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**NUCLEAR REGULATORY COMMISSION**

Title: 10 CFR 2.206 Petition Review Board  
Reactors Near Yellowstone

Docket Number: (n/a)

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1 UNITED STATES OF AMERICA  
2 NUCLEAR REGULATORY COMMISSION

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4 10 CFR 2.206 PETITION REVIEW BOARD (PRB)

5 CONFERENCE CALL

6 RE

7 REACTORS NEAR YELLOWSTONE

8 + + + + +

9 THURSDAY

10 SEPTEMBER 3, 2009

11 + + + + +

12 The conference call was held, Tom Blount,  
13 Chairperson of the Petition Review Board, presiding.

14  
15 PETITIONER: TOM LAKOSH

16 PETITION REVIEW BOARD MEMBERS

17 TOM BLOUNT, Petition Review Board Chairman

18 FRED LYON, Petition Manager for 2.206 petition

19 MOLLY BARKMAN, Office of General Counsel

20 BRITT HILL, Office of Nuclear Material Safety

21 and Safeguards' Technical Review Directorate

22 ANDREW MURPHY, Office of Research's Structural,

23 Geotechnical, and Seismic Engineering

24 Branch  
25

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NRC HEADQUARTERS STAFF  
TANYA MENSAH, Petition Review Board Coordinator  
MIKE MARKLEY, Office of Nuclear Reactor Regulation,  
Division of Operating Reactor Licensing

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

(1:04:00 a.m.)

1  
2  
3 MR. LYON: I'd like to thank everyone for  
4 attending this meeting. My name is Fred Lyon, and I'm  
5 the Cooper Nuclear Station Project Manager. We are  
6 here today to allow the Petitioner, Tom Lakosh, to  
7 address the Petition Review Board regarding the PRB's  
8 initial recommendation to reject the 2.206 petition  
9 provided in emails dated December 30<sup>th</sup> and 31<sup>st</sup> of  
10 2008, as discussed with the Board on March the 12<sup>th</sup>,  
11 2009, and as supplemented by emails dated April the  
12 29<sup>th</sup> and 30<sup>th</sup>, and May the 13<sup>th</sup>, 2009. I'm the  
13 Petitioner Manager for the petition. The Petition  
14 Review Board Chairman is Tom Blount.

15 As part of the PRB's review of this  
16 petition, Mr. Lakosh has requested this opportunity to  
17 address the Board subsequent to its initial  
18 recommendation. This meeting is scheduled from 1 to 2  
19 p.m. Eastern Time. The meeting is being recorded by  
20 the NRC Operations Center, and will be transcribed by  
21 a court reporter. The transcript will become a  
22 supplement to the petition. The transcript will also  
23 be made publicly available.

24 I'd like to open this meeting with  
25 introductions. As we go around the room, please be

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1 sure to clearly state your name, your position, and  
2 the office that you work for within the NRC, for the  
3 record. I'll start off. Again, I'm Fred Lyon, the  
4 Petition Manager.

5 MR. MURPHY: Andrew Murphy with the Office  
6 of Research, Seismologist, and a Senior Technical  
7 Advisor.

8 MS. MENSAH: This is Tanya Mensah, that's  
9 M as in Man, E-N as in Nancy, S-A-H. I work in the  
10 Office of Nuclear Reactor Regulation, and I am the  
11 2.206 Petition Coordinator.

12 MR. BLOUNT: This is Tom Blount. I'm the  
13 PRB Chair. I work in the Office of Nuclear Reactor  
14 Regulation.

15 MS. BARKMAN: My name is Molly Barkman.  
16 I'm an attorney in the Office of General Counsel.

17 MR. MARKLEY: Mike Markley, Chief of Plant  
18 Licensing Branch, Region IV, Office of Nuclear Reactor  
19 Regulation.

20 MR. HILL: Brittain Hill. I'm the Senior  
21 Advisor for Repository Science in the Office of  
22 Nuclear Material Safety and Safeguards.

23 MR. LYON: That completes the  
24 introductions here for the NRC. Mr. Lakosh, would you  
25 please introduce yourself for the record.

