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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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PUBLIC MEETING ON THE NRC STAFF'S DRAFT SUPPLEMENT TO
THE ENVIRONMENTAL IMPACT STATEMENT
FOR THE PROPOSED GEOLOGIC REPOSITORY
AT YUCCA MOUNTAIN, NEVADA

+ + + + +

THURSDAY

SEPTEMBER 3, 2015

+ + + + +

The Public Meeting was convened in the
Commissioners' Conference Room, One White Flint North,
11545 Rockville Pike, Rockville, Maryland, at 3:00
p.m., Chip Cameron, Facilitator, presiding.

PRESENT:

CHIP CAMERON, Facilitator

ADAM GENDELMAN, Office of the General Counsel

CHRISTINE PINEDA, Senior Project Manager, Yucca
Mountain Directorate, NMSS

JAMES RUBENSTONE, Acting Director, Yucca
Mountain Directorate, NMSS

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P R O C E E D I N G S

2:59 p.m.

MR. CAMERON: Okay, good afternoon everyone. My name is Chip Cameron and I'd like to welcome you to the public meeting this afternoon.

And, our topic today is a Draft Supplemental Environmental Impact Statement prepared by the Nuclear Regulatory Commission on groundwater issues at Yucca Mountain.

And, we'll try not to use many acronyms today, but two that you will hear are EIS for Environmental Impact Statement and NRC for Nuclear Regulatory Commission.

And, I'm pleased to serve as your facilitator for the meeting this afternoon. And, in that role, I'll try to help all of you to have a productive meeting.

I just want to say a few words about some meeting process issues I'd like to tell you about.

The objectives for the meeting, secondly, the format for the meeting, third, some simple ground rules to help us have a productive meeting this afternoon and then, to introduce the NRC staff who are up at the table and who will be talking to you today.

In terms of objectives for the meeting, the

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1 first one is for the NRC staff to provide you with a clear
2 explanation and clear information on the Draft
3 Supplemental EIS, what's in the EIS and the process for
4 the EIS.

5 Second objective is to provide an
6 opportunity to the NRC to listen to your comments and
7 concerns on the Draft EIS.

8 And I want to emphasize the term draft.
9 This document will not be finalized until the NRC
10 considers all of the comments that are going to come in
11 from today's public meeting, from the comments at our
12 public meetings in Nevada and from the written comments
13 that people might submit to the NRC. And, the NRC staff
14 will be telling you in a few minutes about how you go
15 about submitting comments on the Draft EIS.

16 In terms of the format, there's three basic
17 segments to the meeting and one of them is going to be
18 the presentations that you're going to hear from the NRC
19 staff in a few minutes.

20 Secondly, we'll have a short amount of time
21 for some clarifying questions on the EIS process.

22 And then, third is going to be the public
23 comment not only from those of you in the room here in
24 Rockville who want to comment, but from anybody who's
25 on the phone from around the country who might want to

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1 give us a comment.

2 And, here in Rockville, if you want to
3 comment, I would just ask you to come over here to the
4 podium and provide your comments to the NRC staff.

5 Now, the NRC staff is going to be listening
6 to your comments. They're not going to be engaging in
7 any discussion with you about those comments today, but
8 they will be listening carefully and they will consider
9 those comments as they prepare the final Environmental
10 Impact Statement.

11 Ground rules, I would just ask you to wait
12 until all the NRC presentations are done before asking
13 any questions. And, I would also ask you that we only
14 have one person at a time speaking. I don't think that
15 we're going to have any problems with that today, but
16 we do want to give our full attention to whomever has
17 the floor at the moment.

18 And also, we want to get what I call a clean
19 transcript. Matt Miller is our stenographer, our Court
20 Reporter, and if only one person is speaking, then he'll
21 know who to identify in the transcript.

22 That transcript will be publically
23 available and it's your record of today's meeting and
24 it's the NRC's record.

25 I would ask you to be as crisp and concise

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1 as you can be in your comments. I want to make sure that
2 everybody gets a chance to share their comments with the
3 NRC today.

4 I don't think that we're going to have a lot
5 of people, although we're not sure how many people that
6 are on the phones will want to comment. But, I'm going
7 to ask you to follow a five minute guideline. It's a
8 soft five minutes, okay? And, we'll see how we're doing
9 with time.

10 Periodically, I will go out to the people
11 on the phone to see what their comments are. And, we'll
12 start off in the audience today.

13 And, I don't think it's going to be a
14 problem, but if I have to ask you to finish up, I
15 apologize in advance for that.

