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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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10 CFR 2.206 PETITION REVIEW BOARD (PRB)

CONFERENCE CALL

RE

IDAHO STATE UNIVERSITY

+ + + + +

TUESDAY

SEPTEMBER 1, 2009

+ + + + +

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

PETITIONER: KEVAN CRAWFORD

PETITION REVIEW BOARD MEMBERS

TOM BLOUNT, Chairman, PRB

GREG SCHOENEBECK, Petition Manager, NRR

TANYA MENSAH, NRR

JOHNNY EADS, Chief, PRTB, NRR

ALEXANDER ADAMS, JR., NRR

CRAIG BASSETT, NRR

1 NRC HEADQUARTERS STAFF

2 DUANE HARDESTY, NRR

3 PAUL DOYLE, NRR

4 PATRICK JEFFERSON, Office of Investigation

5 JENNY WEIL, Office of Congressional Affairs

6 SAMI SHERBINI, FSME

7 FOR THE LICENSEE

8 JAY KUNZE, Idaho State University

9 ADAM MALLICOAT, Idaho State University

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P R O C E E D I N G S

(1:06:21 p.m.)

1
2
3 MR. SCHOENEBECK: Okay. This is Greg
4 Schoenebeck, and I'll be providing the welcome and
5 introduction. First, I wanted to thank everybody for
6 attending this meeting. My name is Greg Schoenebeck,
7 and I am the inspector for Idaho State University's
8 research reactor.

9 We are here today to allow the Petitioner,
10 Kevan Crawford, to address the Petition Review Board
11 regarding the 2.206 petition dated July 31st, 2009.
12 I'm also the Petition Manager for the petition, and
13 the Petition Review Board Chairman is Tom Blount.

14 As part of the Petition Review Board's
15 review of this petition, Kevan Crawford has requested
16 this opportunity to address the Petition Review Board.

17 This meeting is scheduled from 1:00 to 2:00 Eastern
18 Daylight Time. We have allowed some flexibility if we
19 extend over that time, but we want to try the best
20 that we can to stay within those confines, if
21 possible.

22 The meeting is being recorded by the NRC
23 Operations Center, and is also being transcribed by a
24 court reporter. The transcript will become a
25 supplement to the petition. The transcript will also

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1 be made publicly available.

2 I'd like to open this meeting with
3 introductions. As we go around the room, please be
4 sure to clearly state your name, your position, and
5 the office that you work for within NRC for the
6 record. I'll start off. I'm Greg Schoenebeck. I'm a
7 Research Test Reactor Inspector for a branch in NRR.
8 And I think that's -- and you have the office, which
9 is NRR. Next?

10 MR. BLOUNT: I'm Tom Blount. I'm the PRB
11 Chair, and I'm in the Office of NRR.

12 MR. HARDESTY: Duane Hardesty. I am the
13 current Project Manager for Idaho State University,
14 and I'm office of Reactor Regulation, NRR.

15 MR. EADS: I'm Johnny Eads. I'm the
16 Branch Chief of the Research and Test Reactors Branch
17 B as in Bravo. Branch B is responsible for inspection
18 and oversight of the research and test reactors.

19 MR. DOYLE: I'm Paul Doyle. I'm an
20 Operator Licensing Examiner in PRTB, and also I'm on
21 loan as a Project Manager to PRTA.

22 MR. ADAMS: Al Adams. I'm a Senior
23 Project Manager in PRTA at NRR.

24 MR. JEFFERSON: Patrick Jefferson, Senior
25 Special Agent with the Office of Investigations.

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1 MS. WEIL: Jenny Weil, Office of
2 Congressional Affairs.

3 MS. MENSAH: Tanya Mensah, 2.206 Petition
4 Coordinator with the Office of NRR.

5 MR. SCHOENEBECK: All right. We've
6 completed the introductions. Would the folks on the
7 bridge introduce themselves, as well, please?

8 MS. SHERBINI: Okay. Sami Sherbini,
9 Office of Prevalent State Materials and Environmental
10 Management programs.

11 MR. BASSETT: I'm Craig Bassett, Senior
12 Research and Test Reactor Inspector, PRTB Branch in
13 NRR.

14 MR. SCHOENEBECK: Any other? Go ahead.

15 MR. KUNZE: This is Jay Kunze. I'm the
16 Reactor Administrator for the licensee, Idaho State
17 University.

18 MR. CRAWFORD: And this is Kevan Crawford,
19 the Senior Reactor Operator, and Reactor Supervisor,
20 and former Reactor Supervisor, and Petitioner.