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1 MR. LAKOSH: Sure. My name is Tom Lakosh.  
2 That's spelled L-A-K-O-S-H. I'm a concerned citizen  
3 that has voiced concerns regarding the preparation for  
4 potential ash fall from super volcanoes, or other  
5 volcanoes in the Cascade Range to U.S. Nuclear  
6 Reactors. And before I get to the merits of the  
7 issue, I've got several questions that pertain to  
8 communications provided to the NRC PRB, and should be  
9 part of this record.

10 In particular, I think -

11 MR. BLOUNT: Mr. Lakosh, this is Tom  
12 Blount, PRB Chair. We'll go through the process that  
13 will govern this activity shortly, but we need to get  
14 through that before we get into any specifics  
15 associated with what this meeting was called for. All  
16 right?

17 MR. LAKOSH: You're the Chair.

18 MR. BLOUNT: Thank you.

19 MR. LYON: Are there any others, such as  
20 members of the public, on the phone? And I'd like to  
21 emphasize that we each need to speak clearly and  
22 loudly to make sure that the court reporter can  
23 accurately transcribe the meeting. If you do have  
24 something that you would like to say, please first  
25 state your name for the record.

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1           At this time, I'll turn it over to the PRB  
2 Chairman, Tom Blount.

3           MR. BLOUNT: Good afternoon. Welcome to  
4 the meeting regarding the 2.206 petition submitted by  
5 Mr. Lakosh. This is Tom Blount, PRB Chair.

6           The purpose of today's meeting is to give  
7 the Petitioner an opportunity to provide any  
8 additional explanation or support for the petition  
9 before the Petition Review Board's final consideration  
10 or recommendations. This meeting is not a hearing,  
11 nor is it an opportunity for the Petitioner to  
12 question, or examine the PRB on the merits, or the  
13 issues presented in the petition request. No  
14 decisions regarding the merits of this petition will  
15 be made at this meeting. Following this meeting, the  
16 Petition Review Board will conduct its internal  
17 deliberations. The outcome of this internal meeting  
18 will be provided to the Petitioner.

19           At this time, I would like to introduce  
20 the Board. As I said, I am Tom Blount, the Petition  
21 Review Board Chairman. Fred Lyon is the Petition  
22 Manager for the petition under discussion today.  
23 Tanya Mensah is the Office's PRB Coordinator. Our  
24 technical staff includes Ogbonna Hopkins from the  
25 Office of Nuclear Reactor Regulation, Plant Branch.

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1 Britt Hill from the Office of Nuclear Material Safety  
2 and Safeguards, Technical Review Directorate. Andy  
3 Murphy from the Office of Research's Structural  
4 Geotechnical, and Seismic Engineering Branch. Jeff  
5 Clark from NRC's Region IV, Division of Reactor  
6 Projects. We also obtain advice from our Office of  
7 General Counsel, represented by Molly Barkman.

8 As described in our process, the NRC Staff  
9 may ask clarifying questions in order to better  
10 understand the Petitioner's presentation, and to reach  
11 a reasoned decision whether to accept or reject the  
12 Petitioner's request for review under the 2.206  
13 process.

14 I'd like to summarize the scope of the  
15 petition under consideration and the NRC activities  
16 to-date. On December 30<sup>th</sup>, 2008, as supplemented  
17 December 31<sup>st</sup>, 2008, Mr. Lakosh submitted to the NRC a  
18 petition under 2.206 regarding reactors near  
19 Yellowstone National Park. In this petition -

20 MR. LAKOSH: Sir?

21 MR. BLOUNT: Yes?

22 MR. LAKOSH: The petition cited first on  
23 12/30 U.S. reactors that may be downwind of a  
24 Yellowstone eruption, and the petition subsequently on  
25 the 31<sup>st</sup> cited all U.S. reactors. May I inquire who

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1 had, in fact, ordered a change in the scope of the  
2 petition? And, subsequently, in proceedings, I  
3 requested that that issue be expanded to all U.S.  
4 nuclear reactors that might be subject to ash fall  
5 from reactors, including those in the vicinity of the  
6 Cascade Range, including the Long Valley Super  
7 Volcano. Can you please tell me who had changed the  
8 scope of the petition?

