21 comments that the jurisdictions out here had with respect to
22 the way certain transportation was handled. We had comments
23 with respect to other environmental issues. I'd be happy to
24 get -- afterwards get your address and provide you a copy of
25 what our comments were, if that'd helpful.

1 MR. CAMERON: If, Bill, if someone wanted to see a
2 copy of our comments to DOE, would it be possible if they
3 signed up that we could send them --

4 MR. REAMER: Yes.

5 MR. CAMERON: -- a copy? So if you want to see
6 what the NRC's concerns were with the draft environmental
7 impact statement, please leave us your name and address, and
8 we will send you a copy of those comments.

9 FEMALE VOICE: How about TRW's comments on --

10 MR. CAMERON: I don't --

11 FEMALE VOICE: Have you seen those bills -- the
12 most critical document I've ever seen.

13 MR. CAMERON: Okay. Sally, I'll just repeat that.
14 Sally Devlin is noting that the technical review board
15 comments --

16 FEMALE VOICE: No, no, TRW.

17 MR. CAMERON: -- TRW's comments.

18 FEMALE VOICE: Yes.

19 MR. CAMERON: All right. Bill, do you have any
20 comment on that?

21 MR. REAMER: I haven't -- I don't think I've seen
22 those. You're saying that there is a document prepared by
23 the Department of Energy contractor on the environmental
24 impact statement?

25 MR. CAMERON: Sally, why don't you step up here.

1 Mel -- let Mel clarify something first.

2 MR. MURPHY: Yeah. Let me preempt Sally for a
3 minute, then I'll get out of her way.

4 MR. DEVLIN: Get out of my way!

5 MR. MURPHY: You owe me this, Sally. I'm Mel
6 Murphy. I'm the regulatory and licensing advisor to the Nye
7 County Nuclear Waste Repository Project Office. And first
8 of all, let me -- Les Bradshaw, our project manager is out
9 of town today, and can't be here. But let me just briefly
10 thank the NRC again for taking the time to come here and
11 interact directly with the people who are going to be most
12 directly affected by Yucca Mountain, the citizens of Nye
13 County.

14 But just to follow up, the NRC's comment -- the
15 Nye County, the State of Nevada, lots of other groups and
16 entities, and jurisdictions have filed comments on the
17 dailies -- draft and environmental impact statement. Just
18 as with the NRC, Nye County found some things in the draft
19 environment impact statement that we could support. We
20 found a lot of other things that we felt were lacking in the
21 DOE EIS. In two major areas, what we call cumulative
22 impacts, and analysis of transportation impacts. The NRC
23 comments and the Nye County comments track pretty closely
24 together, so that we and the -- we, Nye County, on your
25 behalf, and the NRC, in its independent role, have in two

1 cases at least, said pretty much the same thing about the
2 DOE, EIA, draft DIS. And we assume that those comments are
3 going to somehow have to be addressed by the Department of
4 Energy and they're going to have to make some corrections.
5 I assume they will improve that EIS in response to our
6 comments, as well as the comments of the NRC.

7 MR. CAMERON: Okay. Thank you, Mel. Sally?

8 MS. DEVLIN: I'm Sally Devlin. I live here
9 Pahrump. And I want to welcome you all. It's so nice to
10 have you back in this nice cool room. And I don't know how
11 many went on that trip today in a hundred million degrees,
12 but I'm sure this is very nice, and you're very welcome.

13 We have had our battles, and I'm talking about the
14 articles and stuff we give to you. The TRW report, and this
15 is just another thing was the most critical thing I ever
16 saw, and I want to be sure people understand that if the
17 Congress says, go ahead with Yucca Mountain, they still have
18 to be licensed. We just had the NWTRD here Monday, and we
19 did have a very good picture of dates and so forth. What we
20 also got very much was they have no canisters. They have no
21 transportation. They have no way of getting the rods out of
22 the water. They have nothing at this point. And I was
23 totally insulted, which is very hard for me, because
24 everybody blames everything on me, they never once mentioned
25 my bugs, my cropic invasion. And I have sent them all the

1 information on the -- 22, because they love nickel. And
2 we're going to do colloidal testing. But my little thing
3 tonight is very simple, and very fast, and that is the
4 problem that we have is we understand that six people will
5 make the decision on licensing, and nobody knows who they
6 are. That's number one. What are their qualifications?
7 Are they impartial? Who are they? It's always very
8 disturbing to get a Board, maybe they belong to the nuclear
9 industry. Who knows what they are. But those six people
10 are quite unknown to the public, and I think it behooves
11 this group to let us know, and scrutinize and meet them.
12 They're the one's going to kill us.

13 The next one is that on the license application,
14 how detailed will it be financially? As you know in
15 January, again we got numbers. The drip shields, 10,000 of
16 them, will cost \$8 billion. The canisters, 10,000 of them,
17 or double that amount for the second repository, which is in
18 the EIS, as well as the draft EIS. And these are scary
19 things that you do not let the public know, that there are
20 two repositories planned. Thirty-five billion for the
21 first, and, rather 25 billion for the first, 35 billion for
22 the second. This is all documented, but nobody says it from
23 your organizations. And it bothers me. So how financially
24 accurate are you going to be? Or even honest? You don't
25 get those numbers. The only way we got the eight billion on

1 the drip shields because we asked the question. It was
2 never asked by the Board.

3 The third thing, and I think this is the most
4 important, and I brought it to give you a souvenir. And
5 this came from Abe Von Link (phonetic). And Abe Von Link is
6 the one from DOE who was at our NWTRD meeting, who was going
7 to write the licensing proposal. And we've been bitter
8 enemies for almost eight years now. But he just became my
9 best friend, and I put him on my committee. Can you imagine
10 me loving Abe? And that is he gave the line in his report,
11 and he said, "A repository should not present public health
12 risks unacceptable to current generations." Now you heard
13 the word, "current generation," and he never should have
14 said, "current." We must think in terms of future
15 generations. So we got Abe, and Abe's number one on my
16 committee. And I must close, and I'm going to be very
17 short, and that is, we have no medicine. And as you know, I
18 asked DOE at the mountain, as well as the test site for a
19 hundred million dollars for a research hospital here. And
20 this is why all your baloney about accidents, and so on.
21 There's no place to go. There's no place to go for a
22 thousand miles. If you've read as many transportation
23 reports as I have, there is none. There is none. And my
24 figure, and I'd like to see it in that it's put in for
25 transportation is a trillion dollars. Not only for the

1 hundred and twenty ton trucks, which will wreck every
2 highway, bridge, and so forth, but for the cost of roads,
3 and medical, and insurance, and so on. And as you know, we
4 all know what a dismal record the Department of
5 Transportation has. And I will repeat it for everybody's
6 acknowledgment because it's in the book, and that is from
7 '87 to '96 at chemical industry, they had a hundred and
8 twenty-five thousand accidents at chemical plants. On the
9 road from those 10 years, they had 26,000. This is not
10 reassuring. So I've made my comments, and I thank you again
11 for coming. You've got hell like you always do. But I'll
12 give these to you in writing.

13 MR. CAMERON: Okay. Thank you, very much, Sally
14 Devlin. I'd like to make one suggestion to you in regard to
15 Sally's first point about the six unknown decision makers.
16 It might be useful for the -- all of the audience to know
17 how the NRC's licensing decision is going to be made. Some
18 of this is going to be in Sandy Wastler's breakout session,
19 and we'll bring that back to you. But I think that while
20 we're all here in the group right now, maybe if you could
21 just give us sort of a capsule of how this decision gets
22 made and who makes it. Atomic Safety and Licensing Board
23 Panel Commission, that whole business, if you could?

24 MR. REAMER: Well, the first step is to gather all
25 the evidence together in what's called a record. Which is

1 the full documentary basis that the decision is made.
2 That's a public record. Then the decision is initially made
3 by a panel of administrative judges. They're like regular
4 judges, except that they sit on administrative cases. And
5 their decision has to be based on what's called the weight
6 of the evidence in that record. They have to go with whose
7 evidence has proved the point. The Department of Energy has
8 to prove their point on every issue in the hearing. They
9 have the, what's called the burden of proof on every issue.
10 So the Board has to find that they've carried their burden
11 of proof on every issue. And then anything that a party
12 wants to appeal, can be appealed to the commissioners,
13 that's the head of my agency, the Nuclear Regulatory
14 Commission. There are five commissioners. They come from
15 various walks of life. Some are from State positions.
16 There's a woman who's from the State of Arkansas. There's a
17 lawyer who is from Washington, D.C. from a large law firm in
18 Washington, D.C. There are three other individuals. There
19 are two people formerly were on congressional staffs, they
20 worked for congressmen. One worked for a congressman from
21 New Hampshire. The other worked for a congressman from New
22 Mexico. And the fourth -- the fifth person is an
23 engineering professor from the University of Florida. So
24 they -- of course, they may not be the commissioners in
25 five years, or whenever the decision is made, but they would

1 make the decision today, if it was presented to them.

2 MS. DEVLIN: Who appoints them?

3 MR. REAMER: They're appointed by the President of
4 the United States. They're appointed for terms of five
5 years. The President can't just say, well you're not my
6 political party, I'm going to remove you, and put all my
7 people in. They -- they're appointed for five years, and
8 they cannot be removed, unless they're removed for what's
9 called cause. No commissioner has ever, fortunately, ever
10 had that happen.

11 MR. CAMERON: Before we go to -- could you come up
12 and ask your question, or make your comment? Thank you.

13 MS. DAUN: Would it be possible to get their
14 names?

15 MR. REAMER: Sure.

16 MS. DAUN: Okay. After the meeting?

17 MR. REAMER: Yes, be happy to give them to you.

18 COURT REPORTER: Who was the speaker?

19 MR. CAMERON: Okay. Oh, could you just identify
20 yourself for the record, and then we'll have this gentlemen
21 come up?

22 MS. DAUN: Joann Daun.

23 MR. CAMERON: Thank you, very much, Joann. Yes,
24 sir?

25 MR. WEAVER: Hi, I'm James Weaver from Tecopa,

1 California. And I might have other questions later, but I
2 wanted to ask, is that the same with the administrative
3 judges, are they appointed by the President also? And
4 what's their term and --

5 MR. REAMER: No, they are appointed by the
6 Commission. And they're typically --

7 MR. WEAVER: Who within the Commission appoints
8 them?

9 MR. REAMER: The commissioners.

10 MR. WEAVER: The commissioners. Okay.

11 MR. CAMERON: Yes, sir. Go ahead.

12 MR. BALL: My name's Art Ball. I'm here as a
13 private citizen tonight. I live in Pahrump. And since we
14 just heard something about the cost of some of the things at
15 Yucca Mountain, I guess it's a good time for my question.
16 Bill already told me he wasn't the one to give me the
17 answer, but many years ago there was a utilities study.

18 MR. REAMER: I said I would get it for you.

19 MR. BALL: You said you'd get it, right. But this
20 might be the right time to raise it. There was a utilities
21 tax imposed upon the nuclear powers industry, which was
22 specifically for this -- a permanent repository. I was
23 wondering how much has been collected? How much is
24 typically collected over a year from a facility? What is
25 done with it? Is this going to come anywhere near close to

1 the figures we just heard about what the cost is? And also
2 there is a benefits agreement in the Nuclear Waste Policy
3 Act, which states that if a local or Government, State local
4 or Indian tribe accepts any money from the repository fund,
5 that they have forfeited any right to oppose said
6 repository, if I read it correctly. I just want to know if
7 any such Government in the State of Nevada has accepted any
8 money of this?

9 MR. CAMERON: Let's bring Mel Murphy up. I think
10 he had eliminate that for us.

11 MR. MURPHY: Let me quickly clear up that last
12 point, Art.

13 MR. BALL: Yeah.

14 MR. MURPHY: The Nuclear Waste Policy Amendments
15 Act of 1987, which created the benefits agreement section,
16 specifically says that by entering into a benefit agreement,
17 and accepting money, you do not forfeit your right to oppose
18 the repository.

19 MR. BALL: Oh, you do not?

20 MR. MURPHY: Now most State or local government
21 has even tried to enter into a benefits agreement. But if
22 the State of Nevada, for example, did in -- at some future
23 time decide or to negotiate a benefits agreement, they would
24 specifically, by statute, not forfeit their right.

25 MR. BALL: Not forfeit. Okay.

1 MR. MURPHY: Not forfeit their right to object.

2 MR. CAMERON: Okay. Thanks, Mel.

3 MR. BALL: Do you know how much is in the fund?

4 MR. MURPHY: I -- it's something in the
5 neighborhood of \$9 billion.

6 MS. DEVLIN: It's \$9 billion. The Government
7 stole the money and they're in litigation with the rate
8 payers. And they are.

9 MR. MURPHY: Not all of us use lexicon that Sally
10 does. I don't associate myself with the word stoled. But -
11 -

12 MR. CAMERON: Did you get, Mel Murphy, on what his
13 comment on the briefcase?

14 MR. MURPHY: But it -- right. But it -- the fund,
15 as I recall generates about \$750 million a year. Congress
16 doesn't appropriate all of that, so the fund grows every
17 years. But I think it's about \$750 million a year. And
18 Sally's figure I think is accurate, there's something in
19 excess of \$9 billion in the fund right now.

20 MR. CAMERON: Okay. Let me -- before we go to
21 Grant for another question, let me ask for a question back
22 here. If you could -- don't mind coming up to the
23 microphone, and just tell us your name, and affiliation, if
24 appropriate. Thank you.

25 MS. SNYDER: My name is Susi Snyder. I'm with the

1 Shinda (phonetic) High Network in Las Vegas. I apologize
2 for being late. I was caught up in court this morning.
3 Anyway, my question was, you had just mentioned the evidence
4 gathered that will be presented to this panel of judges that
5 you're talking about. And I was wondering what that
6 included. That includes, I assume it's the FEIS, the
7 sufficiency report, the Presidential recommendation. What
8 else is included in that list of things?

9 MR. CAMERON: That's a good question, and how do
10 you want to systematically answer that? Do you want to
11 answer it? Do you want to bring Sally up to do this?

12 MR. REAMER: Well, let me just -- let me pick up -
13 - let me try and answer it to move it along. Actually, it
14 would be the license application. It would be the staff's,
15 the Nuclear Regulatory Commission Staff's safety evaluation
16 report. It would be any testimony of expert witnesses that
17 was presented. Any other information that the Board or a
18 party wanted to note that's kind of officially available,
19 that can be noted.

20 MS. SNYDER: You said, party. When you say,
21 party, what do you mean? I'm sorry, I should stand up
22 again.

23 MR. CAMERON: Yeah. We're sorry that we have to
24 come back up, but please bear with us.

25 MS. SNYDER: Yeah. I know. Okay. So you said,

1 Board or party, what party -- like party, meaning can you
2 just walk into it?

3 MR. MURPHY: Sure. Party meaning a participant
4 like the Department of Energy, the State of Nevada. Anyone
5 else that is a formal participant in the licensing
6 proceeding.

7 MS. SNYDER: Okay. And can, let's say the people
8 also -- like people who live here in Pahrump, you know, who
9 are directly effected by this, get involved in as a party in
10 that?

11 MR. REAMER: Yes.

12 MS. SNYDER: Okay. Good to know.

13 MR. REAMER: And they can present information.
14 They can present their own statements. They can present any
15 information they have that they want to present.

16 MR. CAMERON: And let me just add something on
17 that in terms of another meeting, future meeting that we're
18 going to have. The NRC staff evaluates the license
19 application, and presents the -- or prepares the safety
20 evaluation report. That information goes before the panel
21 of administrative law judges. Other parties to that
22 proceeding before those judges, also present evidence in
23 support, or in opposition to various aspects of the license
24 application. And indeed, citizen groups, citizens, Tribal
25 organizations, besides the groups that Bill mentioned can

1 petition the licensing board to be a party to that
2 proceeding. And the future meeting that we're going to have
3 is to come out, and again we will be in Nye County to talk
4 about that hearing process specifically, and in depth so
5 that everybody can understand that.

6 MS. SNYDER: Okay.

7 MR. CAMERON: So we will do that.

8 MS. SNYDER: That's good.

9 MR. CAMERON: Jan?

10 MS. SNYDER: I'm sorry. But I would still like
11 the rest of my question answered.

12 MR. CAMERON: Sure. All right.

13 MS. KOTAR: Can I just answer the first part of
14 your question --

15 MS. SNYDER: Yeah. Okay.

16 MS. KOTAR: -- or complete it?

17 MS. SNYDER: Yeah. Thank you.

18 MS. KOTAR: You did come in late, but for the
19 benefit of everybody who may not have seen it, there are
20 some flyers on the table as you came in. One of them
21 addresses the ways in which the public can participate.

22 MS. SNYDER: Uh-huh.

23 MS. KOTAR: The acting as a party in the licensing
24 hearing is but one of many ways. But it is identified there
25 in a very brief way. But there are also addresses, and web

1 addresses, as well as regular addresses, where you can write
2 to get more information.

3 MS. SNYDER: Okay.

4 MS. KOTAR: And we'd be happy to get that
5 information for you. But I would commend you to some of the
6 handouts on the table.

7 MS. SNYDER: Okay. Great. So, as I understand
8 it, then so we were talking the licensing application, the
9 staff safety evaluation report, any testimony of appropriate
10 parties, or what is it -- oh, of expert witnesses that's
11 presented, any information on the Board of party, or any for
12 the Board or party presents. And what else is also included
13 in this final review?

14 MR. REAMER: Any documents that any participate
15 would introduce as evidence.

16 MS. SNYDER: Okay. So that would probably, like
17 I'm saying that would include the final environmental impact
18 statement, the -- would that include the final -- the FEIS,
19 the Presidential recommendation or?