21 MR. MALLICOAT: This is Adam Mallicoat,
22 the current Reactor Supervisor at ISU.

23 MR. SCHOENEBECK: At this time, are there
24 any other representatives for the licensee on the
25 phone? Okay.

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1 COURT REPORTER: There are none others.

2 MR. SCHOENEBECK: Okay. None others?

3 Okay.

4 Are there other members of the public on the phone at
5 this time?

6 COURT REPORTER: Excuse me? This is the
7 court reporter, again.

8 MR. SCHOENEBECK: Are there any other
9 members of the public on the phone?

10 COURT REPORTER: I would just remind
11 people, I need them to repeat their name every time
12 they speak, otherwise, I won't be able to record who
13 is speaking.

14 MR. SCHOENEBECK: And this is Greg
15 Schoenebeck asking if there's any others, such as
16 members of the public, on the phone?

17 This is Greg Schoenebeck. I'd like to
18 emphasize that we each need to speak clearly and
19 loudly to make sure that the court reporter can
20 accurately transcribe this meeting. If you do have
21 something that you would like to say, please state
22 your name for the record.

23 At this time, I will turn it over to the
24 PRB Chairman, Tom Blount.

25 MR. BLOUNT: This is Tom Blount. Good

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1 afternoon. Welcome to this meeting regarding the
2 2.206 petition submitted by Mr. Crawford. I'd like to
3 first share some background on our process.

4 Section 2.206 of Title 10 of the Code of
5 Federal Regulations describes the petition process,
6 the primary mechanism for the public to request
7 enforcement action by the NRC in a public process.
8 This process permits anyone to petition NRC to take
9 enforcement-type action related to NRC licensees, or
10 licensed activities. Depending upon the results of
11 its evaluation, NRC could modify, suspend, or revoke
12 an NRC-issued license, or take any other appropriate
13 enforcement action to resolve a problem. The NRC Staff
14 guidance for the disposition of 2.206 petition
15 requests is in Management Directive 8.11, which is
16 publicly available.

17 The purpose of today's meeting is to give
18 the Petitioner an opportunity to provide any
19 additional explanation or support for the petition
20 before the Petition Review Board's initial
21 consideration and recommendation. This meeting is not
22 a hearing, nor is it an opportunity for the Petitioner
23 to question or examine the PRB on the merits, or the
24 issues presented in the petition request. No
25 decisions regarding the merits of this petition will

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1 be made at this meeting.

2 Following this meeting, the Petition
3 Review Board will conduct its internal deliberations.
4 The outcome of this internal meeting will be discussed
5 with the Petitioner. The Petition Review Board
6 typically consists of a chairman, usually a manager at
7 the Senior Executive Service Level at the NRC. It has
8 a Petition Manager, and a PRB Coordinator. Other
9 members of the Board are determined by the NRC Staff
10 based on the content of the information in the
11 petition request.

12 At this time, I'd like to introduce the
13 Board. I am Tom Blount, the Petition Review Board
14 Chairman. Greg Schoenebeck is the Petition Manager
15 for the petition under discussion today. Tanya Mensah
16 is the Office's PRB Coordinator. Our technical staff
17 includes Johnny Eads, Chief for the Office of NRR's
18 Research and Test Reactor Branch B; Al Adams, Senior
19 Project Manager for the Office of NRR's Research and
20 Test Reactors Branch A; Craig Bassett, Senior Reactor
21 Inspector for the Office of NRR's Regulation Research
22 and Test Reactors Branch B.

23 As described in our process, the NRC Staff
24 may ask clarifying questions in order to better
25 understand the Petitioner's presentation, and to reach

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1 a reasoned decision whether to accept or reject the
2 Petitioner's request for review under the 2.206
3 process.

4 I want to emphasize that this transcript
5 is a public record, and in order to preclude
6 personally identifiable information from being
7 released, names have been removed from the
8 Petitioner's requested enforcement action. I also
9 want to emphasize the names of persons not in
10 attendance at this conference call should not be used
11 in today's phone call, either.