9 MR. BLOUNT: This is Tom Blount. And if I  
10 misspoke, I was summarizing the petition. But I think  
11 as we move forward, we'll be able to describe exactly  
12 what was covered, so I don't think we've actually  
13 covered all the appropriate territory yet. But give  
14 us a couple of minutes, and if you still feel that  
15 I've misspoken, or mischaracterized the petition, we'd  
16 be glad to have you expound on that.

17 MR. LAKOSH: Well, that was the question  
18 as to who had changed the scope. And I was wondering  
19 whether you were going to answer that question.

20 MR. BLOUNT: Well, the -- understand.  
21 Thank you. I understand your question, and I'll  
22 continue with summarizing it, at the moment, if that's  
23 all right.

24 MR. LAKOSH: You're the Chairman.

25 MR. BLOUNT: Okay. In this petition

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1 request, Mr. Lakosh identified the following areas of  
2 concern. Mr. Lakosh requests that NRC, one, devise a  
3 plan for immediate systematic shutdown and cooling of  
4 all reactors that may be downwind of a major  
5 Yellowstone Caldera eruption. With respect to this  
6 request, the NRC Staff determined that the nearest  
7 plant to Yellowstone is Columbia, which is about 400  
8 miles upwind of the park, and the nearest plants  
9 downwind of the park would include Fort Calhoun,  
10 Diablo Canyon, Cooper, and San Onofre, all of which  
11 are between about 800 to 860 miles away from the park.

12 Two, issue an order to all U.S. operating  
13 reactors detailing the threat, and requiring immediate  
14 acquisition of sufficient temporary water storage,  
15 water filtration systems, and pumps with spare parts  
16 to accommodate the loss of direct access to surface  
17 water for a period of no less than three months. As  
18 the basis for this request, Mr. Lakosh states that the  
19 earthquakes at Yellowstone Lake continue in a pattern  
20 suggesting that a highly pressurized chimney has  
21 developed between the surface and a depth of 7.2  
22 kilometers. If the worst case scenario ensues, the  
23 Petitioner is concerned that dozens of plants will not  
24 have access to clean surface, or reserve cooling  
25 water. The Petitioner is also concerned that water

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1 pumps will not survive for long with significant ash  
2 contamination in feed water, and there should be a  
3 plan to dissipate latent heat in reactor cores and  
4 spent fuel storage given a fairly short top lifetime  
5 after ash fall.

6 Allow me to discuss the NRC activities to-  
7 date. On February 24<sup>th</sup>, the Petitioner requested to  
8 address the PRB prior to its initial meeting, and  
9 requested time to prepare supplemental information for  
10 the Board's consideration. On March 12<sup>th</sup>, the  
11 Petitioner addressed the PRB, and was allowed an  
12 additional 60 days to provide supplemental information  
13 for the Board's consideration. In emails dated April  
14 29<sup>th</sup> and 30<sup>th</sup>, and May 13<sup>th</sup>, the Petitioner modified his  
15 request to include mitigation of volcanic ash impacts  
16 to reactors nationwide, not just those in the vicinity  
17 of Yellowstone, and to require a comprehensive  
18 assessment of potentially adverse impacts from ash to  
19 reactor mechanical, and electrical systems to  
20 determine whether the historically eruptive volcanoes  
21 of the Cascade Range could produce either hazardous  
22 airborne or waterborne ash concentrations that require  
23 mandatory mitigation protocol.

24 On May 26<sup>th</sup>, the PRB made an initial  
25 recommendation that the petition be rejected, because

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1 the impact of volcanic activity on U.S. operating  
2 reactors has already been the subject of NRC Staff  
3 review and evaluation, for which a resolution has been  
4 achieved. The issues have been resolved, and the  
5 resolution is applicable to U.S. nuclear power plants.

6 In addition, the Petitioner provided no new evidence  
7 of an imminent eruption of the Yellowstone Caldera  
8 beyond that already considered by the U.S. Geological  
9 Service. Therefore, there are insufficient facts at  
10 this time to warrant further inquiry by the NRC Staff  
11 into the matter.

12 As a reminder for the phone participants,  
13 please identify yourself, if you make any remarks, as  
14 this will help us in the preparation of the meeting  
15 transcript that will be made publicly available.  
16 Thank you.

17 Mr. Lakosh, I'll turn it over to you to  
18 allow you to provide any information you believe the  
19 PRB should consider as part of this petition.