20 MR. REAMER: It would not include the Presidential
21 recommendation.

22 MS. SNYDER: Okay. That's after the process?

23 MR. REAMER: That's before the process.

24 MS. SNYDER: Before. Okay.

25 MR. REAMER: Remember the process starts when and

1 if there is a license application. The --

2 MS. SNYDER: Which --

3 MR. REAMER: -- site recommendation --

4 MS. SNYDER: Okay.

5 MR. REAMER: -- information is all in previous to
6 that.

7 MS. SNYDER: Okay. Thank you.

8 MR. CAMERON: Thank you for the question.

9 MS. DEVLIN: To introduce. Excuse me for being
10 rude. You have a very important guest here and his name is
11 Ray Clark, sitting right behind me here, in the tan shirt.
12 And I particularly invited him because he is EPA. And you
13 two, you are trying to raise the standards for how --

14 MR. CAMERON: You're going to have to speak into
15 the mic, Sally.

16 MS. DEVLIN: We have a very important guest here.
17 And I think the entire audience ought to meet him, and you
18 were remise in not introducing him. Ray, stand up. This is
19 Ray Clark of EPA. And he is a lovely man, who is all our
20 meetings. And you and EPA are having a fight. And I think
21 the public should know that you're trying to raise the
22 standards, and they want to keep them as they are. And I
23 think that this ought to be brought out I this meeting,
24 because we're going to meet on it. So I'm sorry that you
25 didn't recognize Ray.

1 MR. CAMERON: Yeah. Ray, we didn't mean to
2 exclude you. I know you've had a tough day out on the trail
3 out there. But this is Ray Clark from the EPA. And EPA is
4 busy writing standards on the repository, and at some point,
5 Ray, if we could impose upon you, towards the end of the
6 meeting to just tell us what the status of that effort is?
7 All right. Thank you, Ray. Grant, please step up to the
8 mic. Thank you.

9 MR. HEDLOW: On another subject, have you heard of
10 the process in Sweden? The kind of process for their
11 licensing? The NWTRD had some guests from Sweden, and there
12 were three or four salient points. One is local communities
13 volunteered to have the repository. And one of them was
14 finally selected. They volunteered on the basis that they
15 have a veto in their pocket. That veto caused some
16 technical changes that were pretty interesting. And it
17 forced the NWTRD to notice that by trying to store the spent
18 fuel rods at 360 degrees C, you're going to rupture the
19 zirconium sheath around it. So within a short time the
20 radioactive material inside's going to be loose from the
21 first barrier. By having the 360 degree C temperature, we
22 also have a very severe environment. And in the chemical
23 industry, I'd like to say that split things open for the
24 first hundred, hundred and fifty years, until we finally
25 learned how to solve it. By have the mayor with the veto in

1 his pocket, they had to reduce the temperature to 90 degrees
2 C. That allowed -- now the zirconium doesn't split. The
3 cask itself can be made out of copper and steel, it's no big
4 deal. And it can be surrounded with wet clay. They claimed
5 they could surround it with dry clay. Clay is a really good
6 barrier, if you can keep it intact. So the mayor made them
7 test it. And as soon as they fired it up, the clay
8 disintegrated, turned to sand, it was gone, it was no good.
9 So now the clay has to be wet. And then the mayor is making
10 them do a 10 year test to prove it. This is completing
11 different. It was astounding to me the way the politics and
12 the technology are intertwined in this, and that was a
13 really dramatic example of that.

14 MR. CAMERON: Thank you, Grant.

15 MR. REAMER: The mayor is meeting with -- tomorrow
16 with the Nuclear Regulatory Commission in Washington, with
17 my boss, so --

18 MR. HEDLOW: Oh, good.

19 MR. REAMER: -- I've heard that story. And there
20 is a different process that Sweden follows than we have
21 here. But, you know, I think meetings like these are
22 meeting where we can hear your concerns, and we can bring
23 the same pressure to bear. We can focus on those concerns.
24 We can focus on those issues. We can ask the questions.
25 So, our process is different, but I think it also permits

1 the effected people to come forward with their concerns, and
2 get answers, and that will drive safety toward a better
3 conclusion.

4 MR. HEDLOW: That's great.

5 MR. CAMERON: Okay. Let's take two more, three
6 more questions here. And then bring up the NRC speakers who
7 are going to do our breakout groups and do that. Let's go
8 to the lady with the -- in white there, and then we'll come
9 up to you, and then you. And please come up to the mic, and
10 state your name. And Kalynda you want to say something?

11 All right. Go ahead.

12 MS. MOORE: I'm Susan Moore. I'm the director for
13 emergency services in Nye County. And I specifically looked
14 at your slides. I have about seven questions, and if we can
15 put the machine back on, maybe it'd be easier for those
16 slides. The first question I happened to put down was my
17 concern about EPA and NRC, and hopefully he'll answer it
18 later. But I did want to know what the difference was
19 between the two organizations, as far as this licensing is
20 concerned? What role EPA will have, as well as you? And
21 will -- hopefully you'll be able to answer that question?

22 MS. WARD: Okay.

23 MR. REAMER: Do you want to take them one at a
24 time? Would that be -- do you --

25 MS. WARD: That's fine.

1 MR. REAMER: Okay. The EPA has the responsibility
2 to establish a standard for a -- any repository at Yucca
3 Mountain. The NRC has the responsibility to implement that
4 standard through regulations that must be consistent with
5 the EPA standard. The EPA is in the midst of establishing
6 their standard. They publish their standard for public
7 comment last winter. The Nuclear Regulatory Commission had
8 comments on the EPA standard. We disagreed with aspects of
9 the standard. We, for example, the EPA proposed a 15
10 millirem standard. The NRC urged that the standard be 25
11 millirem. Twenty-five millirem is the standard that the NRC
12 applies at all the facilities, other facilities that it
13 regulates. Fifteen millirem is the standard that EPA has
14 applied to the WHIP Facility (phonetic). The responsibility
15 now on EPA is to review all the comments, and decide what it
16 will -- what the standard will contain. And its
17 responsibility of the Nuclear Regulatory Commission to be
18 consistent with the EPA's standard.

19 The EPA standard also included a separate
20 groundwater protection standard. The Nuclear Regulatory
21 Commission disagreed with that. The Nuclear Regulatory
22 Commission does not apply a groundwater standard to any
23 other facility it regulates. However, the EPA has applied a
24 groundwater standard at the WHIP Project in New Mexico. Now
25 EPA has the comments, and it must decide what it wants to do

1 with respect to a groundwater standard. And again the law
2 says when the EPA issues a final standard the NRC must be
3 consistent with that standard.

4 MS. WARD: Okay. My next question. I have been
5 licensed under the State as far as working with radioactive
6 material, so I'm aware of what it -- a lot of this contains,
7 but I was never licensed by NRC. How often do you check
8 your licensee?

9 MR. REAMER: How often do we inspect?

10 MS. WARD: Inspect. That's correct.

11 MR. REAMER: Okay. Could I defer that question to
12 the license -- to the inspection -- the inspection breakout
13 section that we're going to have?

14 MS. WARD: Okay.

15 MR. CAMERON: He's going to -- we're going to
16 defer that question. We're going to have a breakout section
17 on inspection. And we're going to bring the people back and
18 they would summarize that. Okay. So we will answer that
19 question.

20 MS. KOTAR: Chip, could we just give a short
21 answer? Basically that if your -- if that question refers
22 to the repository, we expect that there will be resident
23 inspectors who will be on the site all the time. It varies,
24 depends on the type of licensee, is the answer. And that's
25 why it's a more complicated answer that you can't give one.

1 But for the repository you would have resident inspectors
2 who would be there all the time.

3 MS. SNYDER: Thank you.

4 MS. WARD: Okay. I've had the fortunate or
5 unfortunate opportunity to read the EIS, and so I have some
6 questions that relate to that. When I read through there,
7 when the repository closes, and you know, that's the final
8 finale, I wanted to know if you stop monitoring?

9 MR. REAMER: If the -- no, when the repository --
10

11 MS. WARD: Because the license ends then does that
12 mean you stop monitoring? That's my question.

13 MR. REAMER: If a license ends then the Nuclear
14 Regulatory Commission's role ends. The Department of Energy
15 has the responsibility to continue oversight for really some
16 indefinite period, so I think you're asking a question I
17 need to get the answer to. I can't tell you exactly what
18 their plans are with respect to --

19 MS. WARD: It wasn't clear in the EIS that they
20 did any monitoring once it was closed. And that's my
21 question.

22 MR. REAMER: They must monitor as long as we are
23 involved in our licensing role. And they must compare the
24 monitoring results to assure that what they're finding from
25 the monitoring is consistent with safe operation of the

1 repository.

2 MS. WARD: So when they license -- when it closes,
3 the repository closes, then you're no longer involved then?

4 MR. REAMER: No, the repository will close, and we
5 will continue to be involved until the license is
6 terminated, which could be some period of time after that.

7 MS. WARD: You mentioned in one of your slides
8 about checking the groundwater, and monitoring it. Are you
9 going to run some sort of testing, or is this something that
10 DOE will be doing, and giving you the results? How are you
11 going to monitor groundwater?

12 MR. REAMER: Yeah. We -- it's DOE's
13 responsibility to monitor. There maybe other monitoring
14 entities, as well. We will look over their records.
15 Inspect how they're doing it, and reach conclusions as to
16 whether their monitoring system complies with what they are
17 required to do or not.

18 MS. WARD: Okay. Now we can go to slide 10.
19 Sorry. If you can get that back on? On Slide 10 you asked
20 -- you made three statements and I -- that's not 10.

21 MS. KOTAR: Sorry.

22 MS. WARD: And you said that in the evaluation you
23 put -- you said, what could go wrong? You want them to tell
24 you what could go wrong. How likely it will happen. I
25 didn't catch the third thing?

1 MR. REAMER: What are the consequences.

2 MS. WARD: Now are you -- consequences -- they
3 don't have to say what they're going to do, just what would
4 be the worse case scenario? Is -- I'm not sure I understand
5 what you mean by, what are the consequences?

6 MR. REAMER: What are the impacts on -- with
7 respect to the public health and safety. Are the impact --
8 are there impacts? Are there consequences that could
9 affect people.

10 MS. WARD: And once they identify that, then they
11 need to identify how they're going to deal with it?

12 MR. REAMER: Well, then if the consequences are
13 below the standard, in other words, if they're within
14 safety, they've demonstrated safe operation. If they're
15 above this -- the standard then there's not a basis to issue
16 a license for them.

17 MS. WARD: Okay. Slide 9, which is the one just
18 before it. I thought we -- on evaluation on the safety of
19 the repository, I guess my question stem from, does DOE do
20 an evaluation that's part of their application? Do you also
21 do an independent evaluation? Do you just read it, or do
22 you go out there and do an independent evaluation of the
23 safety of the repository?

24 MR. REAMER: We do an independent evaluation. We
25 surely read everything that they -- that -- all their

1 conclusions. We then try to reach a conclusion as to
2 whether we agree, or disagree with those conclusions. We
3 can do our own independent calculations to either confirm or
4 disconfirm what we see in their license application.

5 MS. WARD: And finally, the last question. Slide
6 11. That can't be Slide 11. Slide 11 was -- had to do with
7 emergency plan. Okay. When I looked in the EIS and I read
8 through, there were three areas of concern that I had. The
9 building of it itself. The operating transportation issues.
10 And the closing. When I was a licensee for the -- in the
11 State, we had to have an emergency plan that would deal with
12 all aspects. And what I was wondering, is that the case on
13 this one? Will there be a emergency plan for the building
14 of it? Will there be a plan in operating it? Will there be
15 a plan in transportation, as well as the closing? Is that
16 something you require?

17 MR. REAMER: We require a plan for the disposal
18 facility once it receives radioactive material. Throughout
19 the period of time that it's being construction, there is no
20 radioactive waste at the facility. There's no means by
21 which there could be contamination of people, so there's no
22 emergency plan that applies during that period of time.

23 MS. WARD: So once they physically receive then
24 that plan that they're working on would be operating,
25 transportation, and the closure?

1 MR. REAMER: The plan must cover the facility
2 itself. Transportation's a little separate. And if I might
3 have to ask Rob Lewis to help me a little on emergency
4 planning with respect to transportation.

5 MR. CAMERON: Rob, do you have a comment on that?
6 Provide some information on that part of it?

7 MR. LEWIS: Sure. I think I could add something.
8 The -- with respect to transportation the DOE, by the law,
9 the Nuclear Waste Policy Act, will be required to train
10 people. The emergency responders, along the transportation
11 routes, all the way across the country. DOE hasn't started
12 that process yet, because the shipments are about 10 years
13 away. So they say there's not a need to do that yet. But
14 they're working on how they're going to eventually do that.
15 So it will be DOE training the people. And as far as the
16 emergency response, it's really the State and local people,
17 the policemen, the firemen, will be the first persons on the
18 scene of an accident, and they will be the people that are
19 truly the -- what we would call the emergency responder.

20 MS. WARD: Yes. And I understand that. I just
21 wanted to know what kind of support we would have from the
22 facility, and whether or not that's part of the licensing
23 aspect? That's my last question.

24 MR. CAMERON: Okay. Thank you for those
25 questions. Those were good questions. Let's -- we're going

1 to take three more people now. Then we're going to bring
2 up, and give you a short preview of the three other topics.
3 We'll go to breakout sessions. You can talk with these
4 people personally, and then we'll get back together again.
5 Let's go to this lady right here.

6 MS. BUNCH: My name is Ty Bunch. I'm a retired
7 chief nuclear medicine technologist. My husband and I
8 reside in Pahrump. My question is in regards to the
9 continued safety oversight, in particular to the permanent
10 markers. Due to the long half lives of the radioactive
11 materials that will be stored, it is going to be necessary
12 to take into consideration future generations of safety. So
13 my particular question is, has the DOE decided what type of
14 permanent markers that will be put into place? And if not,
15 when does the decision need to be made?

16 MR. REAMER: Yeah. It needs to be included in the
17 license application, because there are certain requirements
18 in the Commissions regulations with respect to having
19 permanent markers. And the license application is the place
20 where the Department of Energy will describe what it's
21 proposing to do.

22 I do not have, yeah, I don't have the submittal
23 yet from the Department of Energy that describes what they
24 will do.

25 MR. CAMERON: Okay. Thank you. Yes, ma'am?

1 MS. VIERECK: Hello. My name's Jennifer Viereck.
2 I live in Tecopa. Which is just over the California border
3 here. I have three questions. My first has been addressed
4 a little bit, but I'm still not really clear about this. To
5 what extent does the NRC have a budget, or people with
6 expertise for independent scientific evaluation? I'm just
7 somewhat overwhelmed by the speculative nature of the
8 science that we're talking about. And I heard your response
9 that maybe you'd do your own number crunching, or something,
10 but I wanted a specific answer. To what extent do you have
11 a budget and scientific personnel to do independent
12 evaluation, and not depend on the DOE?

13 MR. REAMER: My budget this year is approximately
14 \$19 million. I have a technical staff, and then about 40
15 technical staff that work for me. In addition, and I would
16 urge you to talk to one of the three individuals that I
17 asked to identify themselves, we are supported by the
18 Federally funded center which are paid for by Government
19 funds. And they have a staff of in the range of 50 people.

20
21 MR. CAMERON: You may have missed that part. And
22 when we go to breakout session these three individuals from
23 our center are going to be over here, if you need -- if
24 you'd like to talk to them more about that.

25 MS. VIERECK: Thank you. Yeah. The breakout

1 sessions, that's going to be difficult, because I really
2 want all the information, not a fifth of it, or however it's
3 going to work out.

4 MR. CAMERON: Well, we're going to bring it all
5 back to you then.

6 MS. VIREECK: Great. Okay. My second question,
7 and this may sound naive, but I really would like some
8 clarification as to what kind of criteria is ultimately
9 applied to evaluate this license? Because it seems like the
10 criteria for this facility has changed so many times. When
11 it was originally mandated in 1987, its purpose was to
12 isolate nuclear waste from our biosphere here where we live.
13 And it just seems to keep changing. And now I hear
14 technical people saying, well, we really hope to slow it
15 down for at least 300 years. So what criteria are you using
16 to evaluate whether this thing goes in or not?

17 MR. REAMER: The ultimate criteria are the
18 standards set by the Environmental Protection Agency. The
19 projected estimated performance of the repository must be
20 beneath, within that standard. In addition, there are other
21 requirements that I tried to allude to. They're -- and we
22 call it a bird's eye view. It's not very detailed.
23 Probably you need a more detailed interaction, but we
24 require safety analyses to consider those three questions I
25 mentioned. You know, what could go wrong? How likely is

1 it? What are the consequences? We require a separate
2 analysis called a multiple barrier analysis, or a defense in
3 depth analysis to -- that requires the Department of Energy
4 to again consider, well, what if the package, that canister
5 doesn't perform exactly as you say? What would be the
6 consequences of that?

7 MS. VIERECK: Right. But I guess what I'm trying
8 to get to with my question, and where my alarm comes from as
9 a local resident, is that I, unfortunately also read the
10 DEIS, and what I see in there as the ultimate goal of the
11 DOE at this point does not include isolation. And I didn't
12 hear, in your presentation, the word, isolation. And that,
13 as I understood it, was the purpose of this facility in the
14 first place. So that's why I'm concerned about whether
15 that's our goal here or not.

16 MR. REAMER: You know, there are others that maybe
17 have a longer term. I don't think isolation, in the sense
18 of zero release has ever been a goal of this program. The
19 standards that were set in the 1980's always looked at the
20 reality of, if there is a release, what is the consequence
21 of that release? What is the effect of that release? It
22 must be a release that is so small that it could not
23 adversely impact people.

24 MS. VIERECK: Well, given my understanding of
25 health studies, such a release does not exist. My third

1 question regards why is it that in your licensing process
2 the DOE is left with so much power to police themselves? As
3 I understand it, they're going to check their own water.
4 And maybe somebody's going to look over their shoulder. I
5 don't know if other people in the audience read it, but in
6 the last 24 hours, I read a recent article in the Bulletin
7 of Atomic Scientist by a former top DOE official, Robert
8 Alvarez, and it honestly was one of the most chilling
9 documents I've ever read in my life. Given the power that
10 the Department of Energy has over the health of all life on
11 this planet for the indefinite future, it seems to be in
12 complete and total disarray. And he was very specific about
13 how safety personnel have been systematically eliminated
14 from their staff. And there just is very little safety.
15 Any facility that anybody's ever become familiar with is
16 just a God awful mess. So why are we doing it again, and
17 giving them this kind of power to police themselves? I'm
18 really feeling inadequate about what I've heard so far this
19 evening.