12 I would like to summarize the scope of the
13 petition under consideration, and the NRC's activities
14 to-date. On July 1st, 2009, Mr. Crawford submitted to
15 the NRC a petition under 2.206 regarding enforcement
16 action against the research reactor at Idaho State
17 University. In this petition request, Mr. Crawford
18 identified a number of areas of concern; specifically,
19 Mr. Crawford's request that the NRC take enforcement
20 action summarized as follows: The reactor operating
21 license should be suspended immediately. All
22 continuing violations, including the unresolved items
23 from the 9301 Notice of Violation, as well as the
24 additional 20 concealed violations has to be
25 reconciled with regulatory requirements immediately.

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1 The licensee should be fined for all
2 damages related to the violations and cover-up of the
3 violations. The license should be required to carry
4 a 50-year, \$50 million bond to cover latent radiation
5 injuries, instead of covering those injuries with
6 unreliable state budget allocations for contingency
7 funds. Every potential exposure and contamination
8 victim should be identified through the facility
9 records located and informed of the potential risks to
10 them and their families. The Portneuf Medical Center
11 should also be informed so that they may do the same.
12 They should be informed of the entire range of
13 expected symptoms. They should be informed of their
14 right to seek compensation from the licensee.

15 The following should warrant immediate
16 revocation of the operating license due to the
17 inability of the licensee to account for, with
18 documentation, controlled byproduct nuclear materials
19 that were (a) released in clandestine, undocumented
20 shipments before August 4th, 1993. (B) In possession
21 of individuals not licensed to hold the material; (C)
22 and were not certified to handle the material; (D)
23 without proper 49 CFR DOT certified containers; (E)
24 without proper labeling for transport on public roads;
25 and (F) concealed the fraudulent annual operating

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1 reports as defined in 18 USC 1001 that were never
2 amended even after citation in 93-01.

3 It is recommended that the broad form
4 license be permanently revoked. The licensee should
5 publicly acknowledge that there was a loss of special
6 nuclear materials control. The licensee must publicly
7 acknowledge persons that served as an accessory to
8 concealing unlawful distribution of controlled
9 substances, fraud, loss of control of special nuclear
10 material, and child endangerment.

11 Allow me to discuss the NRC activities to-
12 date. On July 17th, the Petitioner requested to
13 address the PRB prior to its initial meeting, and
14 requested time to prepare supplemental information for
15 the Board's consideration.

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

21 Mr. Crawford, I'll turn it over to you, to
22 allow you to provide any information you believe the
23 PRB should consider as part of your petition.

24 MR. CRAWFORD: Thank you. This is Kevan
25 Crawford speaking. I prepared a statement. I'll go

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1 ahead and read it.

2 I've contacted several TRTR participants,
3 that's the Test Research and Training Reactor
4 organization, to ask them for feedback about this
5 situation. I won't mention any of their names,
6 because they are still active in the profession.
7 Aside from the universal shock they expressed at the
8 details of Idaho State University administration
9 actions, and the lack of action from the NRC, they
10 also suggested that I stand my ground with the Review
11 Board, and, if necessary, play hardball. As long as
12 this process stays on track, there's no reason to have
13 to play hardball.

14 As one of the TRTR's participants, who is
15 now retired, said to me last week, "The nation and the
16 profession has dodged a bullet when the University of
17 California at Davis stepped ahead of Idaho State
18 Consortium to administrate the reactor at McLennan Air
19 Force Base. If you have read and fully understood the
20 petition, then you will understand this person's
21 statement.

22 Now, there's no need for me to go into
23 details contained in the petition, except to answer
24 questions to clarify details at the end of this
25 presentation. Anyone trained in non-power reactor

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1 operations will understand the credibility of this
2 petition, as well as the horrific condition of
3 administration, and the unquestioning management and
4 operations at the Idaho State University non-power
5 reactor.

6 All that is left to do is to collect the
7 evidence for each issue identified in the petition,
8 and take action against the licensee. Therefore, this
9 presentation is primarily to give additional context
10 and understanding to the issues contained in the
11 petition, as well as reinforce justification of the
12 recommended enforcement actions.

