September 2, 2010

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	)	
	)	
U. S. DEPARTMENT OF ENERGY	)	Docket No. 63-001
	)	
(High-Level Waste Repository)	)	ASLBP No. 09-892-HLW-CAB-04
	)	

NRC STAFF IDENTIFICATION OF WITNESSES FOR SER VOLUME 1

Pursuant to the Construction Authorization Board 04's order directing the NRC staff (Staff) to identify, within ten days after issuance of a particular Safety Evaluation Report (SER) volume, its Party Witnesses and any Other Witnesses as necessary or appropriate for that particular SER volume, the Staff is providing the following information. *See* CAB Case Management Order #2, dated September 30, 2010 (Order), at 7.

On August 23, 2010, the Staff issued "Safety Evaluation Report Related to Disposal of High-Level Radioactive Wastes in a Geologic Repository at Yucca Mountain, Nevada, Volume 1: General Information" (SER Volume 1). Letter to Administrative Law Judges from Daniel W. Lenehan, dated August 23, 2010. A list of witnesses the Staff intends to call with respect to the safety contention related to SER Volume 1 is included as Attachment 1. A curriculum vitae with relevant publications is included for each witness as Attachments 2 and 3. As indicated in Attachment 3, one Staff witness has provided testimony in the last four years in a military proceeding before a Court Martial.

The Staff will identify its witnesses for safety contentions related to SER Volume 3 no later than 10 days after publication of the volume. *See* Order at 7.

Respectfully submitted,

/Signed (electronically) by/

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/Executed in accord with 10 C.F.R. § 2.304(d)/

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Dated at Rockville, Maryland
this 2nd day of September, 2010

Attachment 1

NRC Staff Witnesses for the Safety Contention Related to SER Volume 1

Witness	Affiliation	Address	General Subject Matter	Contention
Bret Leslie	Senior Project Manager, Technical Review Directorate, Division of High-Level Waste Repository Safety, Office of Nuclear Material Safety and Safeguards, NRC	Mail Stop EBB-2-B02, U.S. Nuclear Regulatory Commission Washington, DC 20555-0001	Management review of NRC staff's evaluation of the description of security measures for physical protection	NEV-SAFETY-196
Rupert Rockhill	Security Specialist, Security Performance Evaluation Branch, Division of Security Operations, Office of Nuclear Security and Incident Response, NRC	Mail Stop TWF-3-A5M, U.S. Nuclear Regulatory Commission Washington, DC 20555-0001	Security measures for physical protection	NEV-SAFETY-196

Bret William Leslie, Ph.D.

U.S. Nuclear Regulatory Commission, MS EBB-2-B02, Washington DC 20555-0001

EDUCATION

Ph.D in Geology, University of Southern California, Los Angeles, CA, 1991
M.S. in Geology, University of Southern California, Los Angeles, CA, 1988
B.S. Cum Laude in Geology, University of Rochester, Rochester, NY, 1983

PROFESSIONAL EXPERIENCE

1996–Present: Office of Nuclear Material Safety and Safeguards (NMSS), U.S. Nuclear Regulatory Commission (NRC)

• Senior Project Manager (2002 – Present), Division of High-Level Waste Repository Safety (2004 – Present) and Division of Waste Management (2002 – 2004)
- Divisional lead for general information in the "Safety Evaluation Report Related to Disposal of High-Level Radioactive Wastes in a Geologic Repository at Yucca Mountain, Nevada, [SER] Volume 1: General Information"
- Technical coordinator for the NRC staff's examination of multiple barriers, scenario analysis, and probability of events in SER Volume 3 (Repository Safety After Permanent Closure)
- Senior primary advisor for SER Volume 4 (Administrative and Programmatic Requirements)
- Led development of NRC staff's Congressionally-mandated review of the regulatory processes of the U.S. Department of Energy's (DOE) Hanford Waste Treatment Plant
- Instructor for high-level waste licensing preparatory programs
- Divisional lead for development and documentation of Total System Performance Assessment (TPA) Version 5.1
- Acting Branch Chief Performance Assessment Branch (4/06 – 9/06), Division of Waste Management, Federal and State Materials and Environmental Management Programs
- Divisional lead for Total system Performance Assessment and Integration Key Technical Issue (KTI) and TPA development
- Divisional representative to NMSS Risk Task Group (6/02 – 9/03), responsible for increasing NMSS's use of a risk-informed and performance-based regulatory approach