20 MR. REAMER: Well, I don't believe they have the
21 power to police themselves as to this project. Most of
22 their projects the DOE is self regulated. As to this
23 project, they will be regulated by the Nuclear Regulatory
24 Commission. There are a number of facilities that the
25 Nuclear Regulatory Commission regulates. Nuclear power

1 plants, the fabrication of fuel, the disposal of waste. The
2 record of nuclear industry is good. And the -- and I
3 believe in part it's good because of regulation. And I
4 believe regulation is good in part because of citizen input.
5 And I think that's the discipline we want to bring to this
6 project.

7 MS. VIERECK: Well, I'd just like to point out one
8 other study that I read recently that perhaps you're not
9 familiar with. But it discusses the rates of infant
10 mortality at licensed facilities that have been closed
11 recently. And it goes over five different facilities that
12 were closed between '88 and '89, and average infant
13 fatalities dropped within 15 to 20 percent. And at the
14 Rancho Seco one, which is where I raised my child, in that
15 neighborhood, genital deformity deaths in children age zero
16 to four dropped 30 percent in the first year that that
17 facility was closed. So I'd just like to register, as a
18 local citizen, my concern about these things. Thank you
19 very much. I'd also like to say that if the only amount of
20 time that you're going to be looking over their shoulder is
21 the duration of the license, I hope it's in the multimillion
22 of years. Thank you.

23 MR. CAMERON: Thank you. And after awhile you may
24 want to just provide the name of that study to the NRC
25 staff. I'm going to check to see if they know, but if you

1 could do that. Let's have one final --

2 MR. REAMER: Could I --

3 MR. CAMERON: Go ahead, Bill.

4 MR. REAMER: I do have one comment. I'm aware of
5 the study. I'd urge you to visit various web sites.
6 There's quite a lot of bit of critique of that study. I've
7 not personally critiqued it, but actually I have an article
8 that was written that was very interesting in critiquing it.
9 I'd be happy to bring it to your attention.

10 MR. CAMERON: Okay. Thank you, Bill. Kalynda,
11 let's hear from you, and then let's get our three experts up
12 here.

13 MS. TILGES: Excuse me. Common problem in my
14 life. You sound like my stepmother who wanted to put manure
15 in my shoes to fertilize my growth. Is it possible to get a
16 major growth spurt at 40? My name's Kalynda Tilges. I'm
17 with Citizen Alert. And I have a couple of questions, slash
18 comments. My first question is somewhat rhetorical, but if
19 you have an answer, I would certainly like one. You had
20 mentioned in the beginning that part of the NRC's role in
21 this is to inspect and enforce the rules. I'm curious as to
22 how -- what -- how would you enforce a rule once the
23 groundwater is already been contaminated? What happens
24 then?

25 MR. REAMER: Well I think enforcement has to come

1 long before that. Enforcement has to come when monitoring
2 indicates that the repository is not performing as it was
3 projected.

4 MS. TILGES: Then I think the NRC should be the
5 one monitoring the DOE's monitoring. Or at least -- or an
6 independent group. That was a comment. You say the public
7 is going to be involved at every step of the process, but
8 I'm wondering to what extent informal meetings like this
9 will actually have an impact. I know you're taking
10 transcription, if you don't speak into the mic, you don't
11 get transcribed. That's how it work. Because a
12 transcriptionist can't really hear you, which is one of the
13 reasons why everyone is encouraged to come up to the mic.
14 But -- and also to what extent will these comments -- well,
15 first of all, what impact, and are these informal meetings,
16 do they really account for anything? And how -- to what
17 extent are our comments taken into consideration to actually
18 have an impact on licensing process, and what the NRC does?

19 MR. REAMER: They do have an impact. The reason
20 we're having this meeting was because it was asked for by a
21 number of local residence. In addition, in a few moments I
22 want to introduce a new member of our onsite office, Bob
23 Latta. Part of the reason that I'm introducing him is
24 because of an exchange that occurred between affected units
25 of local government and the chairman of our agency

1 requesting that the onsite representatives of NRC in the
2 future providing a more attention to local concerns. And so
3 we're responding to that. So, I think these meetings do
4 have an impact on us. I'd like to see them continue. I
5 hope you'll continue to come. And I hope you'll continue
6 to, you know, ask these questions.

7 MS. TILGES: Well, I had read -- the reason I
8 asked is I read your little book here, Public Involvement in
9 the Nuclear Regulatory Process, and it said people were
10 welcome to make comments and ask questions, but it never
11 mentioned to what extent that would be considered. And
12 there was a mention of being able to petition once --
13 regarding a licensed operating facility. Does that mean we
14 can also petition the NRC to make changes before the
15 licensing happens? Or do we have to wait till the licensing
16 has happened, the DOE is on it's merry way, before we file a
17 petition and possibly have it addressed.

18 MR. REAMER: No, you don't have to wait. If you
19 do file a petition with respect to a regulation or a
20 requirement of the NRC, you can file that at anytime.

21 MS. TILGES: Okay.

22 MR. CAMERON: Go ahead. I think Janet wanted to
23 offer something.

24 MS. TILGES: Go ahead.

25 MR. CAMERON: Why don't you do that?

1 MS. KOTAR: Just to supplement what Bill has said,
2 there are a number of opportunities where public involvement
3 makes an importance difference to the way the staff conducts
4 its work on a day-to-day basis with regard to specific
5 products. We do have another handout in the back of the
6 room, which itemizes kind of step-wise the different types
7 of ways that goes into -- it's a little more recent than the
8 booklet that you're referring to. As an example, we
9 recently proposed a regulation. We've got in excess of 900
10 comments on that regulation. I was part of the team that
11 have analyzed each and every one of those comments, and we
12 tried very earnestly to respond to those comments. The
13 result of that analysis is now before the commissioners, all
14 appointed by the President, as Mr. Reamer said. We are
15 eager to find better and more effective ways that we can get
16 the comments of people who are concerned, who take their
17 time on an evening like this come and share their views with
18 us. To get that into the way that we do business, not just
19 in terms of getting information out to you, but to getting
20 what you have to say to the decision makers in a timely way.
21 So are open. We are hear. We want to know what you have to
22 say. And if we can do it better, we want to hear that too.

23 MS. TILGES: Well, I certain appreciate have
24 responses to our comments and questions, but I would just
25 like to be reassured that taking the time to come out here

1 and actually making them is going to account for something.

2 MS. KOTAR: I do too.

3 MS. TILGES: That's --

4 MS. KOTAR: Yeah. And we're trying to find ways
5 to do that, but, you know, it is ultimately not --

6 MR. CAMERON: You're not going on the transcript -

7 -

8 MS. KOTAR: Okay.

9 MR. CAMERON: -- but you can speak into that.

10 MS. KOTAR: Yeah. As members of the technical
11 staff, we can commit to you to bring your concerns to the
12 people who are appointed by the President to make the
13 decisions. And provide that access for you. And attempt to
14 modify the way we conduct our business to accommodate those
15 concerns.

16 MS. TILGES: All right.

17 MR. CAMERON: Do you have one more question?

18 MS. TILGES: One more. Bringing up what I spoke
19 with you earlier, Chip, is these breakout sessions. I still
20 have a problem with that in the fact that you're going to be
21 giving short presentations, but the meat of each of those
22 presentations is going to be split up. So everybody's not
23 going to be able to hear everything. Plus, I would like to
24 actually see when you took that little vote earlier on, were
25 you taking it as a -- from the room as whole, or were you

1 discounting NRC, DOE, EPA people? Or were you counting them
2 in that, as well?

3 MR. CAMERON: I discounted anybody who worked for
4 any governmental organizations.

5 MALE VOICE: See, we don't count.

6 MS. TILGES: Okay.

7 MR. CAMERON: I did -- I wasn't trying to --

8 MS. TILGES: No, I'm serious. I'm serious, Chip.

9 MR. CAMERON: The NRC people were hopefully not
10 voting.

11 MR. REAMER: Bear with us on this. We want to try
12 this breakout session. We're not trying to cut anyone off.
13 It may be a total failure. It may also be that some people
14 who have questions on their mind find it a little more
15 convenient and comfortable to get an interchange going.
16 We're only going to take about a half an hour to do it. And
17 you --

18 MS. TILGES: Well, we're already going on past
19 8:30. And I would think that in the interest of time that
20 we could just disregard these breakout sessions right now,
21 and just get in the meat -- into the meat of it, so everyone
22 will know what's going on all at once, and we can get out of
23 here before midnight. I have children waiting at home, I'm
24 sure other people do to. Could we possibly take another
25 vote and not include -- making sure that we don't include

1 government personnel?

2 MR. CAMERON: Okay. I just want to emphasize that
3 we don't want any government personnel voting on this --

4 MS. TILGES: And that's the end of my questions.

5 MR. CAMERON: Seriously, if you would all prefer
6 to stay together, we can do that. We were just trying to do
7 something that we thought would be beneficial. Any --

8 MS. DEVLIN: I just want to make a brief comment.
9 I've been to many of these meetings. And when we had
10 facilitators such as yourself, we had rooms where -- with -
11 - where you could write, and we'd put it up, and we put 250
12 pages up. This is a very awkward place to breakout, and
13 you're really going to hear not only the gambling and the
14 cheering, or the losing, but it isn't a physically good
15 thing because how are you going to record the stuff with one
16 pad?

17 MR. CAMERON: Bill, what do you think?

18 MS. DEVLIN: What do you think?

19 MR. CAMERON: You want to just stay in session
20 here, and have people come up and do their five minutes and
21 ask them questions? It seems like we're having a little bit
22 of trouble with this one, so maybe what we should do is
23 we'll just --

24 MR. REAMER: Let's do -- can we see a show of
25 hands? I mean if -- is there anyone who wants to do a

1 breakout session? If there's no one --

2 (Laughing)

3 MR. CAMERON: Okay. Hey, Grant, you have to prove
4 you don't work for any governmental organization either.
5 Because I'm not sure that counts.

6 MR. REAMER: All right. Well, let's do this.
7 Let's stay in session, and let's try to wrap up by 9:30.
8 And then we will be around for another, let's say 15
9 minutes. We'll kind of form out breakout groups then. If
10 anyone has a question didn't get answered, feel more
11 comfortable in a one-on-one way to present that question,
12 we'll be here to provide that answer.

13 MR. CAMERON: Okay. And now one last comment, and
14 I'm going to ask Sandy Wastler to come up. Okay. Bill?

15 MR. REAMER: Okay.

16 MR. CAMERON: All right.

17 MR. MURPHY: Yeah. I just want to make a comment
18 that a couple of the speakers have brought up a very
19 important point about groundwater monitoring. And who's
20 going to do it, and how long it will last et cetera. Many
21 of the people in the room, I think know about what we call
22 Nye County's early warning drilling program. And that's a
23 program funded through the Department of Energy, but
24 conducted independently by Nye County, and with Nye County
25 scientist, managed by the Nye County Nuclear Waste Program.

1 We're now in the second year of the Phase 2 of the EWDP, as
2 we call it. We drilled about nine holes, I think it was,
3 last year. We're drilling another several holes this year.
4 Next year we will do Phase 3, which has already been
5 committed to, as far as funding is concerned. One of the
6 holes, for example, was just completed yesterday. A pump
7 test will be run sometime next week, and then that hole will
8 be instrumented. That program has two fundamental purposes,
9 one is to fill what we and many others in the program felt
10 was a data gap, where the Department of Energy was not
11 getting sufficient information in a geographic area,
12 downgrading from Yucca Mountain. And Nye County proposed
13 this program to fill that data gap. But a second, and very,
14 very important of that program, which is one of the reasons
15 we call it the Early Warning Drilling Program, is to have a
16 system of monitoring wells in place, which can be used in
17 the event that the repository is licensed. And we're not
18 suggesting, and nobody, you know, in the NRC is not yet
19 suggesting that this -- that the repository ever will be
20 licensed, but if it is licensed, Nye County's program will
21 have this serious of 20 some monitoring wells in place.
22 Some very, very deep down into the deep carbon and aquifers,
23 and some very shallow in the alluvial beds. But that system
24 will be in place which can provide essentially permanent
25 monitoring of the groundwater. And it is our hope, as one

1 of the tenants of the program, that as a result of
2 licensing, if the repository is licensed, that we will
3 continued to be funded somehow so that those monitoring
4 wells will essentially provide a permanent system, a method
5 to monitor the groundwater, and to give an early warning
6 very, you know, removed from the population center in
7 Amargosa Valley, to give everybody an early warning in the
8 event something does, something untoward does happen in the
9 repository, it doesn't appear to be operating the way it was
10 anticipated to be operated, if it's licensed. So our
11 position would not only be that the Department of Energy
12 shouldn't itself monitor the repository, but that Nye County
13 will have a system of wells in place, and a history and
14 expertise and experience in dealing with those wells to
15 provide for its own residence, and for all of the citizens
16 of the State of Nevada, really, the kind of permanent
17 groundwater monitoring that we think the program would --
18 and I think everybody agrees that the program would call for
19 on a very, very, very long term basis.

20 MR. CAMERON: Thanks, Herb, for that now.

21 MS. DEVLIN: One more thing, Chip. You have
22 another distinguished besides Ray Clark for EPA. You have
23 Dr. Anthony Hechanova, who is the head of the radiation
24 department at UNLV. And he can tell you, and I hope
25 everybody will question him, about how the water can be

1 tested to stop Yucca Mountain.

2 MALE VOICE: And transportation.

3 MR. CAMERON: Okay. Great, well --

4 MS. DEVLIN: And to do transportation. We've got
5 the expert here, guys.

6 MR. CAMERON: All right. Well, welcome Doctor.
7 Thank you for being here.

8 MR. REAMER: Chip, if I could just have one
9 minute. I would like to introduce Bob Latta. He's our
10 newest member of the onsite rep. Bob, please stand up. Bob
11 has more than 15 years of experience with the NRC. He has
12 served as a resident inspector at nuclear power plants in
13 the United States. He has an expensive -- extensive
14 background in quality assurance. He's dealt with local
15 communities in the vicinity of nuclear facilities. He
16 understands what it means to hear, and to listen to local
17 concerns. I'm really happy that Bob has agreed to come to
18 the onsite representatives office in Las Vegas. He'll be
19 here, I believe in August.

20 MR. LATTA: Thank you for the introduction, Mr.
21 Reamer. Okay. I'm sorry. I'm very pleased that I was
22 selected for the position, and I'm looking forward to
23 working with the other two onsite representatives who are
24 there. My family is also very interesting in moving back
25 out west. We have strong ties out here. I was born in

1 California. My wife was born in Oregon.

2 One of the primary roles and functions of the
3 onsite representatives should the repository be approved for
4 construction, are to assure that it is designed,
5 constructed, and ultimately operated safely. But also one
6 of the collateral duties of the onsite representatives is to
7 act as a point of contact for both local individuals and
8 public officials. As you came in the door there are a
9 couple of sheets of paper there that listed points of
10 contact. My name is there, along with Bill Belke's, and
11 also Chad Glenn's. We encourage you to contact us if you've
12 got questions. That's part of our function, is to answer
13 and be responsive to the public. We serve the public. I'm
14 personally very, very interested in preserving and
15 protecting the environment as the residence of the State of
16 Nevada, we have a stake in this issue also, and family and
17 I. As I indicated I'm very pleased to be joining the staff
18 here. I look forward to working with all of you.

19 MR. CAMERON: Great. Thank you, Bob. We're going
20 to have Sandy Wastler, who is the chief of the performance
21 assessment and integration section in Bill Reamer's branch
22 come up and talk to us a little bit about what happens when
23 the DOE, Department of Energy does submit a license
24 application, assuming that they will submit a license
25 application for this site. Sandy.

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1 MS. WASTLER: Thanks, Chip. My name is Sandra
2 Wastler. As said, I'm the chief of the performance
3 assessment and integration section for Bill Reamer. I've
4 spent 25 years, actually almost 26 years now with the
5 Nuclear Regulatory Commission, and during that time the
6 majority of my professional life has been in licensing
7 facilities that the agency is responsible for. I started
8 out licensing in reactors. I've participated in licensing
9 uranium recovery facilities, uranium mills, low-level waste
10 disposal facilities, and two byproduct material. And what I
11 wanted to try to share with you today is give you a quick
12 overview of what that licensing processes is. Now some of
13 the information I'm going to share with you is very similar
14 to some of the stuff that Bill talked about. And the
15 questions that everyone has had has also brought out some of
16 these. So while some of this maybe repetitious, I think
17 that it -- the points are important, and I want to emphasize
18 some of these.

19 And one thing to start out with, I think to try to
20 make clear is that our licensing process starts when DOE
21 submits the license application. And there's been some
22 discussion of the sufficiency report, and the recommendation
23 of that to -- by the secretary of DOE to the President.
24 Until all that process takes place, and the President, and
25 Congress, make a decision that DOE should go forward, that's

1 when we will -- the licensing process will start.

2 Licensing in general, and the process that we're
3 going to be talking about is one that has applied to all of
4 the different responsibilities that the agency has. So the
5 process itself is not that different from what we've done in
6 the uranium recovery facilities or reactors. Licensing
7 itself, one thing I want to point out is the agency, as Bill
8 said, we are an independent and objective agency. NRC does
9 not participate in the design of the facility or the site
10 selection. And there's some principles, what we call
11 principles of good regulation that we try to follow. One,
12 is to be protected. Our mission is to protect public health
13 and safety. Another of those points of good regulation are
14 -- is to be efficient. We want to do the best possible
15 management of a regulatory activities. We want to be clear.
16 We want to make sure any position that we take, or any
17 information that we provide is clear as to the agency's
18 position. We want things to be readily understood, and
19 easily interpreted by the public, by DOE. And we also want
20 to be reliable. We want to be consistent in complying with
21 our regulations, and precise, and apply the fairly. As
22 we've said, our basic licensing philosophy, and the thing
23 that's -- our paramount mission is the protection of public
24 health and safety. And DOE and NRC, while we're both
25 involved in the protection of public -- the health and

1 safety of the public, there's two different responsibilities
2 that we have. DOE is responsible for the safe use of
3 nuclear materials. And NRC must assure that DOE complies
4 with all its regulations.