13 The observations in the petition occurred
14 from December 19, 1991 until March 12, 1993. There
15 most likely were many occurrences in the 20 previous
16 years of operation, and most likely were occurrences
17 in the 16 years after I reported them to the NRC on
18 August 4th, 1993, in a deposition to an officer of the
19 Federal Court, NRC Investigator,

20 Most of these violations were not cited in
21 the 93-1 Notice of Violation. Nevertheless, the
22 documentation, and lack of documentation sets these
23 violations in concrete, and establishes the
24 credibility of my observations. The seriousness,
25 flagrancy, and abundance of the violations indicate

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1 these violations were not just isolated oversights by
2 the licensee, or the regulator.

3 I was not offered protection from the
4 licensee by the federal government, and, therefore, it
5 took 16 years for the dust to settle before I could
6 get back to these issues. I've been in the military,
7 and I am completely aware of what the sorts of
8 characters I witnessed at Idaho State University could
9 do to any one they perceived as a threat to their
10 objective. The federal government got what it was
11 manipulated for, a coverup of nuclear safety
12 safeguards and security at Idaho State University.

13 That this facility was being operated with
14 no less than 30 violations continually, is simply
15 beyond comprehension. The previous record with 12
16 cited violations according to the former licensee
17 project manager, . That none of the
18 people who cycled through that facility over the
19 decades ever thought to remediate the problems is no
20 surprise, as it takes experience, confidence, and
21 moral backbone, all scarce characteristics. That the
22 NRC allowed such a condition to exist, and then only
23 cited nine violations backing down to eight, is
24 inexcusable.

25 The licensee and the licensor have not

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1 been honest with the public, or the federal government
2 in their secret business, because if they had been
3 honest, then the resulting outrage would have forced
4 the facility to be permanently shut down. That would
5 be a natural and just outcome.

6 Any approach to the overall problem, then
7 or now, must follow one of two possibilities. First,
8 the licensee was grossly ignorant; or, two, the
9 licensee was grossly criminal. In either case, the
10 licensee should not have been allowed to operate the
11 critical facility, or possess SNM.

12 First, the licensee will vehemently argue
13 that they are not -- they were not, and are not
14 ignorant hicks from the sticks. Second, the licensee
15 will argue that they are exempt from the laws and
16 regulations because they are so small, and could not
17 harm anyone. Then their arguments will deteriorate
18 from inapplicable, to illogical. For example, they
19 will ignorantly attempt to blame facility management
20 for the 93-1 regulatory violations that were defined -
21 - that are defined by the sole responsibility of
22 administration, since management cannot approve
23 procedures. Then once they discover the difference
24 between a violation and a deviation, they seriously
25 don't know the difference, they will try to blame the

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1 one cited deviation on management, not realizing that
2 the deviation cited a failure of administration to
3 conduct audits of operation. Long distance telephone
4 calls will clearly indicate that operations, I had one
5 of my licensed reactor operators named and I
6 don't recall his last name at the moment, repeatedly
7 phoned administration during the period in question in
8 order to prevent that deviation. Nevertheless,
9 whether the licensee was ignorant or criminal, is of
10 no interest to me. That issue is a matter for the
11 U.S. Attorney to weigh very carefully.

12 The issues exposed in my petition indicate
13 chronic, systematic, and severe problems with the
14 regulation, compliance of this facility, which
15 suggests that all violation notices should be examined
16 to insure that the issues were resolved properly. As
17 a practical approach to resolution of the specific
18 compliance mess that was created in 1993, Interim
19 Violation Notices should be reviewed to eliminate
20 issues that have already been properly addressed, and
21 these issues should be moved from the to-do list in
22 this petition, to the completed list.

23 Activation calculations show that the
24 central irradiation location in the reactor with a
25 flux of 10 to the 8th neutrons per centimeter squared

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1 per second can easily produce amounts of numerous
2 isotopes in the routine two to six hour operation that
3 surpass the 10 CFR 20 limits by orders of magnitude.
4 The licensed SAR should confirm this. Therefore, any
5 argument from the licensee that this reactor is small
6 enough that it should not be regulated, and you can
7 see Jay Kunze's letter to the editor in the Salt Lake
8 Tribune on February 15th, 2002, this should be
9 understood as just incompetence babble.