• Technical Assistant (2000 – 2002), Division of Waste Management
- Facilitated and integrated staff, and communicated technical and regulatory information
- Represented NRC at the Forum for Stakeholder Confidence in Turku, Finland
- Conducted KTI meetings and public outreach meetings

• Geochemist (1996 – 2000), Division of Waste Management
- Divisional lead for Evolution of Near-Field Environment KTI
- Divisional lead for natural analogs
- Provided geochemical technical expertise on high-level waste, low-level waste, decommissioning, and uranium recovery (solution mining) projects

1995–1996: Office of Radiation and Indoor Air, U.S. Environmental Protection Agency (EPA)

• Geologist
- Technical expert on management and disposal of high-level radioactive waste at the potential Yucca Mountain repository
- Advised staff and management on technical issues affecting development of the draft

EPA Yucca Mountain standard
- Served as the technical interface between EPA and NRC

1994: Institute for Energy and Environmental Research (www.ieer.org)
• Senior Scientist
- Led radioactive waste and environmental health regulatory reviews of DOE, NRC, and EPA programs
- Developed and presented technical training materials for concerned citizen groups associated with DOE and NRC-licensed facilities
- Presented invited comments to the National Academy of Science on the technical bases for the Yucca Mountain standard

1991–1993: Center for Nuclear Waste Regulatory Analyses (CNWRA)
• Research Scientist (radiochemist)
- Conducted regulatory analyses of the existing NRC high-level waste rule (10 CFR 60)
- Radiation safety officer for CNWRA laboratory facilities
- Researched geochemical, hydrological, and geological aspects of radioactive waste disposal, including the Peña Blanca natural analog site

Professional Service and Membership

Member of American Geophysical Union, Sigma Xi, Geological Society of America, and Geological Society of Washington (Councilor 2003-2004)

Supplemental Education

FSME Rulemaking Overview Course, NRC, 10/2007
RESRAD Training Workshop, NRC, 1/2006
Isotopic and Hydrogeological Characterization of Fractured Rocks, National Groundwater Association, 4/2005
Introductory and Advanced Modeling with GoldSim, Golder Associates, 8/2004
High Level Waste Licensing, NRC, 5/2004
Risk Communication Challenge, Harvard School of Public Health, 5/2003
Analyzing Regulations: Health, Safety and the Environment, Harvard School of Public Health, 5/2003
Systematic Development of Informed Consent, Institute for Participatory Management & Planning, 5/2003
Human Error Analysis/Human Reliability Analysis for NMSS, NRC, 3/2003
Probabilistic Risk Assessment: Assessment, Management, and Communication, Harvard School of Public Health, 10/2002
Byproduct Materials System of Risk Assessment and Evaluation in NMSS, NRC, 7/2002
High Level Waste Health Physics, NRC, 4/2001.
Corrosion and Corrosion Principles, NACE International, 4/2001
Introduction to Risk Assessment in NMSS, NRC, 12/2000
Uranium Mineralogy, Geochemistry, and the Environment, Mineralogical Society of America, 10/1999
Environmental Laws and Regulations, Government Institutes, Inc., 10/1998
Regulatory Process, NRC, 6/1997
General Health Physics Practices for Uranium Recovery, NRC, 2/1997
Introductory Health Physics, NRC, 7/1996
Interacting with the Media, V. Yannacone, Institute for Environmental Education,

Geological Society of America, 1995
Technical Specialist Audit Observation Training, NRC, 1992
Liquid Scintillation, Canberra, 1992
Gamma Spectrometry, Canberra, 1992
Radiation Safety, Southwest Research Institute, 1991

Publications, 2000-2010

Peer-reviewed Papers:

Leslie, B. W., 2006, Risk insights baseline report: a basis for risk-informed decision making in the U.S. Nuclear Regulatory Commission's high-level waste repository safety program for the proposed Yucca Mountain, Nevada repository, Proceedings of the Eighth International Conference on Probabilistic Safety Assessment & Management (PSAM) CD.