16 Fortunately, you can supplement your
17 comments today, and this goes for people on the phone,
18 you can supplement your comments with written comments.
19 And the comments that are provided in the room today and
20 on the phone, they'll carry the same weight as written
21 comments. So, you can supplement.

22 And, final ground rule is that, just as
23 always, courtesy, and that applies to all of us. You
24 may hear viewpoints today that differ from your own and
25 I would just ask you to respect the person who's giving

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1 that comment.

2 The focus of the meeting, the focus of the
3 public comments is on the Draft Supplemental EIS which
4 deals with groundwater issues.

5 And, I know there's a lot of broader
6 concerns, perhaps, on Yucca Mountain in general. We
7 know that this has been a long and complicated process
8 over a number of years. And, the NRC, in their
9 presentations are going to try to put this supplement,
10 its focus on groundwater, into the context of the whole
11 Yucca Mountain project. And, that may help you to focus
12 your comments.

13 For those of you in the room, there are
14 handouts, the view graphs. There's something called a
15 feedback form that the NRC has which helps them to
16 improve public meetings. So, you can fill that out,
17 it's over here on the side, you can fill that out and
18 leave it with us today, or I think it's already franked.
19 In other words, you can take it home, fill it out and
20 just put it in the U.S. Mail and it'll get to the NRC.

21 And I would just thank you all for being
22 here in the room and being on the phone.

23 And, let me introduce the NRC speakers. We
24 have Jim Rubenstone here and he's the Acting Director
25 of the Yucca Mountain Directorate at NRC. And, it's in

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1 the Office of Nuclear Material Safety and Safeguards.
2 And, he's going to provide a welcome and a little context
3 for you.

4 And then, the main presentation is going to
5 be by Christine Pineda. And, she's a Senior Project
6 Manager in the Yucca Mountain Directorate. And, she's
7 going to tell you a little bit about the Draft EIS.

8 And also, although he won't be speaking
9 unless there's a particular legal question that we need
10 to answer, this is Adam Gendelman. And, he is the
11 attorney for Yucca Mountain and High Level Waste and
12 he's in our Office of General Counsel here at the NRC.

13 And, with that, Jim, do you want to start
14 us off?

15 MR. RUBENSTONE: Thank you, Chip.

16 I hope the sound system's working fine.

17 Good afternoon and welcome, once again, to
18 this, the first of our public meetings on the NRC's Draft
19 Supplement to the Department of Energy's Environmental
20 Impact Statement for a geologic repository for spent
21 nuclear fuel and high level waste at Yucca Mountain,
22 Nevada.

23 As Chip said, I'm Jim Rubenstone from the
24 Yucca Mountain Directorate and I want to extend the
25 welcome not only to the folks in the room here at

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1 Headquarters, but also to those who are following on the
2 web stream and are listening on the telephone.

3 Right now, everyone on the telephone should
4 be in listen mode and when we get to the opportunity for
5 questions and comments, be prepared and the Operator
6 will let you know how to open your line.

7 As you know, NRC has released this Draft
8 Supplement for public comment and the public comment
9 period began on August 21st.

10 We had a teleconference last week to talk
11 about the process for providing comments.

12 As you also know, and I hope you know,
13 public comments are very important to the NRC and one
14 of the main purposes today is to accept your comments.
15 We want to make sure, as Chip said, that they're properly
16 recorded so they can be addressed. So, the meeting is
17 being recorded and transcribed.

18 Let me remind you also that, in addition to
19 providing comments here today or at our other public
20 meetings, they can also be submitted by mail or through
21 the regulations.gov website.

22 We have a handout, among the other
23 handouts, about how to provide comments that has the
24 details of how to submit those.

25 And, all of the handouts, in addition to the

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1 one on commenting, there's some background information.
2 Those will be made available on our NRC website no later
3 than next week. The best way to get to this information
4 from the front page of our website is to go to the High
5 Level Waste Disposal drop-down and then to the Key
6 Documents link and that should get you to all the
7 information that's involved with this Draft Supplement.

8 Before I turn things over to Christine
9 Pineda, our Project Manager for the Supplement, I want
10 to note that NRC has received two requests in writing
11 from the State of Nevada and from Inyo County to extend
12 the public comment period. They requested an
13 additional 60-day extension beyond the 60 days that we
14 had posted.

15 There were also several participants on our
16 call last week who requested that the comment period be
17 extended as well.

18 Now, we want to be responsive to these
19 requests, but we also have an obligation to complete our
20 work on this Supplement in a timely manner and on a
21 relatively limited fixed budget.