10 Furthermore, I would hope that the
11 licensee would not even attempt to argue that the
12 controlled amount limits established in 10 CFR 20 are
13 too low based on their experience, and, therefore, do
14 not apply to Idaho State University.

15 The Kunze letter to the editor in the Salt
16 Lake Tribune of February 15th, 2002, clearly implied
17 that the materials that were unlawfully distributed by
18 Idaho State University were not regulated. The
19 public, and specifically, the Salt Lake County
20 Attorney's office understood this to mean that Idaho
21 State University thinks that license requirements for
22 controlled amounts of byproduct nuclear materials do
23 not apply to Idaho State University, because these
24 materials present no threat to public health and
25 safety.

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1 Kunze can publicly argue that point with
2 NCRP, and embarrass himself, and Idaho State
3 University. The law is the law, and Kunze as an
4 official representative of Idaho State University, has
5 publicly announced that Idaho State University is
6 exempt from these laws.

7 The feedback I received from the Salt Lake
8 County Attorney's office was that Kunze sounds very
9 much like the corner marijuana and narcotics
10 distributor attempting to justify his actions. What
11 an embarrassment for the nuclear profession, and the
12 NRC. It's appalling to think that he was, and is, the
13 Dean of College Engineering and the Reactor
14 Administrator.

15 I should point out that two licensee
16 associates, one previously associated with the
17 reactor, and one currently associated with this
18 reactor, were both caught in the Utah Reactor Facility
19 without alcoholic drinks in 1990. Both were directly
20 responsible for the temporary shutdown of the Utah
21 facility in 1998, while I was at Texas A&M. They both
22 were decertified as operators of the Utah facility in
23 1990 under my authority, because the NRC didn't have
24 the guts to terminate their R-126 operator's licenses
25 in 1988.

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1 Nothing in the way of improved staff has
2 changed at Idaho State University. My experience with
3 the NRC is that I don't need to explain the importance
4 of safety reviews for facility modifications,
5 operation within design and approved conditions, the
6 compliance with safeguards, safety and emergency
7 plans, as explained in the petition. However, to
8 demonstrate the importance of honor, ethics,
9 competency, and transparency, then let's suppose a
10 hypothetical situation, where each of you has been
11 hired to investigate the sources and pathways for
12 radioactive material causing clusters of radiation-
13 related illnesses in the south end of Pocatello that
14 are clearly above statistical background.

15 You identified INL and ISU as potential
16 sources, but eliminate INL after checking DOE
17 practices. That leaves the pathetic NRC regulated
18 facility at Idaho State University. You reviewed the
19 SAR and find out that one of the primary functions of
20 the facility is to activate samples by bombarding them
21 with neutrons in the reactor. After touring the
22 facility, you find that it is not the same
23 configuration as described in the SAR. You request
24 modification reviews, and find that there are none,
25 raising huge red flags. You FOIA request, that's

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1 Freedom of Information Act, request the annual
2 operating reports, and find that the staff has had no
3 radiation exposures, not staff contamination events
4 ever took place, no radioactive materials were lost
5 through normal operation, and no materials were
6 transferred off the license. This looks suspiciously
7 fraudulent, but lesser tenacity, and specific
8 knowledge would leave your clients with the horrible
9 illnesses, some of them terminal, and in financial
10 disaster, as the licensee wanted, and the 1993
11 investigation and inspection left it.

12 This is some professional legacy. So, you
13 go back to the NRC, or you go back to the facility to
14 review daily operations documents, and find that the
15 fraudulent annual operating reports -- by the way, a
16 little sub-note here - fraudulent, as defined in 18
17 U.S. Code, Section 1001, is a criminal offense - to
18 the NRC, annual reports to the NRC declaring no
19 activity, is because no records exist for these FAR-
20 approved activities, and routine checks, meaning
21 material transaction, safety reviews, contamination
22 surveys, and erroneous dose records.

23 The Reactor Operation Log shows that
24 samples were irradiated, so you do have a source.
25 Material Tracking Logs don't exist. Material Transfer

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1 Forms don't exist. Contamination Survey Logs don't
2 exist. Bingo. You've got your pathway in radiological
3 safety terms, or you have your pipeline in terms of
4 safeguards and security terms.