20 MR. LAKOSH: I appreciate that  
21 opportunity, but I would first like to question  
22 procedure and protocol in this process. Is that  
23 allowable?

24 MR. BLOUNT: This is Tom Blount. As the  
25 meeting was intended as described to be a meeting

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1 where you provide additional information regarding  
2 your petition. The meeting, as indicated, is not a  
3 hearing, nor is it an opportunity for the Petitioner  
4 to question, or examine the PRB on the merits or  
5 issues presented in the petition request.

6 MR. LAKOSH: I understand that, but I was  
7 specifically referring to process and procedure, as  
8 opposed to merits.

9 MR. BLOUNT: Okay. And as also -- that's  
10 not part of this process. We have an internal process  
11 that we will follow, so it's your opportunity to add  
12 additional insight that you think we may not have  
13 considered in evaluating your petition.

14 MR. LAKOSH: Well, yes. This is Tom  
15 Lakosh, again. And to the extent that you haven't  
16 considered proper process or procedure, I would like  
17 to examine the process and procedure to-date. If  
18 that's not allowable, then I request that you honor my  
19 June 15<sup>th</sup> email stating that if due process would not  
20 be provided in this adjudicatory process, that the  
21 petition be withdrawn, and I be directed to an  
22 adjudicatory process that provides due process in its  
23 proceedings.

24 MR. BLOUNT: Mr. Lakosh, this is not a  
25 hearing, so there is no adjudicatory process that's

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1 engaged here. We don't stand in judgment.

2 MR. LAKOSH: Okay. Because the way I  
3 considered this, a petition process was that it was  
4 seeking action against specific reactors, and  
5 licensees of the NRC creating Respondents, and,  
6 apparently, the NRC has circumvented, or does not  
7 allow a 2.206 proceeding to allow adjudication of  
8 those claims against specific Respondents. And that's  
9 why in my June 16<sup>th</sup> email, I requested access to  
10 evidence presented. And if that due process was not  
11 available, that I would otherwise seek a due process  
12 and fair adjudicatory proceeding, if one was available  
13 under the administration of the NRC. And if that's  
14 not available, I guess I would like to seek  
15 information regarding what other recourse, or petition  
16 process may be available administratively in the  
17 United States government, or through a court of law.  
18 So, I'm -- this whole hearing process seems to have  
19 totally circumvented my request in the 6/15 email.  
20 So, I didn't see any need for this, if there wasn't  
21 going to be any due process provided.

22 MR. BLOUNT: And we made the -- with  
23 regards to hearings, and hearing rights, if the Agency  
24 were to take enforcement action against the licensee,  
25 then that enforcement action could result in having a

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1 hearing, at which point there would be adjudicatory  
2 actions or relief available. But we have not gotten  
3 to that circumstance here, at this point.

4 MR. LAKOSH: Yes, I gathered that. And  
5 because this preliminary process, which precludes due  
6 process and a fair hearing circumvents my rights to  
7 review the evidence which is denying that hearing, I  
8 would like to otherwise directly obtain that petition  
9 right before the NRC in an administrative, in a fair  
10 administrative hearing, or otherwise through a court  
11 of law. And because this -- apparently, this 2.206  
12 process doesn't include allowing all participants to  
13 review the relevant evidence, so that denies me the  
14 right to even challenge the basis of the decision of  
15 the Board.

16 MR. BLOUNT: Well, this is Tom Blount,  
17 again. And not to disagree with you, but, rather, to  
18 give you an alternative option, making a Freedom of  
19 Information request for information that you think  
20 would be pertinent is certainly an option open to you.

21 MR. LAKOSH: Well, not really, because I  
22 already made the relevant request, and it did not come  
23 up with the documents you deemed relevant. If, in  
24 fact, the Columbia plant plan had already considered  
25 an eruption from Yellowstone, it would have been

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1 provided in my first FOIA request, and it did not  
2 occur there. So, either the FOIA process is broke,  
3 and/or, clearly, the due process fair hearing system  
4 is broke. And I cannot begin to challenge the Board's  
5 preliminary decision without access to that evidence,  
6 which I'm sure, for the most part, has no security  
7 implications whatsoever. And what little security  
8 implications may be -- information may be contained in  
9 those documents can clearly be redacted. So, if this  
10 Board isn't willing to allow examination of the  
11 evidence upon which it bases its decision, I, again,  
12 reiterate my request to withdraw, because I can't get  
13 a fair hearing before this Board. And I'm not  
14 disposed to waste my time with a kangaroo procedure,  
15 where you folks are going to hop to conclusions based  
16 on uncontested and secret evidence. This is not North  
17 Korea.