Grossman, Christopher J., B. W. **Leslie**, and T. J. McCartin, 2006, Risk insights for use in the U.S. Nuclear Regulatory Commission's program for the potential Yucca Mountain repository, Proceedings of the Eighth International Conference on Probabilistic Safety Assessment & Management (PSAM) CD.

Codell, R. B. and B. W. **Leslie**, 2006, Drip shield corrosion from fluoride in dents, Proceedings of the 11th International High-Level Radioactive Waste Management Conference (IHLRWM), American Nuclear Society, pp. 500-506.

Browning, L., R. Fedors, L. Yang, O. Pensado, R. Pabalan, C. Manepally, and B. **Leslie**, 2004, Estimated effects of temperature-relative humidity variations on the composition of in-drift water in the potential nuclear waste repository at Yucca Mountain, Nevada, Scientific Basis for Nuclear Waste Management XXVIII, Materials Research Society Symposium Proceedings, pp. 417-424.

Leslie, B. W., 2003, U.S. Nuclear Regulatory Commission process for risk-informing the nuclear waste arena, Waste Management'03, February 23-27, 2003, Tucson, AZ, Conference Proceedings (http://www.wmsym.org/archives/2003/pdfs/426.pdf).

Kotra, J. P., B.W. **Leslie**, 2003, Talking with the public about regulating high-level waste disposal: recent progress, Waste Management'03, February 23-27, 2003, Tucson, AZ, Conference Proceedings (http://www.wmsym.org/archives/2003/pdfs/554.pdf).

Lin, C., B. **Leslie**, R. Codell, H. Arlt and T. Ahn, 2003, Potential importance of fluoride to performance of the drip shield, Proceedings of the 10th International High-Level Radioactive Waste Management Conference, March 30-April 2, 2003, Las Vegas, NV, pp. 646-652.

Leslie, B. W., D. W. Esh, W. L. Dam, D. Pickett, and M. Hill, 2000, EDA II design for the engineered barrier system for the potential Yucca Mountain repository: the impact on coupled processes and repository performance, Waste Management'00, February 27-March2, 2000, Tucson, AZ, Conference Proceedings.

Browning, L., W. M. Murphy, B.W. **Leslie**, and W.L. Dam, 2000, Thermodynamic interpretations of chemical analyses of unsaturated zone water from Yucca Mountain,

Nevada, Scientific Basis for Nuclear Waste Management, Materials Research Society Symposium Proceedings, Vol. 608, pages 237-242.

Abstracts and Reviewed Technical Reports:

Leslie, B. W., M. Juckett, and J. P. Kotra, 2009, Process by which the U.S. Nuclear Regulatory Commission is reviewing the license application for a repository at Yucca Mountain, Nevada, Geological Society of America Abstracts with Programs, Vol. 41, No. 7, p. 548.

Juckett, M. and B. W. **Leslie**, 2009, Independent, objective, and transparent regulatory decision making, Geological Society of America Abstracts with Programs, Vol. 41, No. 7, p. 548.

Leslie, B. W., C. Grossman, and J. Durham, 2007, Total-system Performance Assessment (TPA) version 5.1 module descriptions and user guide, Revision 1, Center for Nuclear Waste Regulatory Analyses (CNWRA), CNWRA 2008 0022.

Leslie, B. W. and D. Hammond, 2007, Use of U and Th decay-series disequilibrium to characterize geothermal systems: an example from the Coso geothermal system, Eos Trans. AGU, 88(52), Fall Meet. Suppl., Abstract V54C-07.

Leslie, B. W. and D. A. Pickett, 2006, Chemical alteration and elemental mobility at the Nopal I mine, Peña Blanca district, Mexico, Geological Society of America Abstracts with Programs, Vol. 38, No. 7, p. 14.

Pensdao, O., J. Stamatakos, B. **Leslie**, R. Johnson, and T. Ghosh, 2006, A strategy for conducting a review of scenario analysis, CNWRA Milestone Report 20.06002.01.352.560.

Osidele, O., B. **Leslie**, S. Mohanty, B. Goodwin, 2006, A strategy for conducting a review of system description and demonstration of multiple barriers, CNWRA Milestone Report 20.06002.01.352.550.