5 We all know that radiation doses are
6 cumulative, so that once the damage is done by a
7 crackpot professional, there are no do-overs. And
8 since we live in the post-9/11 world, I suddenly find
9 myself looking very-differently at every person of
10 Middle Eastern, Mediterranean, and South and Central
11 Asian extraction because these materials can be used
12 directly, or indirectly for terrorist weapons, and
13 development of such. There is no need for these
14 clandestine transactions and fraudulent operating
15 reports for legitimate purposes.

16 Now, I don't need to be condescending by
17 describing the details of Chernobyl victims that I saw
18 while I worked for the U.S. government in Belarus, by
19 describing the horrible death my uncle suffered in
20 1968 as a result of his being Airport Director at
21 Cedar City, Utah during the 1950s. However, there is
22 no way to communicate the importance of public health
23 and safety to the impossibly arrogant prep school
24 divas, and the crooked lawyers at Idaho State
25 University, whose range of thought would definitely

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1 not involve concern for public health and safety, and
2 national security.

3 That is the reality at Idaho State
4 University. It leaves one asking why this
5 intolerable, and easily preventable situation was
6 allowed to exist, not to mention continue even after
7 the whistle blower, that being me, identified these
8 problems.

9 Now, I need to justify the recommended
10 actions. Let's summarize the facts before I justify
11 the recommended actions. One, the licensee was
12 operating with no less than 30 violations in 1993.
13 The previous record at any facility in the U.S. was
14 12. Two, the licensee submitted fraudulent annual
15 operating reports to conceal unlawful distribution of
16 controlled substances. Three, the NRC cited nine
17 violations and backed down to eight in the 93-1 Notice
18 of Violation, not citing the other 21 violations, and
19 failing to correct the one improperly cited violation
20 by contacting me. This resulted in the NRC being an
21 accessory to the coverup of safety and criminal
22 violations. Four, the licensee took action to seek
23 retribution for whistle blowing to coverup criminal
24 violations and additional regulatory violations.
25 These actions consisted of criminal, and otherwise

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1 unlawful actions. Five, the licensee has failed to
2 remediate the majority of violations in the subsequent
3 years. No one has contacted to correct dose records,
4 or inform anyone of contamination, and how to legally
5 proceed against the licensee. Unlawfully distributed
6 materials have not been traced, annual operating
7 reports have not been amended. 10 CFR 50.59 Safety
8 Reviews have not been conducted, and the emergency and
9 security plans have been nothing more than a facade.
10 Number six, the licensee institution and
11 administrators have not taken responsibility for
12 regulatory and criminal violations, and have dodged
13 the usual penalty.

14 No one in TRTR has seen anything as
15 serious, and extensive as this. It truly warrants
16 unprecedented action. And since the NRC has given
17 passive approval to this, the NRC has placed itself in
18 a position of making unprecedented action against a
19 licensee a necessity. There are there classifications
20 of actions that should be taken against the licensee.
21 First classification, actions that should be taken
22 independent of other actions. First, the
23 justification for fine for damages and time. The
24 licensee should pay for professional time, experience,
25 patience, endurance, and ethics it took to identify

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1 these crimes and regulatory violations, report these
2 violations, and follow through with a demand for
3 corrective action, and appropriate penalty. This
4 practice is not uncommon in the NRC. As you know,
5 that's what you do with your power reactors.

6 Okay. Number two, justification for the
7 \$50 million bond. More important than the whole body
8 doses that probably did not exceed 10 CFR 20 limits,
9 the licensee has failed to do anything to notify
10 victims of undocumented exposures, particularly from
11 the unmarked beam, and of undocumented personnel
12 contamination. This has occurred not only since the
13 93-1 Notice of Violation, but also since initial
14 licensing. A licensee that demonstrates complete
15 disregard for public health and safety needs to have
16 personal injury funds readily available for access by
17 all courts of jurisdiction. This is, in essence, no
18 different than requiring the State of Idaho, as an
19 insurer of the facility, and chartering authority for
20 the licensee, to carry a 50-year contingency fund to
21 cover personal injuries caused by the licensee. The
22 bond should be required for the remaining life
23 expectancies of the licensee's youngest victim.

24 Next, the justification for notification
25 of exposure and contamination victims. Since it will

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1 easily be proven that the licensee did not mark the
2 mixed radiation beam, and did not survey personnel for
3 contamination, then it is simply common sense that any
4 potential victim should be notified of their
5 situation, including notifying or identifying a list
6 of radiation-related illnesses, and procedures to
7 financially resolve these illnesses. This is standard
8 procedure, and common sense.