18 MR. LYON: Mr. Lakosh, you misunderstood  
19 the process. We've provided you the Management  
20 Directive that lays out the petition process. If you  
21 want -- this is Fred Lyon speaking. If you want  
22 additional information via the FOIA process, we've  
23 told you how to go about that. The FOIA process gave  
24 you exactly what you searched for. They searched for  
25 the terms that you provided them, and gave you

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1 documents associated with those terms. We explained  
2 that to you on a couple of occasions, and you have not  
3 availed yourself of the opportunity to file an  
4 additional FOIA request. That's on you.

5 The other thing that I want to say is that  
6 it doesn't matter that you have not seen all of the  
7 documents that the PRB considered. It's upon you, the  
8 Petitioner, to provide us the reasons to satisfy the  
9 criteria for the 2.206 petition. We're not considering  
10 the merits of your argument at this time. We're  
11 considering whether you even meet the criteria for  
12 accepting this petition under the regulations of  
13 2.206. And the Board's initial recommendation is that  
14 you have not provided information sufficient for us to  
15 go forward.

16 MR. LAKOSH: Yes, I got that. And the  
17 whole pretext is that this proceeding does not allow  
18 an open and fair exchange of evidence. And I'm saying  
19 if this procedure does not provide that, then I don't  
20 wish to participate.

21 MR. BLOUNT: So, Mr. Lakosh, this is Tom  
22 Blount. Let me understand your perspective at this  
23 point. What I think I heard you say is that because  
24 of where we have gotten to, an impasse on this  
25 petition, you do not -- you no longer wish to

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1 participate in the 2.206 process.

2 MR. LAKOSH: Not if it suppresses relevant  
3 evidence. You stated that I did not avail myself of  
4 the opportunity to FOIA your records. But, in fact,  
5 what you stated had happened, that the impacts from  
6 volcanoes, and, in particular, super volcanoes, and  
7 the area of ash fall from Yellowstone has clearly been  
8 shown to spread westward to the west coast, which you  
9 conveniently say is upwind. And if that was  
10 appropriately considered in the Columbia permitting  
11 process, it should have come up in my first FOIA  
12 request. It did not, so either you're misrepresenting  
13 the fact that it was properly -- that my concern was  
14 properly considered in licensing is a  
15 misrepresentation, or you're suppressing evidence, or  
16 the FOIA process suppressed that relevant evidence.  
17 And if I would have got it in my first FOIA request, I  
18 wouldn't have bothered you guys, if I had seen that  
19 all of the reactors in the United States had  
20 considered a super volcano event, the amount of ash,  
21 the trajectory of the ash fall, and the extent and  
22 range of that ash fall. But, in fact, neither the  
23 Board, nor the licensing process considered that, or  
24 the FOIA process is severely broke. So, I cannot rely  
25 on a broken FOIA process, or on a misrepresented and

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1 secretive petition review process.

2           There is, apparently, no process available  
3 under the NRC which allows a complaint to be fairly  
4 considered by a U.S. citizen. So, yes, why bother?  
5 Why waste all of our time, when you guys are going to  
6 hop to conclusions about whether this had been  
7 properly considered in the licensing process, whether  
8 Respondents are going to be allowed to properly  
9 present their evidence, and a Petitioner is going to  
10 be able to consider and refute that evidence.

11           Apparently, there was never a notice to  
12 the Respondents, no objections by Respondents, and no  
13 evaluation of a trajectory of ash fallout from either  
14 Long Valley, or from Yellowstone, because there was a  
15 clear diminishment of my claim that without any  
16 substantiating evidence from all U.S. reactors to  
17 those near Yellowstone. So, the pretext of this whole  
18 process seems to be a series of conclusions that were  
19 leapt to by the Board, and which have denied my  
20 examination, and refutation thereof by a, what I  
21 consider a violation of my rights to due process to  
22 examine the evidence. And the FOIA process, clearly,  
23 is not appropriate where it did not turn up the claims  
24 of the Board that this has been properly considered.  
25 And, otherwise, a violation of due process where the

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1 entire record of a fair adjudicatory proceeding must  
2 minimally be made available to the parties under  
3 dispute, but, moreover, publicly available. So, this  
4 isn't a fair process. I don't want to play your game.