5 This will be a multi-stage -- what we call a
6 multi-stage licensing. And in this DOE will be -- the first
7 stage of that will be the construction authorization. The
8 second stage would be to amend -- should DOE first of all,
9 apply for the license, and we would review the license for
10 construction. Should we provide them with that license, we
11 would then be required to amend that for them to operate the
12 facility and receive waste. We would have to amend that
13 license again to authorize permanent closure. And we would
14 have to amend that license again to terminate. These are
15 all opportunities for public participation. But the point I
16 want to make here is only NRC can make those decisions.
17 That these are the gates that DOE has to go through.

18 Our fundamental role is two-part. One, the
19 development of regulations and guidance. Regulations that
20 DOE has to comply with. Guidance that for the staff on the
21 application, or for the review of their application so that
22 there's a consistency to our reviews. All of you are aware
23 of Draft Part 63, we will also soon be coming out with a
24 review plan, which is guidance to the staff on how to do the
25 review.

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1 The other aspect is the actual review. The
2 assuring that DOE complies with all the regulations. We
3 want a fair and objectively review the application. One
4 aspect of the guidance that we do provide is, while the
5 guidance in of itself is written for the staff, so that
6 there is consistent application. This is going to be a long
7 process. And so that the same -- the staff that's involved
8 consistently review the different aspects of the license
9 application. We provide the standard review plan. What we
10 call the Yucca Mountain Review Plan, in this case. Excuse
11 me. And while it's written for the staff, one of the things
12 that it does, it provides information as well to DOE, as to
13 the type of information that we would be looking for. And
14 this is guidance. It's not something that they're required
15 to do. So while we may provide guidance to our reviewers,
16 which may be looked at, as well by DOE, they can use some
17 other methodologies in their application. And we also have
18 to examine those to make sure that an approach that they
19 took, while it might have been different from the guidance
20 that we put out, does meet our needs.

21 And we also inspect. Implementing of the programs
22 in the application. For example, the operations and
23 procedures are done through our inspection program, which
24 Blair Spitzberg will talk to you in a few minutes.

25 There's really three steps in the licensing

1 review. The first is an acceptance review. An acceptance
2 review, it's often called also a docketing review. Simply
3 ask the question, is the application complete? Does it
4 provide all the information that's required in our
5 regulations? And is there sufficient information to support
6 the -- to support DOE's -- for suddenly -- all of the sudden
7 I'm blank on the word. Conclusions. Thank you. So that
8 they have to provide sufficient information. It's not a
9 detailed technical review. It's basically to look to see if
10 there's enough information there to warrant our review. We
11 have -- if the information is not there, we can, depending
12 on the amounts of information that would be there -- would
13 not be there, for example, we would be able to either send
14 the application back, not accepted. Or we could accept it
15 and start reviews in certain areas.

16 The main review that we do is our safety review.
17 And that is basically our determination as to whether the
18 NRC requirements have been met by DOE.

19 Another part of the application that comes in is
20 the environmental report. And our environmental review, in
21 this case, is somewhat different than in others that we do.
22 Congress has decided that instead of our developing a
23 environmental, or an EIS ourselves, that we would adopt to
24 the extent practicable, DOE's. The results of our licensing
25 review is documented in a safety evaluation report. And

1 this basically is developed in a process while we conduct
2 our review. We may, when the license application is
3 accepted, we may review and find out there's particular
4 questions or issues that we don't feel has been justified by
5 the license application. We will go back to DOE and ask
6 them for information. And we can go back as often as we
7 need to request that information.

8 We will also have open meetings to discuss the
9 resolution of issues that we have in the case. And all of
10 this is the basis for the staff's recommendation to the
11 Commission. As Bill said, and I would like to reiterate,
12 the end result of the slice in the action, we have only
13 three choices, we either grant a license. we grant a license
14 with specific conditions, or we deny a license.

15 So with that -- that's a summary of the licensing
16 process. There's more in depth questions, I'm sure people
17 have, so if you want to go --

18 MR. CAMERON: I just wondered how all these people
19 got into your breakout session.

20 MS. WASTLER: I don't know. I mean, I thought
21 this was supposed to be a small, intimate discussion over
22 here, but --

23 MR. CAMERON: All right.

24 MS. WASTLER: We'll just make it a large, intimate
25 discussion.

1 MR. CAMERON: Okay. Let's go to Grant for his
2 question. Please speak into the mic, Grant.

3 MR. HEDLOW: I'm hearing you say that you're going
4 to not do a technical review. And then you're saying that
5 you're going to check the safety. You're going to check all
6 of these different things, and I'm not hearing anybody in
7 the NRC that has the technical expertise to understand the
8 details of this. This is a highly technical, highly
9 dangerous industry. And a highly dangerous undertaking.
10 The technical details are woven into the who system.
11 Certainly you need people skills. You need the attorney
12 skills. You need the skills to deal with the insanity in
13 Washington. And we see Bill Gates has the technical skills,
14 and the people skills to create a hundred billion dollar
15 industry, and then the Government is absolutely taking him
16 apart and making him look sick, right? So, I, you know, I'm
17 not saying that this is an easy job, but the things that
18 you're claiming, I'm not seeing the background for you to be
19 able to handle it. You're not even close.

20 MS. WASTLER: Well, I'm not sure. Let me try to
21 get to your point. First of all, we do do a technical
22 review. We do a detailed technical review. As Bill said,
23 we have 30 -- I personally have 15 staff under me. Bill has
24 a total of 30 to 40. We also have 40 to 50 staff at the
25 center. And these are detailed, very highly trained

1 technical staff. Hydrologists, health physicist. I'm a
2 structural geologist. We have engineers. We have materials
3 engineers. The distinction I was making, and maybe it was
4 somewhat confused, the acceptance review is simply a review
5 to make sure that there's enough information for us to
6 start. And that is not a detailed technical review. And
7 the three years that we have to do the licensing, under the
8 Nuclear Waste Policy Act, doesn't start until we have a
9 license application that we've docketed, that we've
10 accepted, that has sufficient information for us to even
11 start the technical review. So I wanted to clear that up.
12 The acceptance review of the docketing, well, I don't want
13 to exactly call it a cookbook review, I mean it just checks
14 off to make sure that they covered all the specific areas
15 that are required in the regulations. And to make sure that
16 there is sufficient information, quantity-wise to start a
17 review. At that point if we accept it, then we do the
18 detailed technical review, in which we have 18 months to do
19 that. Now we have spent -- until -- from -- at the present
20 time, and in fact for months and years, we have been doing
21 prelicensing consultation with DOE. And we will continue
22 that until they do submit a license application. And we do
23 see the documents that DOE are using to build its EIS. We
24 see the documents that DOE is using to make its site
25 recommendation decision. And we evaluate these technically.

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1 So we have close to a hundred highly trained technical
2 staff.

3 MR. CAMERON: Okay. Thanks, Sandy. I'd like this
4 gentleman to come up and talk. And Sally we will get to
5 you. Okay.

6 MR. SULLIVAN: My name is Graham Sullivan, and I'm
7 with Shendahigh (phonetic) Network. I have some questions
8 about the NRC's regulatory role. What kind of prevention of
9 contamination can we expect for the onsite inspectors? Like
10 what kind of healthcare are they going to have? If they
11 have healthcare at all? Are they going to have a good
12 retirement program? How much money are they going to make
13 for their job? Who will be picked, and how will they be
14 picked to live onsite and inspect this repository, if it is
15 opened?

16 MR. CAMERON: Can we -- I think Blair probably
17 could give us some answers to that, and maybe can we bring
18 him up right now to just --

19 MR. SPITZBERG: That'd be fine.

20 MR. CAMERON: -- do that. Blair, you may want to
21 talk a little bit about this concept of onsite --

22 MR. SPITZBERG: Okay.

23 MR. CAMERON: -- representatives. This is Blair
24 Spitzberg, by the way. He is the branch chief of the
25 inspection branch in our regional office in Arlington,

1 Texas. He's going to be up to talk about the inspection
2 program shortly, but let's let him answer this particular
3 question for you.

4 MR. SPITZBERG: Okay. Let me see if I can
5 remember the questions. The first question, I think,
6 related to the concerns about the radiological conditions
7 that the inspectors would be working in, and what kind of
8 provisions are provided for them. I was an inspector for
9 over 15 years, and I supervise a group of inspectors now.
10 And we follow basic radiological health protection
11 practices. We -- we're all trained occupational radiation
12 workers. I will say that I am personally the radiation
13 safety officer for the Region 4 Office, and so I am very
14 intimate with the exposures that are incurred by the
15 inspection staff in our region. And I can tell you that the
16 exposures are quite low. My lifetime exposure is on the
17 order of about 25 millirem, which is less than one chest x-
18 ray. Our exposures, even for our resident inspectors at the
19 operating reactors are quite low. Most of them are less
20 than about a hundred and fifty millirem per year. And the,
21 as you probably know, the occupational limit for exposures
22 is 5,000 millirem per year. The other questions I think
23 were related to selection of the inspectors. We don't know
24 when decisions will be made as to when permanent inspection
25 staff will be put in place for the Yucca Mountain facility.

1 All of this is well into the future. However, it will be a
2 competitive process, as it is with all of our selections for
3 inspection staff. The inspection staff do have to meet
4 certain qualifications for their experience and training and
5 academic training. They have to come with a certain
6 technical experience and training. And then in addition to
7 that we subject them to a internal qualification process for
8 inspectors, which last between one and two years, whereby
9 they go to a number of specific courses put on by both the
10 NRC, and outside organizations that are specific to that
11 activities that they'll be inspecting.

12 MR. CAMERON: Okay. Thanks, Blair.

13 MR. SPITZBERG: Was there another --

14 MR. CAMERON: Blair will be --

15 MR. SPITZBERG: Was there another part of that
16 question? Did I miss?

17 MR. SULLIVAN: Just how much money will they make?

18 MR. SPITZBERG: Oh. If you ask them, probably not
19 enough. But I don't know -- it's -- it depends on the
20 experience level, the grade level. We're a civil service
21 grade structure, and I think a starting out inspector out of
22 -- with a master's degree, coming out of school, might make
23 on the order of 40 to \$50,000, and it goes up from there.

24 MR. CAMERON: Okay. Thanks. We're going to do
25 Sally, and then we'll go over to you. Okay.

1 MS. DEVLIN: Again, thank you. I get a tickle out
2 of you, Blair. You've got 25 millirems, your dosimeter
3 never worked, right? You allow the workers 5,000?

4 MR. SPITZBERG: No, I'm very careful.

5 MS. DEVLIN: They don't even use them. They
6 haven't used them on the test site in years. But I have to
7 get back to you, and that is you know I read all the GAO
8 reports. And in their report on NRC, they stated that you
9 license 68,000 or so places. And you have maybe 18 to 1,300
10 inspectors. Which means you go and see every facility every
11 year and eight months. Now this is a concern to the public.
12 And this is published. I have the report. How many
13 inspectors, and I hear a budget of 19 million. Where is
14 Bill? I can't see him. Where is he? There you are. Okay.
15 You have 19 million, you're a piker. Now they're going to
16 need, because we're talking 43 states, an enormous number of
17 inspectors. And the problem just one, and I say that
18 because of Hanford, which is going to blow up any minute,
19 and I talk to them all the time, and that is they can't get
20 the rods out of the water. And this is a very serious
21 problem, because if they drop the rods, which are 90 percent
22 hot no matter how long they've been in the water, they're
23 going to destroy the --

24 MALE VOICE: The Columbia River.

25 MS. DEVLIN: -- the Columbia River. Yeah. It

1 makes a hole, and it goes right into the Columbia River. We
2 have other problems here, and you can't destroy Death Valley
3 Monument. So my question is, what is your concept of number
4 of inspectors that are properly trained to work in 43
5 states, which this one project involves? I want you to get
6 more money --

7 MR. CAMERON: Now, Sandy, if you feel more
8 comfortable deferring that until Blair comes up. And I
9 think what I'd like to do, Blair, is to get some of these
10 questions on for Sandy, and then bring you up, and have you
11 answer all these inspection related things at one time.

12 MR. SPITZBERG: Okay.

13 FEMALE VOICE: Mine's inspection, too.

14 MR. CAMERON: That was your question too? Okay.
15 Well, why don't you -- since it was, why don't you give that
16 a whirl?

17 MR. SPITZBERG: I may need some clarification on
18 the question. It relates to how many inspectors will we
19 have out at the origins of the waste shipments?

20 MS. DEVLIN: Well, you have 68,000 now, with
21 practically no inspections.

22 MR. SPITZBERG: Yes.

23 MS. DEVLIN: What are you going to do with 43
24 states?

25 MR. SPITZBERG: Okay. The -- all of the waste

1 shipments will be originating at NRC license facilities.
2 And those facilities are power operating reactors. In most
3 cases, except in the cases that -- where the plant has
4 permanently shut down, those sites have resident inspectors.
5 And those resident inspectors would be observing the
6 activities of loading the shipping cask, and preparing the
7 shipments for transport. At the few locations that are
8 permanently shut down, we would probably make provisions to
9 send inspectors to those sites to observe that activity, and
10 to audit that process.

11 MS. DEVLIN: What about --

12 MR. SPITZBERG: Yeah. I can't respond to that.
13 Those are DOE sites, and I'm not sure that we would have
14 regulatory jurisdiction to go into those sites and watch
15 that activity.

16 MS. WASTLER: No, I think as Bill said, DOE, with
17 the exception of the repository is self regulated. So we -

18 -

19 MALE VOICE: This stuff's going in the repository.

20 MS. DEVLIN: This is going in the repository. And
21 what about the 10 percent DOD stuff that's --

22 MR. CAMERON: Okay. Sally, you're not getting on
23 the transcript, but --

24 MS. DEVLIN: No, but I'm asking a question. This
25 is a 77,000 metric ton.

1 MR. SPITZBERG: Chip, I think this is a good
2 question that -- you know, this is a good question that we
3 need to --

4 MS. DEVLIN: And the DOD has 7,000 metric tons
5 that are classified. How can you put classified waste in
6 our mountain? Sorry.

7 MS. WASTLER: I think -- I don't think at this
8 point, I guess our answer is that we can't really tell you
9 at this point. It's something that we have to consider. We
10 have not gotten -- we -- while we get a lot of technical
11 information from DOE, I am not aware that we have all the
12 particulars of exactly where all the waste is going to come
13 from. So that we can define our inspection program. So that
14 is something that we are going to be doing over the next few
15 years, is getting a clear picture from DOE of what exactly
16 their going to be doing at their surface facilities. How
17 the stuff is going to be packaged. How it's going to be
18 shipped. Where it's going to come from. And we will design
19 inspection programs similar to what we use at these other
20 areas for that. But at this point we don't have it, and we
21 would have to -- that would be something that we would be
22 doing in the future, I guess is the best thing to say.

23 MS. DEVLIN: Can you keep us informed?

24 MR. CAMERON: Okay. We have one more -- we have -

25 -

1 MS. WASTLER: We are here to keep you informed,
2 yes.

3 MR. CAMERON: -- another question. We have
4 another question here for Sandy.

5 MS. WASTLER: Hi.

6 MR. WEAVER: Hi, Sandy. My name's James Weaver,
7 I'm from Tecopa. You said that the process isn't any
8 different than your normal processes. And I would -- am I
9 correct in assuming, maybe I'm naive. This facility is
10 different from any other facility that -- that's been --
11 right?

12 MS. WASTLER: The facility is different.

13 MR. WEAVER: Okay.

14 MS. WASTLER: But the overall licensing process
15 that we go through is not --

16 MR. WEAVER: I understand that, but since --

17 MS. WASTLER: -- that different from a reactor.

18 MR. WEAVER: I understand that. But since this
19 facility is different, it's never been done before, don't
20 you think a different set of rules should apply to it? That
21 amended rules should apply to it? That, you know, other
22 things should be looked at that you normally wouldn't look
23 at?

24 MS. WASTLER: Well, --

25 MR. WEAVER: You know?

1 MS. WASTLER: -- what we look at as far as our
2 review is concerned, is directed at the facility that we're
3 reviewing.

4 MR. WEAVER: Right.

5 MS. WASTLER: But the process of acceptance
6 reviews, the safety review, the ultimate hearing process.
7 Those activities are what are the same. But the rule is a
8 site specific rule.

9 MR. CAMERON: And that rule, that substantive rule
10 is much different than the other facilities.

11 MS. WASTLER: Is much different. So while each
12 has a different rule that's applied to the particular
13 facility that the NRC deals with, the overall framework in
14 which we do the review is what I was referring to as the
15 same.

16 MR. WEAVER: I, myself, just got finished also
17 reading the draft EIS, and I alaude (phonetic) anyone's
18 apparent ability to look at the big picture in it. And I
19 certainly couldn't see the whole thing, but I have one
20 concern, which may not particularly apply to what you look
21 at, but that's something that wasn't really mentioned much
22 in the EIS, and that's -- and some people might laugh, but
23 the possibility of terroristic attack or, you know, the
24 threat of that. And, you know, how that applies to the
25 licensing process, and your review of it. And that's all I

1 had to say. Thank you.

2 MR. CAMERON: And that -- I think it would be
3 useful for someone from the NRC to tell us how security
4 concerns, such as that, are factored in to the licensing
5 process. And I don't know if, Sandy, do you want to do it -
6 -

7 MS. WASTLER: I'm afraid I don't have --

8 MR. CAMERON: -- or Janet?

9 MS. WASTLER: -- a background to really handle
10 that. But we can definitely make sure that we either bring
11 the answer back with us the next time that we come, or
12 possibly even have one -- someone here to respond to those
13 types of questions.