S. Mohanty, R. Benke, R. Codell, K. Compton, D. Esh, D. Gute, L. Howard, T. McCartin, O. Pensado, M. Smith, G. Adams, T. Ahn, P. Bertetti, L. Browning, G. Cragnolino, D. Dunn, R. Fedors, B. Hill, D. Hooper, P. LaPlante, B. **Leslie**, R. Nes, G. Ofoegbu, R. Pabalan, R. Rice, J. Rubenstone, J. Trapp, B. Winfrey, L. Yang, 2005, Risk analysis for risk insights progress report, CNWRA Milestone Report 20.06002.01.351.510.

Leslie, B. W., K. Smart, and E. Pearcy, 2005, Characterization of fractures at the Nopal I site and comparison to fracture characteristics of Yucca Mountain, Nevada, Geological Society of America Abstracts with Programs, Vol. 37, No. 7, p. 196.

Pickett, D. A. and B. W. **Leslie**, 2005, Mobilization of uranium from the Nopal I analog and implications for nuclear waste repository performance, Geological Society of America Abstracts with Programs, Vol. 37, No. 7, p. 268.

Veblen, Linda A., and B.W. **Leslie**, 2005, Retrospection of U.S. Nuclear Regulatory Commission efforts on natural analogs and the Peña Blanca uranium district, Geological Society of America Abstracts with Programs, Vol. 37, No. 7, p. 269.

Leslie, B. W., 2004, Conducting the review of a license application for a repository at Yucca Mountain, Nevada, Geological Society of America Abstracts with Programs, Vol. 36, No. 5, p. 297.

Justus, P. S., B. W. **Leslie**, C. J. Grossman, J. G. Danna, and T. J. McCartin, 2004, Geologic, hydrologic and geochemical features, events and processes (FEPs) that could affect waste isolation at the proposed Yucca Mountain repository: U.S. Nuclear Regulatory Commission's (NRC's) risk-insights baseline study, Geological Society of America Abstracts with Programs, Vol. 36, No. 5, p. 281.

Leslie, B. W., 2003, Tools and guidance for independently evaluating the safety of the proposed Yucca Mountain repository, Geological Society of America Abstracts with Programs, 35, #6, p. 236.

Grossman, C., B. W. **Leslie**, J. Danna, and T. McCartin, 2003, Risk insights for use in the U.S. Nuclear Regulatory Commission's program for the proposed Yucca Mountain repository, Geological Society of America Abstracts with Programs, 35, #6, p. 236.

Leslie, B. W., 2002, Using risk information to determine the need for additional geochemical information for the proposed Yucca Mountain repository, Geological Society of America Abstracts with Programs, 34, #6, p. 459.

Leslie, B. W., 2002, 255 agreements, not 293 unresolved issues, on the proposed high-level waste repository at Yucca Mountain, Nevada, EOS Transactions of American Geophysical Union, Vol. 83 (19), p. S175.

Justus, P. S., B. W. **Leslie**, and J. A. Stamatakos, 2002, Evaluating geological issues at a potential high-level radioactive waste repository at Yucca Mountain, Nevada, Association of Engineering Geologists News, 45/Program with Abstracts, p. 71.

Pickett, D. A., W. M. Murphy, and B. W. **Leslie**, 2001, ^{238}U-^{234}U-^{230Th} ages of secondary deposits and evidence on the rate of recent radionuclide migration at the Nopal I natural analog, 8th International Conference on the Behavior of Actinides and Fission Products in the Geosphere, Migration 01, Abstracts, Bregenz, Austria.

Leslie, B. W., 2001, The role of diffusion and its technical bases in the assessment of performance of the potential high-level waste repository at Yucca Mountain, Nevada, Geological Society of America Abstracts with Programs, 33, #6, p. A277.

Leslie, B., 2000, Evaluation of secondary mineralization in the unsaturated zone at Yucca Mountain, Geological Society of America Abstracts with Programs, 31, #7, p. A434.

Leslie, B. W., D. A. Pickett, 2000, What can U-series measurements tell us about radionuclide mobilization and migration in a low-flux high-U setting?, EOS Transactions of American Geophysical Union, Vol. 81 (19 Supplement), pp. S442-S443.