5 So, if you want to dismiss this, and accept my  
6 withdrawal, as stated in 6/15, or on the other hand,  
7 if you wish to reach the merits of this complaint and  
8 provide the relevant evidence, redacted as necessary  
9 for security reasons, I would accept either  
10 alternative, should the Board decide to pursue this.

11 MR. BLOUNT: Mr. Lakosh, this is Tom  
12 Blount. So, what I think I've heard is you've made an  
13 offer to provide some additional information, if we  
14 can provide you the documents that you requested  
15 through the FOIA process, properly redacted.

16 MR. LAKOSH: Well, it's not just the FOIA  
17 process, sir. This is Tom Lakosh, again. I've been a  
18 party to a few adjudicatory proceedings on issues of  
19 spill prevention and response. I'm a victim of the  
20 Exxon Valdez oil spill, so I've had to go through a  
21 few adjudicatory proceedings regarding spill  
22 prevention and contingency plans. So, in all of those  
23 state proceedings, I've always been availed of an  
24 administrative record of the decision, and of the  
25 entire proceedings and evidence presented therein.

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1 This is something totally foreign to me, sir. And it  
2 doesn't pass the smell test of a fair hearing. And I  
3 appreciate your attempts to screen this. And I will  
4 address some of the merits, if you wish, but the  
5 additional information is actually largely argument on  
6 the merits of the issues. I see even from the very  
7 summarized basis for your decision, a lot of faulty  
8 reasoning on the substantiation of the claim that  
9 there is no threat to the reactors. And I could go  
10 into that, if you'd like to hear that argument. But,  
11 basically, I'm pretty much hogtied here without access  
12 to the evidence that you say is the basis for your  
13 decision.

14 I can see that there is, from the summary,  
15 very faulty reasoning in reaching a conclusion that  
16 there's insufficient threat, and that there has been a  
17 reasoned analysis, and decision making process that  
18 has gone into the licensing of reactors. But, I mean,  
19 why? If you guys have already made a series of leaps  
20 of unsubstantiated conclusions, I'm really concerned  
21 that there is neither the ability to make the rational  
22 decision in this instance, nor an ability to  
23 appreciate the rights of U.S. citizens to a due  
24 process adjudication of their petition to the  
25 government. So, yes, if you want to hear some of my

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1 arguments challenging the basis of your decision, I  
2 could point out several points in your conclusions  
3 that I believe are faulty. Yes, I would like to see  
4 the rest of the evidence, so that I could further  
5 analyze the basis of your decision. But, otherwise,  
6 this is really a stacked deck, which I don't think  
7 appreciates my rights as a U.S. citizen.

8 MR. BLOUNT: Mr. Lakosh, this is Tom  
9 Blount. I have -- I believe I understand your  
10 perspective, at least to some degree at the moment.  
11 I'd like to return to the question of obtaining  
12 documents, because I'm a little concerned that maybe I  
13 haven't been as clear as I could have been.

14 I believe you now have a better  
15 appreciation for the documents that you are looking  
16 for that we may have. Is that a true statement, or  
17 fair statement? Does it support your perspective?

18 MR. LAKOSH: Not really. The -- I have  
19 some appreciation of what the practice is from the way  
20 you analyzed them, and the conclusions you came to,  
21 but there are two aspects. If we want to get into  
22 details on how well the prior licensing process has  
23 considered the threat of ash fall, I need to see  
24 exactly what amounts were -- what ash fall amounts  
25 over what periods of time, from what sources were

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1 considered, as to whether or not the threat was  
2 appreciated.

3 A large part of your decision, both in  
4 restricting the scope of the petition, and in denying  
5 the further proceedings seems to be based on the  
6 likelihood of an eruption, rather than whether the  
7 plant can actually handle the threat. So, there are  
8 really two aspects of this merits issue, is what  
9 constitutes a reasonable basis for ignoring a threat,  
10 and what constitutes reasonable mitigation for a  
11 specifically defined threat. And it's clear from your  
12 response that you didn't have any standards for -- or  
13 didn't apply any set standards for considering the  
14 likelihood of the threat.