14 MR. SPITZBERG: I can say something to that, Chip.

15 MR. CAMERON: Okay. Blair?

16 MR. SPITZBERG: I'm not a security expert, but we
17 do have security experts within the regional office, and
18 that's all they do is inspect security. The licensee would
19 have a security plan, which would be a safeguard controlled
20 information document that describes in very detailed
21 description of how they would provide security for the site,
22 and that is subject to inspection. We do have specialists
23 in that area that perform routine inspections of security.
24 Not just of a Yucca Mountain, but of all of our nuclear
25 sites that -- where security is a concern from a safety

1 standpoint.

2 MR. CAMERON: Okay. Thank you. At some point we
3 have to get Blair up here. And there's three hands I see.
4 Let's do this quickly. We'll get Blair up to talk about
5 inspection right after that. So that we have two over here,
6 and Kalynda. Kalynda, why don't you come up right now and
7 give us your question or concern --

8 MS. TILGES: Oh, good, it's still at the right
9 height.

10 MR. CAMERON: -- for Sandy.

11 MS. TILGES: Sandy, you had -- let's see Slide
12 Number 9, multiple stage licensing. You were talking about
13 providing a license to -- first of all, there'd -- you --
14 possibly providing a license to construct to the repository.
15 Then you say amend the license to authorize operation and
16 receipt of waste. And amend license to authorize permanent
17 closure. I don't understand, are you amending this original
18 license, or is the DOE --

19 MS. WASTLER: Yes.

20 MS. TILGES: -- going to have to apply for a
21 separate license for each step?

22 MS. WASTLER: All right. We amend the original
23 license. But DOE has to provide the same -- they have to
24 come in with an amendment request, which supports and
25 provides the information just like the original license

1 application be for -- for construction. Where they would
2 have to come in with the request with the supporting
3 information to support their request to operate the
4 facility, and receive waste. And the same with the other
5 stages. So I mean it's one license that is amended each
6 time through a formal process and through an application.
7 Only it's an application to amend the license, rather than
8 an original application to obtain the license.

9 MS. TILGES: Okay. It was a little -- it's a
10 little confusing because some of what the DOE has been
11 saying -- been talking about in their flexible repository
12 design is that as they get the first part -- they're going
13 to start loading it. You start at one end where part of it
14 -- where the beginning is built, and they start loading it
15 up, and you're building the rest of it as you go along. So
16 it's build a bit, fill it up. Build a bit, fill it up all
17 the way. I don't understand how it could be licensed like
18 that.

19 MR. CAMERON: Can someone comment on that topic,
20 because this came up before. In other words, when can --
21 what decision does the NRC make on construction
22 authorization? Is that the complete safety decision?
23 Janet, you know what the question is here. And, Sandy, I'm
24 going to let Janet do this one.

25 MS. WASTLER: That's fine.

1 MR. CAMERON: Janet, please.

2 MS. KOTAR: Hi, I'm Janet Kotar. I'm pleased to
3 see you here this evening. I am one of the authors of the
4 proposed Part 63 regulations that will cover -- will be the
5 basis for which the NRC will make this licensing decision.
6 When the department comes in for an initial application to
7 construct, it is a very serious and comprehensive safety and
8 technical evaluation that will support that decision. But
9 it is only a decision to allow them to construct. Until
10 that license is amended further to allow receipt, they can -
11 - all they can do is construct.

12 When they reach a point where the underground
13 facility, not as completely mined out, but the underground
14 facility that allows them to start emplacing waste. And all
15 the safety equipment, the -- and all of the backup systems,
16 all the filters, all of the above-ground facilities, are
17 those sorts of things are complete, substantially complete,
18 then they can come to the NRC and request that they license
19 be amended to allow begin receiving waste. That does not
20 mean that they have to mine out each and every gallery.
21 That has never been the intent. But what the reason for
22 that requirement is to not allow them to do a defacto
23 storage facility at the surface, without any kind of
24 facility underground that would be approved on the basis of
25 these really stringent requirements in our regulations. So

1 the idea is that they essentially have to have the entire
2 repository receiving capability, and safety capability in
3 place before we would consider allowing them to receive any
4 waste. That's not the same thing as if every gallery is
5 mined out. And so that's where I think you get the
6 confusion about whether the whole thing's absolutely done
7 before they start receiving waste. No that's not true, but
8 all of the underground equipment that needs to be in place
9 to ensure safe receipt and emplacement is ready and there.
10 And that they're not just all going to mound it up on the
11 surface, and then construct later on underground.

12 MS. TILGES: Well, since they're talking Daily
13 (phonetic) is talking about a flexible design, and the
14 design has actually been changing as it goes along, how is
15 the licensing processing -- how is the NRC going to handle
16 the DOE possibly changing repository designs after the
17 licensing has been done?

18 MS. KOTAR: That's a very important, and very well
19 considered question, because it's something that we also, as
20 an independent agency, and as Sandy very carefully defined
21 our role, is not to design the repository. We don't design
22 the repository, DOE defines their repository. But obviously
23 in order to make a coherent, and credible licensing
24 decision, we have to have it a lot -- a design that's going
25 to stay fixed to review. And then we have to know what that

1 is in order to be able to make an informed decision. Once
2 we have made a licensing decision based upon that
3 application, then they are -- they may change it, but they
4 have to do so in such a way that they don't change -- I mean
5 if they want to paint the visitor's center green instead of
6 blue --

7 MS. TILGES: That's not what we're talking about.

8
9 MS. KOTAR: -- that's not what we're talking
10 about.

11 MS. TILGES: No.

12 MS. KOTAR: We have to have a way to discriminate
13 between those changes, which really have no -- are trivial,
14 that have no effect on health and safety, and those that do.
15 And when -- on those that do, they have to come to us for
16 approval. And that would be in the regulations, and the
17 mechanism for making that determination will be. We share
18 your concern that, you know, that this design does seem to
19 be in a state of flux. But clearly before they can come
20 forward to the -- through the Nuclear Regulatory Commission
21 and expect an informed decision, they have to commit to a
22 design. Does that answer the question?

23 MR. CAMERON: Kalynda, I'm going to have to ask
24 these two other people to come up now, so that we can move
25 on. And we'll come back to whatever you have. Okay?

1 Before we breakout.

2 MS. TILGES: Well, it pertains to Sandra's --
3 okay.

4 MR. CAMERON: Just let me get these two
5 people up here, because we have two more speakers that we
6 want to get on, and questions on that. Why don't you come
7 up first. And the emergency response lady, is that you?

8 FEMALE VOICE: I'm sorry --

9 MR. CAMERON: One of you come up, please.

10 MS. SNDYER: Okay. A couple of quick things on
11 just kind of -- yeah. My name's Susi Snyder. I live in Las
12 Vegas. A couple of quick things. I'm sorry I missed the
13 morning session. One is just on process, public process,
14 and since you're here interacting with the public, you
15 should really know that we don't feel good when we get cut
16 off, and I feel really bad that Kalynda got cut off for
17 myself to speak. So just so you're aware of that. You
18 know, I recognize all these people here have spent their
19 time and, and their energy, and their gas money, which is so
20 expensive, to come out here tonight. But I'm sure that we
21 all -- the reason we wanted to stay in full group was so we
22 could hear each others questions. And it's very important
23 for us. So I want -- I just would like to say that. And
24 maybe ask Kalynda if she could finish her questions for --
25 on Sandy's presentation.

MR. CAMERON: Yeah. We're not cutting off

1 anybody. We're making sure that everybody else who has --
2 who wants a chance to speak, such as yourself, gets a chance
3 to do that. We're going to come back to Kalynda, allow her
4 to finish her question. We want to make sure that we get
5 the rest of the information on there. So if you have a
6 question, please ask it.

7 MS. SNYDER: Okay. Great. Yeah. Thank you. The
8 other thing is there's not signs on any of the doors. I
9 walked around the casino in circles, looking for this place,
10 because I'm not familiar with this casino. And so just for
11 your next meeting, put the signs out.

12 MR. CAMERON: All right.

13 MS. SNYDER: Okay. Here we go on my questions, I
14 just want to clarify language on your presentation, which
15 earlier you mentioned the sufficiency report. And I've
16 heard this bounced around a little bit. Is that the
17 acceptance review, or the docketing review, is that the same
18 thing?

19 MS. WASTLER: No, what is was -- when I started
20 out what I tried to make clear was the sufficiency report,
21 and the recommendation is -- this is a DOE process. All
22 right. They are currently preparing their site
23 recommendation report. That site recommendation report or
24 that site recommendation will be submitted, when it's
25 complete, it will be submitted to -- by the Secretary of the

1 Department of Energy to the President, recommending that DOE
2 go forward and license the facility. The President will
3 make its -- his decision, and submit that decision to
4 Congress. Where if Congress and the President agree to go
5 forward, at that point DOE would develop its license
6 application and submit it to the NRC --

7 MS. SNYDER: Great. Let me interrupt you right
8 there, because here's something that I want to talk about,
9 which -- it follows right into my next question, and that
10 is, okay, Congress just on whatever it was, three, four or
11 five days ago, or whatever, I don't even know. I'm in a
12 time warp. But voted to send all these thousands -- this 95
13 percent of the nation's radioactivity out here temporarily,
14 for so called temper -- interim storage. This mobile
15 Chernobyl bill that I'm sure everybody in the room is
16 familiar with, and now if this -- that would send stuff here
17 2007, that's seven years, that's not too long. And now you
18 said that you'd need -- that you need the -- oh, where'd I
19 write down -- okay, you need that, you know, make sure all
20 the systems were in place and everything before you'd start
21 the licensing -- to accept the license application -- make --
22 - DOE had to be on top of their stuff, so to speak. To have
23 their, you know, their little system in place. But what
24 happens then, because if you are responsible for this
25 commercial radioactive waste, which a lot of this stuff is,

1 and your onsite inspectors will be monitoring the loading of
2 it, as it leaves these power plants, and comes out here for
3 so called interim storage, where is the licensing in that,
4 and where do you -- where does NRC fall in the mobile
5 Chernobyl debate? And I'm sorry if I -- if this got
6 covered earlier, but it's something that's very close to my
7 heart. I really need to know. And so that's -- see what
8 I'm saying? It kind of falls into what you're saying.

9 MS. WASTLER: I think I understand what you want
10 to know whether we have a position or a part?

11 MS. SNYDER: Kind of, yeah. Cause --

12 MS. WASTLER: At this point I don't believe the
13 Legislature -- we have any legislation that would allow
14 storage at the site. That's what Janet was getting at.

15 MS. SNYDER: Yeah. That's -- could you --

16 MR. CAMERON: Janet, do you want to answer that?

17 MS. SNYDER: -- did you get my -- Janet, did you --
18 - yeah, I knew you would. Yeah. Okay.

19 MS. KOTAR: Yes, I understand the question. What
20 you're asking is, have the congressional legislation
21 overridden the presidential veto, and the waste would have
22 been moved out here on an interim storage, as an interim
23 storage facility pending a decision about the repository,
24 would that be the licensed facility or would it not, is what
25 you're asking?

1 MS. SNYDER: Pretty much, yeah.

2 MS. KOTAR: Yeah. And the answer to that question
3 is, yes, it would.

4 MS. SNYDER: Okay.

5 MS. KOTAR: And we have rules on the books right
6 now that license interim storage facilities, whether they're
7 located in Illinois, or they're located in Washington State
8 or their licensed here.

9 MS. SNYDER: Interesting.

10 MS. KOTAR: Rob Lewis is from our Spent Fuel
11 Project Office, and he is -- he can speak in more detail, if
12 you'd like to follow up with him about how we go about doing
13 that. That's the gentleman over there --

14 MS. SNYDER: That guy -- okay.

15 MS. KOTAR: But the answer to your question is, if
16 it's commercial waste coming from commercially licensed
17 nuclear power plants, you know, we would license its storage
18 or disposal. The question I think that was key to the
19 debate about the legislation in the issue that you're
20 talking about --

21 MS. SNYDER: Yeah.

22 MS. KOTAR: -- is do you grant a license for a
23 storage facility before you know if the repository is going
24 to be acceptable and licensed? And I think that's what the
25 debate turned on, as I understand it.

1 MS. SNDYER: As -- yeah, a lot of it.

2 MS. KOTAR: But the question -- but the bottom
3 line is, we would license either one.

4 MS. SNYDER: Okay. But what I understood from --
5 let me just -- I just want to clarify for myself here. I'm
6 sorry for taking up so much time. You said that you have
7 current rules in place for interim storage, does that mean
8 that there's a license pending for interim storage? Because
9 when I talked to the guys out there at the test site, they
10 say, oh, yeah, we don't know where it would go. Maybe we'll
11 park it out on Frenchman Flat or something.

12 MS. KOTAR: Actually, there is a license under
13 consideration, and hearings are going to begin in June in
14 Utah. Rob, did you want to add to that?

15 MR. LEWIS: Yeah.

16 MS. DAUN: I'm sorry. Is that having to do with
17 this particular place out here?

18 MR. CAMERON: No, no, it doesn't. It's another -
19 - it's an interim storage facility.

20 MS. SNYDER: Is that the Skull Valley? Is that
21 Skull Valley?

22 MS. KOTAR: Yes, it is.

23 MR. CAMERON: That's right.

24 MR. LEWIS: Just very quickly. We do have several
25 operating interim storage facilities, but with respect -- I

1 think you asked one question about did NRC take a position
2 on that law? Or that bill that did not become a law?

3 MS. SNYDER: I know DOE opposed it, so, I'm
4 curious.

5 MR. LEWIS: We did not take any position. We were
6 prepared to do whatever the law directed us to do, had it
7 been signed. We were -- remained neutral throughout it, is
8 my understanding.

9 MS. SNYDER: Okay. But there are going to be
10 hearings in June in Utah, talking about Skull Valley, which
11 would also start sending shipments all the way around the
12 country out to this part of our planet?

13 MR. LEWIS: Yeah. We have this map here that
14 shows several storage sites that are in existence around the
15 country. Most of them are at reactors, with the exception
16 of some fuel from Three Mile Island. The reactor that was
17 damaged, is now stored at Idaho National Engineering
18 Laboratory. And in addition, there is a license application
19 that NRC currently has in house that we're reviewing, which
20 would involve a storage facility in Utah, west of Salt Lake
21 City. And that's a private operation. It's not DOE that's
22 doing it.

23 MS. SNYDER: Yeah. On the Skull Valley Goshoot
24 (phonetic) Reservation. Yeah. I understand those folks
25 don't really don't want it there.

1 MR. CAMERON: Thank you, Susi. Can we have your
2 question?

3 FEMALE VOICE: It actually got answered earlier.

4 MR. CAMERON: Okay. Thank you. Well, that gives
5 us a chance to go to Kalynda for her question to Sandy and
6 Blair. Could you come up to do your presentation, please?
7 Kalynda.

8 MS. TILGES: Thank you. I'd like to know where I
9 could get a copy of that map that you just had up on --

10 MR. CAMERON: We'll get you a copy.

11 MS. TILGES: Tonight? Can I get one tonight? Is
12 that possible?

13 MR. CAMERON: It maybe possible. We'll try to get
14 one for you tonight. Okay?

15 MS. TILGES: Great. Thank you.

16 MR. CAMERON: All right.

17 MS. TILGES: My last question, comment, looks like
18 I got a couple of these. There's an overhead that you
19 didn't show, but it's listed here in your presentation,
20 "Licensing safety review. Review framework. NRC
21 regulations for Yucca Mountain, Part 63." It's my
22 understanding that Part 63 at this point is proposed, it
23 isn't actually there. Part 60 is what's in effect right
24 now. So you're, without even actually having 63 in effect,
25 you're already to go along with them? You're already asking

1 the -- I'm really confused on this issue. I've been to a
2 lot of DOE meetings lately, and they bring up the point that
3 they are operating in compliance with proposed Part 63, so
4 I'm wondering when the NRC is, you know, are you actually
5 going to adopt 63, and leave Part 60 by the wayside that has
6 these subsystem requirements in there, where the Part 63
7 doesn't address that issue at all? Is the DOE going to
8 basically guide the NRC along in making Part 63 what it's
9 going to be?

10 MS. KOTAR: I believe I understand your question
11 to be what law -- what regulations apply right now? On the
12 books we still have Part 60. As a practical matter, that -
13 - those regulations incorporate as the overall standard, or
14 health and safety objective, EPA standards, generally
15 applicable standards, which have been -- were remanded by
16 the courts, and then were set aside for Yucca Mountain by
17 the Energy Policy Act of 1992. Where EPA was directed to
18 develop site specific standards for Yucca Mountain. So we
19 do not have, in effect, a -- an applicable regulation,
20 because there is no EPA standard for it to implement. So
21 there really, you know, if an application were to come
22 forward this second, we could not apply those regulations
23 until there's a final EPA standard in place. Subsequent to
24 the promulgation of the rules back in the early '80s, EPA
25 now is embarking on a new regulation for Yucca Mountain, at

1 the direction of the Congress, we're given a one year to
2 implement those regulations. And because there's no way we
3 could put comprehensive regulations in place in one year, we
4 try -- we started out on a parallel process. EPA, you know,
5 and NRC were working together. NRC got a little bit ahead,
6 but as Bill Reamer indicated that the law says that when EPA
7 has final standards in place, our Part 63 regulations will
8 be amended, if necessary, to implement those standards. So
9 that is why people are, you know, assuming that the Part 63
10 when the Commission votes upon it, and when EPA has final
11 standards in place that we could be consistent with, will be
12 the regulatory framework. And that's why Sandy has that on
13 her slide.

14 MR. CAMERON: Thank you for answering that, Janet.
15 Kalynda, if you need more information on that, please talk
16 to Janet after we break up today. We're going to go to
17 Blair Spitzberg to talk about -- you've heard from him a
18 couple times, he's going to talk about the NRC inspection
19 program. Blair.