9 Next, justification for tracking
10 unlawfully distributed controlled substances. This
11 needs no further justification as a routine resolution
12 of this problem. The potential consequences are far
13 too far-reaching and unthinkable. It's standard at
14 other licensed facilities. Idaho State University is
15 no different.

16 Next, justification for the demand that
17 the licensee disclose to the public the conviction
18 status of the public safety consultant, as well as
19 concealment of regulatory and criminal violations.
20 This information is directly relevant to public health
21 and safety, and presents no compromise to national
22 security. The public, and anyone dealing with the
23 reactor facility have a need to know what the licensee
24 has been doing, so that they can protect themselves,
25 just as I did, after learning what was going on in the

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1 facility. If there is no guilt associated with the
2 licensee activities, then there should be no objection
3 to this requirement. Otherwise, I believe any
4 objections can be interpreted as a clear demonstration
5 of consciousness of guilt.

6 Okay. The second class of actions,
7 actions that should be taken to repair credibility,
8 and permanently prevent further violations. First
9 item there, justification for terminating the
10 operating license. No less than 30 violations exceeds
11 the old record by nearly triple.

12 own recorded words indicated in February 1993 that
13 Idaho State University was a chronically problematic
14 facility. Unlawful distribution of controlled
15 byproduct nuclear materials to unlicensed, uncertified
16 persons of unknown origins, and undocumented
17 clandestine transactions was completely unheard of in
18 1993, because everyone else was in compliance. When
19 I say everyone else, I mean all the other non-power
20 reactor licensees were in compliance. Nobody was
21 doing that, nobody, just Idaho State University.

22 Loss of control of SNM was shocking, even
23 in that pre-9/11 era. Submission of fraudulent annual
24 operating reports to conceal unlawful distribution,
25 personnel contamination, actions to lower dose

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1 measurements, and undocumented facility modifications
2 is appalling. Criminal acts by both administration
3 and their criminally convicted security consultants to
4 conceal violations is inexcusable. Whistle blower
5 retribution, including the crime against a federally
6 licensed operator is inexcusable. Criminal acts to
7 coverup criminal acts and retribution must not be
8 allowed to purchase a get-out of jail free card, which
9 is what Idaho State University has done. And,
10 actually, some of them should have been sent to the
11 federal prison after conviction.

12 No other non-power reactor in the U.S.
13 would ever even consider this outrageous behavior.
14 Idaho State University is definitely in a class by
15 itself. This licensee must now be held accountable
16 for the accumulated mountain of violations of all
17 types.

18 Next item, justification for terminating
19 the material handling license. This justification is
20 a subset of the justification for the termination of
21 the reactor operation license. I know this license
22 has been cited repetitively for unlawful distribution,
23 and the NRC's reaction to this petition also implied
24 a concealed wish to terminate this license.

25 Okay. The third class, actions that

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1 should be taken only if the reactor facility operating
2 license is not terminated. First item, justification
3 for 10 CFR 50.59 Safety Review. This is simply a
4 regulation, no need to justify it here. I would
5 suggest a procedure, if not already in place, for the
6 reactor supervisor to determine if an activity
7 requires 50.59 review. The review should be
8 procedural, as well, particularly since the licensee
9 administration, management, and operations are so
10 utterly negligent.

11 Next item, justification for requiring
12 facility modification. Routine access to the facility
13 roof by the general public must be physically
14 prevented, requiring an architectural barrier. The
15 roof must be replaced to comply with the physical
16 security plan requirement for the licensee to check
17 each access at random intervals during each eight-hour
18 period. The roof egress must be removed to comply
19 with the physical security plan, and rid the facility
20 of an OSHA violation, to be replaced by a ground-level
21 egress. The unmarked mixed radiation beam must be
22 stopped to comply with 10 CFR 20, high radiation area
23 and ALARA requirements.

24 Next item, justification of replacement of
25 all administration, management, and operations

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1 personnel. All individuals and successors trained by
2 have been improperly trained in
3 regulation, reactor physics, and ethical compliance.
4 The competence of current administration is indicated
5 by the fact that 93-1 violations have not been
6 satisfactorily resolved, and the licensee has not
7 operated transparently. Okay. That's the end of my
8 justifications. Let me just quickly summarize here.