15 Your statement that, in fact, that there's  
16 no evidence of an imminent eruption is a really broad,  
17 and non-specific time frame. And there's no  
18 associated probability analysis, and any of those  
19 analyses would be directly contradicted by my evidence  
20 presented in the statement of Jake Lowenstern, in that  
21 after all of that process that you say was considered  
22 in the probability of an eruption, the guy who runs  
23 Yellowstone Volcano Observatory still knows that there  
24 is, in fact, a slop factor, let's call it, a lack of  
25 precision in their ability to analyze and predict

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1 volcanic activity to the extent that he thought it was  
2 still appropriate for large facilities, like nuclear  
3 power plants, to plan for such an event.

4 The fact that you restricted it to an  
5 imminent eruption, to me, means that you have a very  
6 narrow time frame in mind, and clearly is the same  
7 type of rationale that got you thrown out of court in  
8 Nevada on Yucca, where you didn't define the time  
9 frame from -- of the threat sufficiently to provide a  
10 sound basis for your decision making. And that's a  
11 very deep concern of mine. And you clearly didn't  
12 consider the trajectory and extent of a volcanic  
13 eruption from either Long Valley, or Yellowstone, and  
14 so couldn't have considered in your licensing process  
15 these numerous other plants that could be subject to  
16 ash fall from these areas, much less the probability  
17 issue, which I just discussed.

18 So, I can see that there's a clear lack of  
19 scientific basis for your conclusions of likelihood of  
20 an eruption, and there is, likewise, a question of  
21 whether there are sufficient measures to cope with a  
22 much more extensive ash fall than had been considered  
23 for eruptions from Mount St. Helen's to the Columbia  
24 plant. I mean, we're talking about 50 feet at  
25 Columbia, instead of a couple of inches, six inches

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1 from Mount St. Helen's. So, to me, your rationale for  
2 denying this was off base, a lack of due process  
3 procedure is a game stopper. And I would (a) like to  
4 proceed in a process that does provide a fair hearing;  
5 and (b), I'd like you to reconsider your initial  
6 determination, notwithstanding my imminent withdrawal  
7 from this process, because, clearly, there is a faulty  
8 basis without scientific basis for concluding that an  
9 eruption is not imminent, where, in fact, evidence  
10 suggests that the precision of eruption forecast is  
11 not precise enough to warrant exclusion of the threat.

12 That's my position here, Mr. Chairman. I  
13 hope that you will protect the U.S. interests to the  
14 best of your ability. And that's my interest, that  
15 I'm raising here in the public interest.

16 MR. BLOUNT: Thank you, Mr. Lakosh. I  
17 appreciate hearing from you. I'd like to offer a  
18 couple of points at this point, if I might.

19 One, if you have the names of documents  
20 that you think will support your petition, if you  
21 provide those names in a FOIA request, they can be  
22 retrieved and provided to you to get those on the  
23 docket, as well. The other thing that I'd like to  
24 point out again, just so that we're clear, is that  
25 this is not -- this meeting, this conversation that

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1 we're having, is not an adjudicatory process. We're  
2 simply working through to determine if there is  
3 sufficient reason that the Agency would take  
4 enforcement action against licensees in this regard.

5 So, with that, I'd like to ask the Staff  
6 here at headquarters, are there any questions for Mr.  
7 Lakosh on this particular topic? Seeing no questions,  
8 and I don't believe we have anyone from the Region on.

9 Correct? And I don't believe there are any other  
10 members of the public on the line at this point.  
11 Okay? With that then, Mr. Lakosh, I'd like to thank  
12 you very much for taking the time to provide the Staff  
13 with clarifying information on your petition that you  
14 submitted.

15 With that, court reporter, do you have any  
16 additional questions, or information needs?

17 COURT REPORTER: This is the court  
18 reporter. No, I don't, at this time.

19 MR. BLOUNT: Very good. With that, this  
20 meeting is concluded, and we are terminating the phone  
21 connection. Thank you very much.

22 (Whereupon, the proceedings went off the  
23 record at 1:46:21 p.m.)  
24  
25

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