20 MR. SPITZBERG: Thank you. My name is Blair
21 Spitzberg, and I serve as the chief of the Fuel Cycle and
22 Decommissioning Branch in our Region IV office, which is
23 located in Arlington, Texas. The Region IV office is --
24 Arlington is between Dallas and Fort Worth, close to the DFW
25 airport. And we have responsibility for the inspection

1 program and all NRC licensed facilities basically in the
2 western half of the United States, and Hawaiian and Alaska,
3 and some of the Pacific Islands that are U.S. territories.
4 I'm just going to talk from my slides informally, and I'm
5 going to hit the highlights. I've answered a few of the
6 questions that I think I wanted to cover in my presentation,
7 but I want to leave some time, if there's specific questions
8 that I can address.

9 I want to start by telling you why I was asked to
10 come here, and that's because my understanding is that in
11 many of these public meetings, prior to tonight, there has
12 not been a lot of discussion on the NRC's inspection
13 program. And that's what we do in the Regional Office. And
14 some of the licensed activities that my particular branch
15 inspects are very similar in nature to the types of
16 activities that would take place at a Yucca Mountain, when
17 and if it is licensed by the NRC. So while I cannot tell
18 you precisely what the inspection program for Yucca Mountain
19 would be, that's something that would have to be developed
20 between now and the time that they would be given
21 authorization to construct the facility. I can give you a
22 glimpse at what we inspect at facilities that perform
23 similar activities to Yucca Mountain.

24 So let me start with basic principles, and just
25 discuss what the role of the regional offices are. Why do

1 we have regional offices, we could all be in Washington,
2 D.C., with the rest of the folks that are here tonight
3 representing the NRC? Well, a decision was made back in the
4 beginning of the NRC, when it was split, and was formed as
5 an agency, that the regional offices could -- be being
6 separated physically by our headquarters office, would be
7 able to focus more on the safety of the individual licensees
8 and facilities. And so that is our prime responsibility is
9 to conduct safety inspections of NRC licensed facilities.
10 And by being separated from our Washington office, we don't
11 get drawn into a lot of the other activities that the NRC
12 has responsibility for, such as licensing, and public
13 affairs, and government affairs, and project management,
14 rule making, some of the other activities. Our focus
15 strictly is on safety inspections. We do have one other
16 major responsibility and that is the emergency response
17 role. We maintain an instant response center in the
18 regional offices, and a 24 hour around the clock readiness
19 to respond to emergency. So in the event that there was an
20 event or an emergency, we would be the first agency
21 responders. There's also response role for the headquarters
22 office, and in our headquarters operation center. But we
23 would likely be the first individuals to arrive at the
24 scene. And while this response role has seldom been used
25 for actual events, we do train and drill quite hard for that

1 responsibility in the event that that is needed.

2 What the are the objectives of the NRC Inspection
3 Program? It's really very simple, we verify safe conduct of
4 licensed activities. We verify the adequacy of licensee
5 controls. And we examine trends in licensee safety
6 performance. When a license is issued for a facility the
7 license will contain the requirements and commitments that
8 the licensee has made to the NRC, and we inspect against
9 that as well as the regulations that they're subject to. So
10 the criteria that are specified in a license, we have
11 procedures, individual procedures for inspecting all of
12 those criterion and safety requirements.

13 Just to give you an idea of some of the areas that
14 our inspection procedures that currently exist cover, that
15 would probably translate directly to a waste repository.
16 I've listed some on this slide here, and I'm not going to go
17 through each on of them, but I just wanted to give you the
18 flavor of the areas that my inspection staff, and other
19 experts within the regional offices currently are trained
20 and qualified in inspecting. And that these types of --
21 these category of inspection would, of course need to be
22 inspected at a geologic repository. In addition to these
23 there maybe some other unique inspection activities that
24 might need to be developed that are unique to a high-level
25 waste repository, and when the license application comes in,

1 and we would be working with headquarters to develop these
2 unique inspection procedures, as needed.

3 I wanted to discuss another important aspect of
4 the Regional Inspection Program, and that's the review of
5 allegations. Allegations come to us by many different
6 forms, telephone, letters, word of mouth. We receive
7 allegations from workers, from ex-workers, from wives of
8 workers, from anonymous sources, from neighbors, a wide
9 variety of sources provide allegations to us. And we have a
10 very formal process for reviewing these allegations. They
11 go before a formal panel in the regional office that
12 consistent of senior NRC management, technical staff, legal
13 staff, representatives of our Office of Investigations,
14 which is a separate investigatory office within the NRC.
15 And when the review of that allegation determines that
16 there's a potential safety issue or compliance issue,
17 related to the allegation, then it is investigated formally.
18 And this is historically provided a good source of
19 information on safety activities at licensed facilities. So
20 we look at allegations very seriously and aggressively
21 pursue them when they have potential safety impact.

22 I mentioned to you that we don't know exactly what
23 the parameters or the design of the inspection program would
24 be for a Yucca Mountain facility, however we can project,
25 based on our current inspection programs, that it would

1 consist of resident inspectors and that inspection activity
2 would be augmented by inspection expertise from the regions,
3 and in some cases from headquarters. The process would be
4 that they would do an inspection over a period of time,
5 which could range in terms of length, from perhaps a week to
6 a month, and what -- at the conclusion of that inspection,
7 the inspect -- preliminary inspection findings are debriefed
8 to the responsible first line management in the regional
9 office. Then the next week when the inspectors are back in
10 the office, they would have a formal debriefing with the
11 senior management in the office, and a determination would
12 be made at that point whether any action was needed on part
13 of the licensee to correct any findings.

14 We do have a formal enforcement process that takes
15 into account the significance of any safety violations. We
16 have a number of tools available to us to achieve compliance
17 and enforcement with the regulations, depending upon the
18 significance of the infractions, we could issue formal
19 notices of violations that the licensees would need to
20 respond to. In other cases we can take more severe actions,
21 such as issuing civil penalties or orders to modify or
22 revoke a license. We do have all of these capabilities
23 within our enforcement program, and they're exercised based
24 upon the significance of the inspection findings.

25 That concludes my formal remarks. So I'll -- I

1 don't know, Chip, whether you wanted to go to --

2 MR. CAMERON: I think we've heard a couple answers
3 on inspection questions, but let's see if there's any others
4 out, and then we'd want to finish off the evening with this
5 whole program runs on for all of us, whatever your point of
6 view is, and that's information. Okay. Sally?

7 MS. DEVLIN: Thank you very much for a very
8 informative program. I didn't realize that you regulated
9 the transport of radioactive material. And this is -- I've
10 made presentations on this to you at the hearings in Vegas
11 several times. I was asked a question about limitations of
12 liability, and of course I got the report from Washington on
13 Price Anderson. And my friend here just asked the question,
14 when one of these canisters blows up, and pollutes the world
15 and so on, what is the liability? And Price Anderson has
16 500 million and 60 million for the attorneys. Now that is a
17 very small amount, and my analogy of course was it wouldn't
18 build half a casino in Las Vegas. Now how do you handle
19 that? And I say that because I have never heard anybody but
20 myself mention Price Anderson. I introduced the Board to
21 it. And what goes on in Texas? You must -- there's
22 radioactive stuff going across the nation all the time, and
23 they are having accidents. And you -- they have admitted
24 it. And this is probably why I got into this was on
25 transportation. And this is the most terrifying portion of

1 the whole project is transportation. And I'm not going to
2 say anymore, we'll talk a little bit --

3 MR. SPITZBERG: I understand the question. I'm
4 not probably the best person to respond to Price Anderson
5 questions. However, I can tell you that for the -- for
6 those accidents that have occurred involving the shipment of
7 radioactive material, most of the accidents have involved
8 accidents involving delivery trucks for radiopharmaceuticals
9 and that type of much lower activity -- radioactivity, and
10 in those cases the packages are not as well designed, and
11 are not subjected to the same qualification criteria as the
12 packages for high-level waste. So in those cases if there
13 have been some contamination say of the pavement, or the
14 surrounding area where those accidents have occurred, the
15 cleanup has been relatively simple and inexpensive. And so
16 I don't think that any invocation of Price Anderson type of
17 funding has been needed in those cases.

18 Chip, do you have any --

19 MR. CAMERON: Well, I was going to say, I think we
20 owe Sally an answer on that applicability of Price Anderson,
21 and I'm glad that you brought the issue up, because it
22 doesn't come up too often, and it is an important issue.

23 And --

24 MR. SPITZBERG: By the way, the safety record --
25 there's a publication on the back table on the

1 transportation of radioactive materials, and there's some
2 statistics in there that are very revealing about the safety
3 of transportation of radioactive materials. The incidents
4 of accidents are quite low. And those accidents that have
5 occurred have generally not resulted in significant impacts
6 to the safety of the public.

7 MS. DEVLIN: This is a different project.

8 MR. CAMERON: Okay. Go ahead. And Kalynda do you
9 have a questions on inspection?

10 MS. TILGES: I can wait until everyone's gone.
11 I'll wait till last.

12 MR. CAMERON: Okay.

13 MS. BUNCH: Ty Bunch. Being my background is in
14 the medical field. We were inspected by the NRC of course.
15 We knew that they were going to come in every scheduled
16 time, say every two years, but along with that they would
17 do, what we would call surprise inspections, where we had no
18 idea out of the blue, a man would be there or a woman would
19 be there. Hi, I'm from the NRC. I used to be responsible
20 for the in-house radiation safety officer. And in my
21 experience those were of the most value when we had no idea
22 that we were going to be inspected. Will that be considered
23 as part of what you're going to be doing?

24 MR. SPITZBERG: Yeah. That's a good question. We
25 still do some unannounced inspections, and we always have

1 that option available to us. In some cases we do announce
2 inspections of that type of license, because we like to
3 ensure that the right people are going to be there for us to
4 inner face with, however we do still do some drop in
5 inspections. In the case of Yucca Mountain where there
6 would be resident inspectors, then what you would probably
7 look for is off shift inspections, you know, in the middle
8 of the night, and back shift, things like that, but yes,
9 that is an important aspect of the inspection program is the
10 option to do unannounced drop in inspections.

11 MR. CAMERON: Okay. How many more people have
12 inspection questions? So there's two back there, and Grant
13 and Kalynda. Let's go, Kalynda, do you want to go ahead and
14 ask yours now, and then we'll go over there, and then we'll
15 go to Grant. Okay?

16 MS. TILGES: Okay. Well, just for the record and
17 any kind of questions, I can always wait till last, because
18 sometimes I can drop my questions. But this one kind of
19 directly ties in with what Ty just said. I was curious as
20 to whether the resident inspectors were going to be a 247
21 deal, but apparently they're going to have shifts, and they
22 won't be there 24 hours a day, seven days a week?

23 MR. SPITZBERG: Yes. I don't think we've gotten
24 to the point where we've sorted those of details our on the
25 inspection program. I'm sure that decision would be made

1 well in advance of the construction activities, but for
2 example, at operating power reactors we don't maintain an
3 around the clock presence. We do have resident inspectors,
4 however, at the power reactors. And so I don't know that
5 any decisions or thinking along those lines for around the
6 clock coverage have been made. I will say, however that one
7 of the responsibilities I have is the loading of spent fuel
8 into dry cask for the ispicies (phonetic) that Rob showed up
9 on the map here. We have several of those ispicies
10 operating in our region. And when licensees do a first time
11 evolution, such as a loading of a cask, we do provide around
12 the clock coverage quite often for those types of
13 activities.

14 MS. TILGES: Just as a quick comment on that, as
15 it was mentioned before, this is not a reactor site, this is
16 something completely different, and I would certainly hope
17 that the onsite inspection would be taken -- that that would
18 be taken into consideration. And just as a process point, I
19 keep forgetting to do this. My name is Kalynda Tilges. I
20 with Citizen Alert. And sorry to the transcriptionist. And
21 this may seem like a silly little thing, but oh, well, I
22 don't understand, is there a difference between on onsite
23 rep and a resident inspector, or are they -- is it
24 different? Two titles for the same thing, what's the
25 difference?

1 MR. SPITZBERG: Well the -- I've not looked at the
2 job description for the onsite rep, but the onsite rep is
3 not doing inspections in the same sense that we do them from
4 the regional offices in the sense that they're not -- first
5 of all inspectors report to the regions, and not to
6 headquarters. The onsite reps are part of the high-level
7 waste organization, so they're more akin to the licensing
8 function than they are to the inspection function. So
9 there's that the independence of the inspectors, and their
10 reporting chain through the regional office is one
11 difference. The other difference is, to my knowledge the
12 onsite reps are not performing inspections according to any
13 inspection procedures, or inspection manual chapter.
14 They're not documenting their findings in the same manner
15 that the inspection staff would be expected to document it.

16 MS. KOTAR: Could I follow up on that?

17 MR. SPITZBERG: Sure.

18 MS. KOTAR: And there's a reason for that, and
19 that is because the Department of Energy is not a licensee
20 yet. We're in a prelicensing mode. What -- the reason that
21 we have an onsite representative office is to provide some
22 oversight of the site characterization activities. They
23 studying that's been going on at Yucca Mountain, so that we
24 will have a basis to make findings about the adequacy of the
25 site characterization. But we have not entered into a

1 licensing relationship with the Department of Energy at this
2 time, and that -- there's a lot of decisions as Bill Reamer
3 indicated, that have to taken, not just by our agency, but
4 by the President, by the Congress, by the Department itself,
5 before we get to that point. When we get to that point,
6 then like all of our other major licensees, there will be
7 decisions about the -- how many resident inspectors we will
8 have. What their backgrounds will be. What their hours
9 will be. What type of provisions will be make for
10 additional inspections from headquarters? All those types
11 of things, you know, will be part and parcel of our
12 oversight and regulation once, you know, there is a decision
13 to grant a license. But until that time, we are maintaining
14 a less formal, but nevertheless important function by
15 observing how the site's characterized. And as Bob Latta
16 indicated, not just to look over DOE's shoulder, although
17 that's an extremely important role, but also to interact
18 with the public, and to understand what those concerns are
19 as we gear up for a much more formal relationship, once
20 they've submitted the application. Once they've submitted
21 an application, they become, in our lexicon, an applicant.
22 And there's a lot of attaches to that, so that's kind of
23 just a thumbnail.

24 MS. TILGES: And one more question just along this
25 line here, then I actually have a general question for you

1 later, but this right here isn't the form -- isn't the time
2 for it this evening. Has it been -- is it being -- is it
3 going to be taken -- maybe it hasn't been decided yet, but
4 is it being thought of at least, will every shipment, every
5 emplacement be monitored, or will it just be certain ones?
6 I mean they're going to be coming in fast and heavy everyday
7 once it starts. Are -- is every emplacement going to be
8 monitored? Every cask going in going to be monitored?
9 Every gantry that's slid in going to be monitored? Or are
10 you just going to pick certain -- pick and choose certain
11 ones?

12 MR. SPITZBERG: I think the answer is that we
13 would either monitor every one or we would examine the
14 records associated with every one.

15 MS. TILGES: So that hasn't actually been decided
16 yet?

17 MR. SPITZBERG: That has not actually been decided
18 yet. And I think a lot of that will depend on the frequency
19 of arrival, and processing of the individual casks into the
20 emplacement. I don't get the impression just from my, the
21 little knowledge that I have of the concept of operations,
22 that this is going to be something that's going to be
23 happening so fast and furious that we would not be able to
24 monitor pretty thoroughly the activities taking place.

25 MS. TILGES: And it's my understanding that not

1 every cask is going to be the same. I'm not talking about
2 the size, shape or design necessarily, I'm talking about
3 exactly what's in it, and --

4 MR. SPITZBERG: Yeah.

5 MS. TILGES: -- you know, dealing with burn up
6 credits and other things like that.

7 MR. SPITZBERG: There will be a very detailed
8 audible record of all of that, and we would be looking at
9 that quite rigorously.

10 MR. CAMERON: Okay. Thank you, Kalydna. Susi,
11 question -- inspection?

12 MS. SNYDER: Sorry. You kind of threw me off by
13 calling my name. Okay. Yeah. I have a couple of
14 questions. One is about your Slide Number 4 that wasn't up.
15 And I would also -- again, my name is Susi Snyder. And I'd
16 like for the record to request a better copy of Slide Number
17 2 just for my own -- you have my address. And it's a neat
18 little map I'd like to see it more clearly.

19 MR. SPITZBERG: Which one are you speaking of?

20 MS. SNYDER: This -- right now I'm talking about
21 Number 4.

22 MR. SPITZBERG: I don't have them numbered, maybe
23 you can help me.

24 MS. SNYDER: It's the one -- it's the map.

25 MR. SPITZBERG: Oh.

1 MS. KOTAR: I've got this right here.

2 MR. SPITZBERG: Okay.

3 MS. SNYDER: I notice it happens to me like five
4 people trying to file all at the same time. It just -- it
5 hardly ever works.

6 MS. KOTAR: Well, he gave an abbreviated
7 presentation.

8 MS. SNYDER: Yeah. Okay. My question on this,
9 the level of -- I guess, actually this was very much covered
10 by what Kalynda just said. And thank you for asking those
11 great questions. The level of inspection effort will be
12 risk based. And that risk then, as I understand it, and I
13 just want clarification here -- oh, we're on different
14 slides -- that level -- that's the one I want my own copy -
15 - I want a better copy of. Because I can't see it on this,
16 it's too small. But this is the one I was talking about.
17 Yeah. There we go, risk based. Now, that's DOE -- DOE
18 assesses that risk, is that what you were saying earlier is
19 that?

20 MR. SPITZBERG: Yeah. That DOE performs an
21 integrated safety analysis, which we then review. And based
22 upon our review of that, and our determination of the
23 relative risk, that is how we would focus our inspection
24 effort. That's not to say that the lesser risk activities,
25 we wouldn't inspect. But we would inspect more on the

1 higher risk activities.