9 I hope, and suspect that the following
10 procedures are already conducted. The facility must
11 be forced to conduct emergency drills, if they do not
12 already. The facility must be forced to conduct
13 biennial plan reviews, if they do not already. The
14 facility should already be doing semi-annual audits.
15 That was a part of the standard operating procedures
16 in 1993. Each of the issues identified in the
17 petition should have an industry standard resolution.
18 None of the stuff like went on in the 93-1 Notice of
19 Violation. That was just negligence on the part of the
20 NRC. They should have really slapped Idaho State
21 University and fined them. And they shouldn't have
22 omitted 21 additional violations.

23 As I said before, with unequal
24 qualification, I know where the skeletons are buried.
25 I would be happy to assist inspectors and

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1 investigators in permanently, and completely resolving
2 these issues with competence. The NRC may wish to
3 pursue the issues in the petition without further
4 assistance, but I recommend that if you have any
5 questions about the issues outlined in the petition,
6 then you will need assistance with the details, or
7 else they will have you, meaning Idaho State
8 University, believing that everyone with a reactor
9 should be illegally distributing controlled nuclear
10 materials on the nearest available street corner,
11 along with any other controlled substances that they
12 can acquire.

13 If Idaho State University has a problem
14 with being accused of providing terrorist support
15 services out the front door of the reactor room, then
16 all they have to do is produce the required legibly
17 signed material transaction form, properly submitted
18 truthful annual operating reports, and provide the
19 release of Licensee's public safety consultant's FBI
20 file to prove that he doesn't have an axe to grind
21 against the U.S. government, and its licensed agents.
22 It's just that simple. They have not done any of
23 those.

24 No one should ever again walk into a
25 facility like Idaho State University, as I did.

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1 Nuclear regulators must draw the line between what is
2 tolerated, and not tolerated, so that both nuclear
3 operations are clearly informed, and the public has
4 some basis for trust that the NRC is seriously engaged
5 in protecting public health and safety, as well as
6 national security. At the moment, this case
7 demonstrates that there are no guarantees that
8 anything of substance is being done.

9 Okay. Now, I'm open for questions from
10 the Board.

11 MR. BLOUNT: At this time, does anyone on
12 the Staff here at headquarters have any questions for
13 Mr. Crawford? No questions here at headquarters.
14 Let's see. FSME, Sami, do you have any questions?

15 MR. SHERBINI: No questions at this time.

16 MR. BLOUNT: Greg? Craig? I'm sorry.

17 MR. BASSETT: This is Craig Bassett. No
18 questions.

19 MR. BLOUNT: Understand, no questions.
20 Okay. Are there any members of the public? Okay.
21 Let's see. Does the licensee have any questions for
22 Mr. Crawford?

23 MR. KUNZE: Jay Kunze. The licensee has
24 no questions.

25 MR. BLOUNT: Understand. Okay.

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1 Therefore, before I conclude the meeting, members of
2 the public may provide comments regarding the petition
3 and ask questions about the 2.206 process. However,
4 as stated at the opening, the purpose of this meeting
5 is not to provide an opportunity to Petitioner or the
6 public to question or examine the PRB regarding the
7 merits of the petition request.

8 Mr. Crawford, thank you for taking time to
9 provide the NRC Staff with clarifying information on
10 your petition you submitted. Before we close, does
11 the court reporter need any additional information for
12 the meeting transcript?

13 COURT REPORTER: I just have a few
14 questions.

15 MR. BLOUNT: Very good.

16 (Whereupon, the proceedings went off the
17 record at 1:48:09 p.m.)
18
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25

CERTIFICATE

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

Name of Proceeding: 2.206 Petition of
Kevan Crawford

Docket Number: (n/a)

Location: (teleconference).

were held as herein appears, and that this is the
original transcript thereof for the file of the United
States Nuclear Regulatory Commission taken by me and,
thereafter reduced to typewriting by me or under the
direction of the court reporting company, and that the
transcript is a true and accurate record of the
foregoing proceedings.


Samuel Wojack
Official Reporter
Neal R. Gross & Co., Inc.

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