Pickett, D. A., B. W. **Leslie**, W. M. Murphy, and M. Nugent, 2000, Estimating radionuclide release from a uranium deposit through uranium-series systematics in carbonates and opal, Goldschmidt 2000 Conference, Journal of Conference Abstracts, 5, p. 797.

CURRICULUM VITAE

Rupert J. Rockhill
U.S. Nuclear Regulatory Commission (NRC), 11555 Rockville Pike, Rockville, MD 20852

Education

M.S.A. in Administration, Central Michigan University, Mt. Pleasant, MI, December 1995
B.A. in Psychology, Minor in Science, State University of NY, Potsdam, NY, August 1992
Various Technical, Leadership and Command and Staff Colleges for U.S. Army, 1985 to 2009

Experience

March 2010 to Present: Security Specialist, Security Performance Evaluation Branch (Force on Force), Division of Security Operations, Office of Nuclear Security and Incident Response, U.S. NRC

- Plan and implement assigned security work or related work to support leadership, operating plans, training improvement, project management and threat updates. Analyze and solve problems as they relate to nuclear reactor security inspections and methodology and policy development. Review physical security plans, changes to security plans, and the installation physical security measures. Conduct performance-based security inspections during Force On Force (FOF) exercises. Maintain knowledge of 10 CFR 73.55 and power reactor security inspection procedures. Train in hazard and emergency response related to the nuclear power industry. Evaluate measures taken to prevent sabotage and threats. Maintain TS-SCI clearances and data associated with this position.

November 2008 to March 2010: Security Specialist, Materials, Waste and International Security Branch, Division of Security Policy, Office of Nuclear Security and Incident Response, U.S. NRC

- Planed and implemented assigned security work or related work to support leadership, operating plans, training improvement, and project management. Analyzed and solved problems related to security inspections and methodology and policy development. Developed policy to support security management for Fuels Security and Independent Spent Fuel Storage Installations (ISFSI). Developed rulemaking to support ISFSI radiological sabotage protection based on a risk-informed, performance-based approach to intelligence analysis, physical security program development, and facility protection. Developed advanced weapons policy, threat and hazard vulnerabilities analysis, and security force vulnerability awareness. Communicated and interacted with NRC staff to support project completion and program management. Supported professional development training to provide assurance that the latest and most effective security practices and associated standards were implemented. Reviewed and completed executive correspondence relating to national and international activities of the NRC, the International Atomic Energy Commission, and licensed facilities. Reviewed descriptions of security measures for physical protection, physical security plans, requested changes

to security plans, and the installation physical security measures to determine whether regulatory requirements were met. Trained in hazard and emergency response related to the nuclear power industry. Evaluated measures taken to prevent sabotage and threats. Maintained TS-SCI clearances and data associated with this position.

August 1985 to October 2008: Various senior positions of Command, Staff and Technical Staff leadership positions with active duty U.S. Army.

- Throughout service on Active Duty with the U.S. Army, held positions from Platoon leader/commander through Chief of Operations (G3) with Combat Divisions, Corps and Major Army Commands. These technical and evolving organizations included Light Infantry, Mountain and Airborne (parachute assault) and Special Operations organizations. Served as an investigator for matters related to alleged operational security violations and soldier misconduct. Served as a Senior Board Member in a proceeding related to soldier misconduct (Approximate date Fall 2006). Served as a subject matter expert regarding policy on proper procedures and handling of sensitive data before a Court Martial at Fort Bragg, North Carolina (Approximate date Spring-Summer 2007).

June 1982 to August 1985: U. S. Army Reserve Non-Commissioned Officer and ROTC Cadet from 1984 to 1985.

Current Status: U.S. Army Retired Lieutenant Colonel. Maintain an active Top Secret Clearance, with SCI with Special Access and read-on.

Publications

No relevant publications within the last ten years.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	)	
	)	
U. S. DEPARTMENT OF ENERGY	)	Docket No. 63-001-HLW
	)	
(High-Level Waste Repository)	)	ASLBP No. 09-892-HLW-CAB04
	)	

CERTIFICATE OF SERVICE

I hereby certify that copies of the "NRC STAFF IDENTIFICATION OF WITNESSES FOR SER VOLUME 1" in the above-captioned proceeding have been served on the following persons this 2nd day of September, 2010, by Electronic Information Exchange.

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