2 MS. SNYDER: Okay. And so you just said here that
3 the -- you'll be doing your review of those. But you also
4 said earlier that you'll be adopting the DOE's analyses to
5 the extent practicable, which is a great word I've learned
6 since I've started this EIS process.

7 MS. KOTAR: Okay. But I did not say that.

8 MS. SNYDER: Oh, yeah -- I think -- I'm sorry.

9 MS. KOTAR: Bill Reamer said that --

10 MS. SNYDER: Okay.

11 MS. KOTAR: -- and Sandy also said that.

12 MS. SNYDER: Sandy said it. Oh, yeah, so that --
13 so then --

14 MS. KOTAR: Sandy --

15 MS. SNYDER: -- that risk analysis would still be
16 it -- it's still from the DOE would be --

17 MS. KOTAR: The risk analysis, no.

18 MS. SNYDER: No, okay.

19 MS. KOTAR: It's the environmental impact
20 statement --

21 MS. SNYDER: Okay.

22 MS. KOTAR: -- that we are obligated by law to
23 adopt to the extent practicable. And we will have to make a
24 judgment that's part of the environment review about whether
25 it is practicable, and the extent to which it is practicable

1 to adopt the EIS.

2 MS. SNYDER: Okay.

3 MS. KOTAR: The risk assessment that you're
4 referring to is part of our safety -- detailed safety
5 review.

6 MS. SNYDER: Okay. That's -- I was curious on
7 that, and I very much appreciate your clarifying it for me.
8 The other thing -- okay. This is the last -- probably the
9 last one -- okay. Now on Number 11 you were talking about
10 the enforcement if needed. And I would just like for
11 everybody to be aware of the NRC's enforcement record. And
12 as I understand it NRC -- when NRC enforces a safety
13 violation on a reactor say, they issue large fines. Well,
14 those fines don't come out of the utility company so much as
15 they come out of the rate payer pockets. And now if
16 enforcement can -- are we talking about? You're not going
17 to go out there and arrest DOE or something. You're going
18 to go out there and issue fines, but those fines will come
19 then out of our pockets, and I'm just wondering how are you
20 going to enforce safety violations? And --

21 MR. SPITZBERG: Well, as I mentioned there's a
22 number of different tools available. Civil penalties is
23 only one of the options available. If -- depending upon the
24 significance of the infractions or the violations, the
25 safety significance, we could issue orders to the licensee

1 to either cease activities, revoke the license, modify the
2 license. We can issue orders to individuals, if individuals
3 have been involved. And for example, wrongdoing. We can
4 issue civil penalties. We can remove individuals from
5 licensed activities. We have a wide range, and most of
6 these enforcement tools have been fairly effective in
7 bringing about a high level of compliance with our
8 regulations. There's not too many licensees that want to be
9 repeat offenders when it gets into the significant
10 violations. And --

11 MS. SNYDER: But the thing is there are licensed
12 operating facilities around the country which are repeat
13 offenders, and they have not been shut down. And so it's
14 hard for me, as I come from the east coast, you know, and I
15 saw a lot of things. I saw -- just recently I saw, you
16 know, this horrible thing at Indian Point Reactor, which is
17 only 30 miles from where I grew up. And, you know, and I
18 don't see the utilities being accountable for it. And I
19 want to know that, you know, that here DOE, and those
20 utilities who, I guess, which makes up the rate payers, but
21 I want to see that there is an accountable person. I don't
22 know want to see, you know, Joe Blow get fired because he
23 was hung over last night, and he came in and he stumbled
24 over a cord, and, you know, whoops, there goes Yucca
25 Mountain. But, you know, what I'm saying? I'm trying to be

1 mentioned it in passing, but we also have an office of
2 investigations, and their sole purpose -- they are
3 independent of both the regional staff and the headquarters
4 staff, their sole purpose is to investigate potential
5 wrongdoing among licensees. So if there's -- and by
6 wrongdoing, I mean things that would comprise criminal acts,
7 such as falsification of records, lying to NRC inspectors
8 and so forth.

9 MS. SNDYER: Yeah. But I met a guy who used to
10 work at Vermont Yankee, and he worked there for 16 years.
11 And was told by his superiors, you know, watch out for this
12 particular pump, it's red flagged. It was red flagged for
13 nine months, and that's inappropriate. It was my
14 understanding if you've got a coolant pump that's red
15 flagged, it's supposed to be replaced within a month, or
16 else NRC calls for a shutdown. That did not happen. And so
17 I'm just, you know, I just want to know that we'll have --
18 that we can expect more of you than we have seen in the
19 past, because I, you know, I remember that kid in third
20 grade who passed away from leukemia. I remember these
21 things. And it's because of unenforced, you know, well
22 first of all the, you know, the 25 millirems, that's way too
23 much. But it's because of these regulations that are
24 unenforced that these things are allowed to happen. And I
25 don't want to see them happening. I don't want to see them

1 happening here.

2 MR. CAMERON: Susi, thank you. But I think that
3 your point is coming across loud and clear. Thank you very
4 much.

5 MS. SNDYER: Good. That's the way I like to be.
6 All right. Thank you.

7 MR. CAMERON: Susan Ward.

8 MS. WARD: Susan Ward, Nye County. My questions,
9 of course, would have to do with emergency response, so I
10 have four or five, but they all are pretty similar. Do you
11 respond to the facility -- is that what, you know, you
12 mentioned that you respond, you have this 24-hour number,
13 and you respond to the facility, to the repository, or do
14 you respond to transportation accidents? Could you be more
15 clear on what your response is?

16 MR. SPITZBERG: Yes. The facility itself would
17 have an emergency plan which would define certain categories
18 of emergencies. And depending upon what the nature of the
19 emergency is, they would have to make a declaration and
20 notification to the NRC, and we would respond to the site.
21 It would be the resident inspector probably would be the
22 first person there. He would be supported by a site team
23 from the region, if that was called for, depending upon the
24 circumstances.

25 As far as transportation is concerned, the primary

1 responsibility for that would be the shipper, and the
2 State's response organization, which are, as Rob mentioned,
3 have all been trained to respond to contingencies involving
4 transportation accidents. Of course, DOE also has RAP
5 teams, or radiological response teams that could respond --
6 that would respond to these types of events, and of course
7 we could provide support and response also as needed, if the
8 States so requested.

9 MS. WARD: Okay. I'm aware of those response
10 teams. But you said you are going to respond, are you going
11 to bring any specialized equipment, or is it just personnel
12 in an advisory capacity because of the license?

13 MR. SPITZBERG: We have -- we do have emergency
14 equipment that we keep ready to respond. Mainly it's
15 radiological monitoring equipment, survey instruments, and
16 so forth to look for contamination. We have emergency
17 dosymetry that we can deploy. We maintain an Incident
18 Response Center in the regional office, which is tied into
19 our Headquarters Operation Center. And we have a trained
20 and on duty staff of emergency personnel that when they
21 receive the call, then we have call out lists that then get
22 in everybody that's on the duty roster engaged as needed by
23 the -- under the direction of the regional administrator.

24 MS. WARD: Okay. So when you show up at the
25 scene, then you will bring equipment, monitoring equipment

1 and so forth? The information that you determine would that
2 be given to the county or --

3 MR. SPITZBERG: Yes, that is correct.

4 MS. WARD: -- or how would we be in the loop on
5 this and --

6 MR. SPITZBERG: The states are part of the
7 planning for -- of the NRC for responding to emergencies.
8 The states do have a role in this responsibility, we have
9 State liaison personnel in the states that interface with
10 the state authorities, and I'm not sure exactly how -- what
11 the interface would be in Nevada, since Nevada is an
12 agreement state. They would almost certainly have a role in
13 responding to emergencies at the site, if one were to occur.
14 But I'm not sure if -- I'm just speaking in terms of how it
15 works at the power reactor sites not -- and how that would
16 specifically, in terms of the relationships between the
17 state and the NRC, and Yucca Mountain, I'm not sure I can
18 speak to that at this point.

19 MS. WARD: So in that planning phase -- the
20 emergency response phase, it would -- it appears to me that
21 we need to be sure that the county is also included in the
22 notification in order to find out what's going on since it
23 is --

24 MR. SPITZBERG: Yeah. Normally, the states and
25 counties would be involved in terms of being fed the same

1 information that the NRC receives, and then their
2 responsibilities would extend from the site boundaries out
3 into the adjacent areas. The NRC's responsibility would be
4 on the site itself.

5 MS. WARD: Do you have any idea how long it would
6 take you to get to the site? I mean have you thought about
7 it? You have to fly in and then you have to drive up there.

8 MR. SPITZBERG: You're talking about from the
9 regional office?

10 MS. WARD: Yes. And what regional officer would
11 you be coming from?

12 MR. SPITZBERG: We have contingencies, if needed,
13 to retain the services of private jets to fly our initial
14 site teams to the sites. And so I don't know what the
15 flying time would be for a private jet. I would take -- say
16 it would probably be on the order of an hour and a half
17 flight time, plus a muster time of probably a couple of
18 hours. But as I mentioned, we would have the site --

19 MS. WARD: And then you would have some driving
20 time?

21 MR. SPITZBERG: Yeah.

22 MS. WARD: Okay. Thank you.

23 MR. CAMERON: Thank you, Susan.

24 MR. LATTA: Just draw a parallel to the commercial
25 reactor --

1 MR. CAMERON: Bob, you're going to have to speak
2 into the mic if we want to get this on the record.

3 MR. LATTA: We're trying to draw parallels to
4 contingency plans that we have in place for operating
5 reactors, and that's a little bit different for me to
6 extrapolate 10 years down the line what DOE's emergency plan
7 is going to represent. I, as a resident was about 20 to 30
8 minutes away from the site, and I did get calls, and I did
9 respond, and I was there. You know, I didn't have a -- so
10 the NRC presence is there, and it's available on short
11 notice. But once again, we are not controlling the -- their
12 response. We just observe it. You know, obviously if we
13 can see things that are not appropriate we can take action.
14 But it is the responsibility of the licensee. It is the
15 responsibility of the licensee to -- those activities.

16 MR. CAMERON: You're just going to have to -- why
17 don't you step in there.

18 MR. LATTA: No, that's all I'm going to say. The
19 only parallel I could draw like I say is on the operating
20 reactor side, and to that extent the residents are clearly
21 part of the initial response personnel.

22 MS. DEVLIN: I have to ask you a question in
23 reference to that. We have three experts here, Roy Clark,
24 Dr. Hechanova, and my -- where did he go? There you are.
25 Come over here, don't run away. And we're talking about

1 dosage, radiation dosage. And they can discuss this. I
2 haven't heard you mention it, and I think it's the most
3 important thing that there is. And of course radiation
4 poisoning is number one on my list with no emergency
5 preparedness, or hospitals in Nye County. And in many other
6 counties that these -- this transportation will go through.
7 We have no railroads. We have no roads. They're all a nine
8 hazard as you well know. Our U.S. 95 is a nine hazard, that
9 makes it the highest hazardous road in the nation. There
10 isn't any category higher. So we've got a lot of things to
11 resolve with radiation poisoning, and I hope you can give
12 some answers to the public. That is something we definitely
13 need.

14 MR. CAMERON: Okay. Thanks, Sally. Let's take
15 two more questions on inspection. And then we're going to
16 bring Dan Graser up. And Dan, why don't you come up and get
17 ready to do your talk on information? Gentleman in the
18 back, please come up to the mic, and Kalynda. Kalynda, why
19 don't you do yours really quickly while he's coming up?

20 MS. TILGES: I just have a quick comment. You're
21 talking about violations and how to handle those, and that's
22 something that Susi brought up. Kalynda Tilges, Citizen
23 alert, for transcriptionist. I just want to make a comment
24 that in the case of a nuclear reactor, if there's a
25 violation, you can shut it down. You can't shut Yucca

1 Mountain down. That's my comment.

2 MR. LATTA: Well, yeah. I don't understand your
3 parallel there. If the violation --

4 MS. TILGES: Well, what --

5 MR. LATTA: -- is serious enough, we can issue a
6 stop work order, if that's what you're talking about.

7 MS. TILGES: Yeah. But you can't turn it off is
8 what I'm saying.

9 MR. LATTA: Well, I don't --

10 MS. TILGES: Shut it down --

11 MR. LATTA: -- know what you're talking about when
12 you say --

13 MR. CAMERON: You're going to have to speak in the
14 microphone.

15 MR. LATTA: Yeah, I don't --

16 MS. TILGES: If there's a safety violation where
17 something serious has happened, God forbid.

18 MR. LATTA: Well, could you explain what that
19 would be?

20 MS. TILGES: Groundwater contamination. Open
21 containment.

22 MR. LATTA: Well, groundwater --

23 MS. TILGES: A spill of some type.

24 MR. LATTA: Groundwater contamination would have
25 been preceded by several other events, wouldn't it? If

1 we're talking about fuel that is in a container, which is
2 seal welded. We're talking about a breach of numerous
3 barriers here, aren't we? So I don't know exactly what
4 situation you're hypothesizing. But it would, in my mind,
5 be as a result of numerous failures.

6 MS. TILGES: If there's a serious violation --

7 MR. CAMERON: So that the point is that we would
8 catch that before it would happen, is that --

9 MR. LATTA: Yeah, I -- you're going to have to
10 explain to me the nature of the accident that you think
11 would require immediate shutdown. Because I don't
12 understand the term, shutdown, here.

13 MS. TILGES: Well, I don't think that, you know,
14 either the NRC or the DOE has come up with all the different
15 scenarios, and I certainly wouldn't be one to come up with
16 all them.

17 MR. LATTA: No, but what Blair has talked about at
18 length, is the fact that we have numerous years of
19 experience of handling spent fuel, and inserting it in
20 canisters, and storing it. That I don't think you can
21 disregard that experience on our part. We have some
22 expertise in the field. It has not been applied to a high-
23 level waste repository. That's what I'm saying, we're
24 trying to extrapolate the inspection techniques that we have
25 developed for power reactors, and apply them to a high-

1 level waste repository. So if you're saying under what
2 conditions would we stop movement of fuel? That would be
3 dictated, once again by DOE's procedures and programs, which
4 they have in place. If they're lifting fuel from spent fuel
5 pool, and the fuel -- and the crane stops for any reason, or
6 it jogs, or they can't index it properly, they stop. Their
7 procedures require them to. So I -- I'm not exactly sure of
8 your question.

9 MS. TILGES: Well, maybe I'm not exactly sure of
10 it either. I'm not a scientist, I'm basically a public
11 citizen at this point.

12 MR. LATTA: Right.

13 MS. TILGES: And I'm just concerned that Yucca
14 Mountain is not the same as a nuclear reactor, and it can't
15 be handled the same way. If there is a serious problem it's
16 not something that you can shut off and stop.

17 MR. LATTA: Right. But there are a number of
18 parallels, like I say, the fuel as it arrives, would be
19 unloaded from the canisters, and conceivably either stored
20 in a spent fuel pool, or immediately loaded into the waste
21 packages. You know, there's only one or two options there.
22 And there are procedures which control all of those
23 activities. Licensed personnel, trained personnel.

24 MS. TILGES: If I was a scientist or a technical
25 person, I could probably argue --

1 MR. LATTA: It's a very, very controlled process.

2 MS. TILGES: -- this point with you further, but
3 at this point I'm just going to leave it until I understand
4 it better.

5 MR. LATTA: Well, yeah. I'm sorry. I'm not
6 trying to be evasive here. I guess I -- if I'm going to
7 answer the question I -- you have to pose to me the
8 conditions under which you think the NRC should be stopping
9 the, you know, the operation of the facility.

10 MS. KOTAR: May I just interject here? Because I
11 think where Bob is having a problem is that the scientific
12 and technical community tends to view a power reactor as a
13 much more fast moving, higher energy source of potential
14 hazard. If something does go wrong you do have the
15 potential for scenarios that can deteriorate over a very
16 short time constant. When you're talking about the very
17 large amount of waste that we would put in a repository,
18 yes, you have a potential for a great deal of exposure, if
19 not properly shielded, but you don't have the potential
20 mechanism for distributing large amount of radioactivity in
21 a short period of time. So as Bob indicated, you have the
22 capability to see, with your performance confirmation
23 period, you know, long before, you know, waste begins to get
24 to the groundwater, you would have other indications in your
25 monitoring program that the performance is not as you

1 expected it to be. And you could take corrective action,
2 including retrieval, during the retrieval period. But
3 before that you would have opportunities to stop further
4 emplacement. Go in and do further tests. And that you have
5 a luxury of time that you do not have with a reactor. They
6 are different systems, that's true. And there are different
7 safety considerations that have to be taken account of in
8 both cases. But I think that the perception, as safety
9 people that we are, that you have a -- an emergency -- the
10 potential for an emergency with the time constant of a
11 reactor accident, is, you know, that probability is just not
12 as high in the case of a repository.

13 MR. CAMERON: Okay. Thank you.

14 MS. TILGES: I hope that's true. Thank you.

15 MR. CAMERON: And let's -- one more question, and
16 we really need to get Dan Graser on. Okay? Here to talk
17 about information.

18 MR. SULLIVAN: My question is -- my name's Graham
19 Sullivan, I work with Shendohigh (phonetic) Network. Did
20 the NRC license the USC ecology dump at Beatty? And --
21 which is leaking plutonium, which it wasn't even supposed to
22 have at all in the first place. And what about Maxiflats
23 (phonetic), it's a super funds site, and if they -- if it is
24 a regulated area, or a licensed dumps, what kind of
25 inspection personnel are located there?

1 MR. SPITZBERG: We didn't license Maxiflats. And
2 I believe that Beatty was licensed by the State of Nevada,
3 if I'm not mistaken. Is the State fella still here? And so
4 I don't have any knowledge of what you speak of. But, you
5 know, that was a low-level shallow land burial site, Beatty,
6 Nevada. And it was for what we call low-level waste which
7 is distinct and separate from the high-level waste that
8 we're talking about at Yucca Mountain. And that waste was
9 not contain arise (phonetic) by the way, also. And it
10 didn't have the multiple barrier system that the Yucca
11 Mountain facility would feature.

12 MR. CAMERON: Okay. Thank you, Blair. Thanks,
13 Bob. Thanks, Janet. The last presentation we're going to
14 do tonight is an important one because it's how people get
15 access to information on the repository. It's a very
16 simplistic way to say it. But Dan Graser, who is a
17 licensing support network administrator, is going to tell us
18 about the information management and litigation support
19 system that's available, will be available to the public for
20 use in this proceeding. Dan.

21 MR. GRASER: Thank you, Chip. Good evening,
22 everybody. As Chip said, I'm the licensing support network
23 administrator. I work for the Atomic Safety Licensing Board
24 and Panel. That is the group of administrative judges who
25 will actually be hearing the case. And I'm not a lawyer.

1 I'm a computer guy. So I'll be focusing on the use of
2 computers and how it's going to support the entire process.

3
4 The Licensing Support Network is driven by an NRC
5 administrative rule that defines how hearings are conducted.
6 They rule that I'm talking about is 10CFR2 Subpart J. That
7 rule basically directs that the material that any of the
8 participants intend to use during licensing proceeding needs
9 to be made available prior to the commencement or prior to
10 the docketing of the license application. And the -- this
11 rule has been on the books since 1989. It was revised in
12 this -- early 1999 to change the focus of the originally
13 intended system, which was considered to be a mainframe to
14 worldwide web based system, computer based system. And the
15 object of the system is to connect the document collections
16 that each of the participants, potential participants, or
17 parties to the hearing process need to make their -- the
18 documents that they determine are relevant documents, they
19 need to make their own documents available on the web, and
20 this system is going to connect all of those collections.
21 And it will mean that you do not need to go to 10 or 11
22 different sites on the Internet. You can go to a single
23 site, and using a single interface, identify the location
24 and existence of documents that may have been placed out
25 there by the Department of Energy, or the State of Nevada,

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1 or any of the other participants. The only thing that you
2 would need to get access to this web site is a standard PC
3 type computer with a web -- a browser, such as Netscape or
4 Internet Explorer, and you need access to an Internet
5 service provider capability to connect you to the Internet.
6 The system is intended to be operational by July of 2001.

7 The -- I'd like to focus just very quickly here in
8 terms of who has been involved in this. What it's really
9 all about, and when it's going to be happening. The who in
10 terms of this system, who's involved in it, as I indicated
11 NRC has, since this past year assumed responsibility for
12 implementing and operating the central search site. And as
13 I said, each of the parties or participant organizations has
14 the responsibility of making their relevant documents
15 available on a computer system that can be connected to this
16 network. The participants maintain their own collections,
17 but NRC has given me the responsibility of ensuring that
18 once a document is placed out there, that it doesn't
19 disappear sometime later. That once a document has been
20 placed out on the web, that we can track that document
21 through the whole process, and make sure that when it comes
22 out the other end, we can say which organization placed the
23 document out there, and when it came into the official
24 docket of the system we can say that that's a true and
25 accurate copy of the document. So my job is to ensure the

1 integrity of the data for the duration. The computer system
2 itself is probably going to be out there throughout the
3 duration of the license hearing -- through the licensing
4 procedure. And as indicated a couple times earlier tonight,
5 that's three-year procedure. The clock starts ticking at
6 the point the license application gets submitted.

7 The system. We've had a Federal Advisory Panel
8 that's assisted us in defining the system. And participants
9 on that panel have been meeting fairly regularly since,
10 again 1989 time frame, but with renewed vigor here the last
11 year. The State of Nevada, the affected units of local
12 Government, including all of the counties in proximity to
13 the Nevada test site, National Congress of American Indians,
14 Nevada Nuclear Waste Task Force has had ongoing
15 representation. Of course the Nuclear Regulatory
16 Commission, the Department of Energy and representatives
17 from the nuclear industry. Now that's pretty much who's
18 involved in it.

19 The real question is what does that mean to you as
20 citizens, and why is a computer system important? There's a
21 fairly large amount of information out there. The high end
22 estimate right now is in the vicinity of 6 million pages of
23 material, of relevant material that the parties maybe making
24 available. And that's a lot of information to be out there.
25 Obviously, you won't have time, if you started reading right

1 now to read all 6 million pages. In fact, you probably
2 don't even want to read all 6 million pages, but you do know
3 that there are issues that concern you. And there is
4 documentation out there from all the various parties, and
5 you want to know, how do I get the facts that I need to
6 support the issues or to be educated about the issues that
7 I'm concerned about? And that's what this computer system
8 is intended to do, is to provide a single location with a
9 relatively simple user interface that will allow you to
10 identify, by topic, by authoring organization, by a lot of
11 different criteria, and be able to rapidly identify the
12 documents that you would be needing to support your role in
13 the licensing activity.

14 I've brought along a couple of flip charts here to
15 give you a flavor of what such a portal site would look
16 like, and again this is the sort of place that you could go
17 to directly on the Internet. The site that I picked here is
18 from the National Library of Medicine. And the -- this
19 chart is just indicating that you can have multiple
20 underlying document collections, and in our case we would
21 have a DOE collection, and a State of Nevada collection, and
22 so forth. On the second chart, once you go in there and
23 search the system and start looking for documents, you would
24 get a list that comes back and basically says, here are a
25 number of documents that are responsive. And if you click

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1 on the link, this system will bring back the text of the
2 document. And if it happens to be nontextual documents,
3 such as a topographical map, for example, or an engineering
4 drawing, instead of bringing back the text document, it will
5 bring back the image for you.

6 This system is going to be available and it will
7 be used by the participants to prepared their contentions.
8 That is to prepare the -- their position on a particular
9 issue. And it will also be operational during the course of
10 the licensing proceeding.

11 Out of this potential 6 million pages of material,
12 not all of that material gets into the official docket file.
13 In fact, only a relatively small subset gets into an
14 electronic docket file that will be made publically
15 accessible, again through the Internet. But in order for a
16 document to get to docket file, it has to come through this
17 collection here. Except with, of course, if it's testimony
18 during the hearing. But the electronic docket and this
19 discovery collection are part of a broader initiative. The
20 licensing proceeding, it is NRC normal practice, normal
21 custom to conduct licensing proceeding in the vicinity of
22 the facility that's being licensed. So there's a fairly, if
23 NRC's consistent in this regard, the license hearing is
24 probably going to be held in the Nevada area. Fair
25 possibility that it would be in the City of Las Vegas. And

1 NRC is looking at incorporating essentially an electronic
2 courtroom. Because the kind of information that might be
3 presented might be computer models, or simulation, or flip
4 charts and overheads. And people giving testimony. And
5 NRC's intention is to digitize the entire proceedings, and
6 that digital record becomes the official record of the
7 license proceeding. And the would be the record upon which
8 any subsequent appeals, or lawsuits or anything else would
9 be based. That entire courtroom proceeding, all of the
10 testimony, all of the audio/visual materials would probably
11 all, be digitally stored and saved. Now once we have all
12 this information digitally stored and saved, we're also
13 exploring the possibility of taking this electronic
14 information and pumping it out in a couple of difference
15 ways, as well. Possibly through cable, cable type networks
16 like, you know, Cspan, or other public cable channels. And
17 you could also take this digital recording and pump it
18 through the Internet, and if you had a PC that was capable
19 of downloading motion video and audio files, you would be
20 able to watch the licensing proceedings in realtime on your
21 computer. And I just want to make --

22 MS. DEVLIN: You do teleconferencing?

23 MR. GRASER: The teleconferencing is also
24 something that is being looked at, because in fact there
25 maybe situations, so, yes, it is something that we would be

1 looking at.

2 I just want to reemphasize that these are things
3 that we're exploring right now. But at a very minimum we do
4 have the licensing support network, and we will have an
5 electronic docket, and you will be able to get through it,
6 as a member of the general public, right through the
7 Internet.

8 When will this system be available? I've included
9 a flip chart with some of our milestones. I intend to have
10 this system designed, completed sometime September 2000.
11 We will move right into the system development phase between
12 October 2000 and June of 2001. And I intend to deploy the
13 NRC piece of the system, which is the connectivity and that
14 central search page, have that deployed by July 2001.

15 The participant organizations, according to that
16 10 CFR rule have to connect their document collections at
17 prescribed times. The Department of Energy and the Nuclear
18 Regulatory Commission have to make their collections
19 available within 30 days of the site recommendation. The
20 other participant organizations have to make their document
21 collections available within 30 days of the license
22 application.

23 The other aspect of this is that the parties do
24 have to make the documents available as prerequisite for
25 participation in the licensing activity. The question has

1 been previously identified, what about smaller organizations
2 who in fact may not have documents? Would that preclude
3 them from going before the presiding officer, and asking for
4 a status for the -- to participate in the hearing? And so
5 that question has been raised, and I don't have the
6 definitive answer on that one, but it has already been
7 identified, and people are working on that particular issue.

8
9 At this point I'll open it up to questions, and
10 answer any specific questions that you have.

11 MR. CAMERON: How about questions about this
12 information management system? Yes, sir.

13 MR. SULLIVAN: I just got one really quick
14 question. My name is Graham Sullivan again. This is really
15 great what you're doing, putting it out there to the whole,
16 you know, multimedia universe, or whatever, but what about
17 people that don't have money to have computers or anything
18 like that, or cable, short circuit T.V., or anything like
19 that and --

20 MR. GRASER: Okay.

21 MR. SULLIVAN: -- where are these people going to
22 be able to get this information, the 6 million, whatever
23 estimated?

24 MR. GRASER: Excellent question. Thanks for
25 bringing that issue up. That was raised this afternoon as

1 well, There are a couple of different alternative ways that
2 information can be gotten. The 10 CFR 2 rule, for example,
3 requires that the access to the system be provided at both
4 DOE and NRC's public document rooms. There are public
5 document rooms in headquarters, and in various locations
6 around the country. There are -- NRC maintains document
7 rooms in the regional offices. DOE's got a couple of
8 document rooms out here. So that is one area. In addition,
9 it raises the point, well if all this material's going to be
10 electronic, what if I don't use electronic? Right. And the
11 10 CFR also have provisions in it that indicate that the
12 availability of the electronic information does not preclude
13 getting documents in response to the normal FOIA type
14 request. And FOIA type requests you can specify the media
15 or format that you want that information delivered on. So
16 you can pursue it in that regard. The other aspect of it is
17 that the documents themselves are maintained by the
18 authoring organizations. And the system does have a
19 requirement that the participating organizations identify in
20 the computer record where you can -- who you can contact,
21 where you can acquire an image version of any of the
22 documents that are out there in electronic format. So for
23 example, if it's a Department of Energy document, when you
24 look at that record in the electronic environment, and you
25 say, well, I want to have a paper copy of that, and there -

1 - it's a big document, it might be 2,500 pages, and I don't
2 want to have to go to the public library and pay a dollar a
3 pop to print it out, right? That's where the system will
4 point you to a point of contact at the Department of Energy
5 and they will tell you where an image copy of that document
6 can be acquired.

7 We've also had discussions with the Nevada, or at
8 least exchanged e-mails with the Nevada State Librarian and
9 Achieves Association in terms of exploring access to the
10 system through the State library system. And we've received
11 indications from them that the computer terminals are
12 available in all of the local branch libraries scattered
13 throughout the State. And again it's not the hundred
14 percent answer. But it is a piece of the capability that is
15 available.

16 And finally there was a question raised this
17 morning as to whether or not NRC intends to continue to make
18 documents available through the public document room in a
19 paper format. And I took an action item to follow up on
20 that particular item. That the public document room
21 operations and the agency's future plans for that are
22 something that I'm not a hundred percent on top of right
23 now, so I did take an action item to get back on that one.

24 MR. CAMERON: Good. I think that's a pretty
25 comprehensive answer to the question. Do we have any other

1 questions for Dan on information management litigation
2 support? Yes, Sally?

3 MS. DEVLIN: Just -- thank you, Dan. That's very
4 interesting. I do all this stuff with demographics, and
5 what did I do? And you realize when the transportation
6 group from NRC was out here, and we had a major problem, it
7 was really kind of fun, and that is we're talking distances.
8 We're talking from here to Tonopah is 200 miles. We're
9 talking from Tonopah to so on is another 200 miles. We're
10 talking Eureka. We're talking no population in hundreds of
11 miles. And the question came up with the transportation,
12 you have to go to the bathroom, where do you go to the
13 bathroom? Well, until you hit a town, you go to a brothel or
14 you go to a casino. Well, it's very much the same thing
15 with your information highway. We don't have these things.
16 We don't have the T19's, we don't have the frame relays, we
17 don't have the fiber optics. We're isolated and there's no
18 cohesiveness in this State on information. The universities
19 fight one another. The community colleges fight one
20 another. We hope to get a community college here, then we
21 will have a basis. Again, but they have to buy the
22 information. I can't get through to the NWRTB or to any of
23 the agencies, because they won't pay for it. The last --
24 the latest stuff, and I go to the computer all the time, is
25 1998. Now that's money. And so this is what we're talking

1 about. Now my feeling is that somewhere along the line
2 money should be available for these isolated areas on the
3 communication highway. And I hope you make a note of this,
4 because we are deprived, denied, and a few other things. So
5 you're getting the picture, we do not have the technology.
6 The State's 20 years behind everywhere. And I'm looking at
7 modern transportation with television, and this, that and
8 the next thing. We absolutely have today no capabilities
9 along these line. That's why I love to talk to my friend
10 there about transportation, because you have 200 miles
11 between something and there's an accident, what happens? If
12 they -- and transportation again if they push the button it
13 goes to the area of origin, it doesn't come here. So we
14 have a major communication, transportation, everything
15 problem, and on this licensing, we want to know what DOE is
16 presenting to you because we are very much up to date on
17 their science. And my commentary on the environmental
18 impact statements would be, I feel like if I took the bible
19 and condensed it into 600 words, I could have done that with
20 the draft, as well as the EIS, simply because there were
21 only half a dozen pages there of any value. And the reason
22 is one, there's two repositories, two, the money and no
23 transportation, no canisterization.

24 MALE VOICE: And Moses kept it on two tablets,
25 yes.

1 MS. DEVLIN: Exactly. So there's my analogy.
2 Right.

3 MR. CAMERON: I'm glad you guys are on the same
4 wavelength. Thanks, Sally.

5 MR. SPITZBERG: The one thing that I just would
6 like to -- and again this is kind of a side thought on my
7 part, you know, if you look at the process for a unitary
8 point of view, and you say, well what can I do as an
9 individual citizen? And how can I have a direct pipeline,
10 if you will, into what's happening and what's going on, and
11 who's using -- who is seeing which documents? You're
12 shouldering a lot of the burden on your own shoulders. And
13 one of the things that immediately rushes to my mind is that
14 there are already recognized constituent organizations, and
15 it just becomes a matter of affiliations. But at a minimum,
16 you're a member of the State of Nevada, super group, and
17 you're a member of a county in the area, so you're a member
18 of that group. And the State and the county are going to
19 have web sites and computer access, and they're -- and you
20 may choose not to -- you may -- okay. But -- right -- but
21 there -- my point being that there will be people in these
22 constituencies who will be in some fashion more effective or
23 less effective being able to channel some of the information
24 back down to their constituent organizations. And you may
25 choose or not choose to affiliate with them, and rather

1 choose to focus on a citizen action organization or
2 coalition. And I think the more of these groups that you
3 belong to, the better opportunity to have at least somebody
4 keeping you attuned of what's going on, even if you are not
5 directly wired. There are going to be people here who will
6 make it a point to make sure they are wired.

7 MS. DEVLIN: It won't be Pahrump. But we want
8 communication with Las Vegas. They have the numbers to do
9 it.

10 MR. SPITZBERG: Right. Well, I think that's a
11 local issue.

12 MS. DEVLIN: No, it isn't.

13 MR. SPITZBERG: I --

14 MS. DEVLIN: I beg your pardon. It isn't a local
15 issue. It is an issue of facilitation. It is an --
16 information highway. We have nothing. And it's going to be
17 a long time before we do. And unless we have intra
18 communication, north to south, which we also don't have,
19 that we have a problem. Now, I'm in a group, and we're
20 going to form a foundation for the community college. We
21 received 800 pages of the Board of Regents, and we threw out
22 what we didn't need. And five of us read a hundred pages,
23 and then reported on it. Now, you're talking 6,000 pages.
24 So you're talking -- there should be monies, there should be
25 something to do this. And otherwise, we are as usual

1 denied.

2 MR. CAMERON: No, I don't --

3 MS. DEVLIN: Everybody that has a brain that can
4 read here is into something, doing something. So the
5 demands on individual is very high.

6 MR. CAMERON: I think people agree with you on
7 that, Sally. I'd just like to thank Dan. Thank you very
8 much. Now before we take a vote on whether to go into
9 breakout sessions -- I'm glad you still -- I'm glad you can
10 laugh at that.

11 MS. DEVLIN: Next time you come to the community
12 session, where you said we have three rooms.

13 MR. CAMERON: Okay. No, you've made a very good
14 point, Sally. That was a great point. No, before -- but --
15 - listen, we really do need to close up here. And I just
16 want to thank everyone here for their perseverance and
17 attention. The NRC staff will be here. Some of you may
18 have more specific questions. I think we've heard a lot
19 from a lot of you, and good comments and good questions.
20 Bill, do you want to say anything finally? Okay.

21 MR. REAMER: Just reiterate what you said.

22 MR. CAMERON: All right. Thank you very much all
23 of you. And we'll be back out here again on other issues.
24 So thank you. We're adjourned.

25 MS. TILGES: I just hope you schedule longer than

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two and a half hours for a public workshop next time.

MR. CAMERON: Yeah. Well, you're right.

[Whereupon, the meeting was concluded.]

REPORTER'S CERTIFICATE

This is to certify that the attached proceedings before the United States Nuclear Regulatory Commission in the matter of:

NAME OF PROCEEDING: PUBLIC MEETING TO ACQUAINT
THE PUBLIC WITH NRC'S
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CASE NO:

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Elaine Gideon

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