22 Therefore, we are announcing today, we'll
23 be extending the comment period for an additional month
24 with a new closing date of November 20 and that is the
25 date that's shown on the handout.

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1 Unfortunately, we'll not be able to add
2 additional public meetings during this extension.
3 However, we will be scheduling an additional
4 teleconference for some point in November before the
5 comment period closes. And, we'll announce the date of
6 that as soon as we have that scheduled.

7 So, let me now introduce and turn the
8 microphone over to Christine Pineda, our Senior Project
9 Manager and she will introduce you to the Draft
10 Supplement and the opportunities for providing
11 comments.

12 Christine?

13 MS. PINEDA: Thank you, Jim.

14 Everyone hear me okay?

15 I'm Christine Pineda, as Jim said, and
16 thank you for attending today. And, thanks to those of
17 you who are on the phone.

18 Today, I will go over -- give you some
19 background on the NRC's Environmental Review process
20 for the proposed repository at Yucca Mountain and some
21 of the larger context of the licensing -- the overall
22 licensing review and some of the history.

23 And then, I will give you an overview of the
24 contents of the Draft Supplement.

25 And then, we will have an opportunity, a

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1 short opportunity, for you to ask clarifying questions
2 and then we will go to the public comment portion of the
3 meeting.

4 So, some of you may be wondering how we got
5 here. The Environmental Review framework for the NRC's
6 review for the Yucca Mountain Repository is essentially
7 defined by the National Environmental Policy Act.

8 And the National Environmental Policy Act
9 requires that agencies consider the impact of their
10 decision making, the environmental impacts of their
11 decision making. And, the NRC prepares environmental
12 documents for its licensing actions and also for its
13 rule makings.

14 The Nuclear Waste Policy Act requires that
15 the Department of Energy prepare the Environmental
16 Impact Statement for the proposed repository and it
17 requires that the NRC adopt the Department of Energy's
18 Environmental Impact Statements to the extent
19 practicable.

20 So, given that framework, there have been
21 a number of activities over the past decade plus, and
22 the Department of Energy produced its final
23 Environmental Impact Statement in 2002 which it
24 submitted with its site recommendation to the President
25 in 2002.

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1 In 2008, the Department of Energy produced
2 a final Supplemental Environmental Impact Statement and
3 it submitted that along with its 2002 Environmental
4 Impact Statement to the NRC as part of its License
5 Application package.

6 The NRC staff initiated a review of the
7 License Application and of the environmental documents
8 in 2008 and the staff issued its Adoption Determination
9 Report for the Environmental Impact Statements in
10 September of 2008.

11 Next slide?

12 In the Adoption Determination Report, the
13 staff determined that the Department of Energy's EISs
14 could be adopted but that supplementation was needed and
15 the report describes the areas of additional analysis
16 that is needed, and that is in the area of groundwater
17 impacts.

18 And so, it includes groundwater impacts for
19 the area of groundwater flow beyond the regulatory
20 compliance point and that is to further characterize how
21 the groundwater flows beyond the regulatory compliance
22 point and where the groundwater may reach the ground
23 surface either from pumping or at natural discharge
24 points.

25 The NRC staff also determined that

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1 information was needed for impacts from both
2 radiological and non-radiological contaminants that
3 could be released from the repository.

4 And, just to clarify, the regulatory
5 compliance point is a point that's approximately 11
6 miles south of the repository site.

7 And why is the NRC staff supplementing the
8 Department of Energy's EIS?

9 The NRC, as I mentioned, the NRC reviewed
10 the Department of Energy EISs in 2008 and determined
11 that the EISs could be adopted and requested at that time
12 that the Department of Energy produce the supplement,
13 but the Department of Energy deferred to the NRC to
14 prepare the supplement at that time.

15 However, in 2011, because no further
16 appropriations were made for the Yucca Mountain
17 project, the Commission directed the NRC staff to stop
18 work on the licensing review process and also directed
19 the panel of Judges to stop the adjudicatory proceeding
20 for this project.

21 In 2013, a ruling by the District Court --
22 the Court of Appeals for the District of Columbia
23 Circuit directed the NRC to resume work as long as it
24 had appropriated -- previously appropriated funds.
25 So, it directed the NRC to continue work on the project.

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1 And, in response to Commission direction,
2 the staff began work on the Safety Evaluation Report in
3 2013 and completed that in January of this year, and has,
4 subsequently started work on the Draft Supplement which
5 we have now published for comment.

6 So, and I should back up and say that,
7 again, we did request that the Department of Energy
8 prepare the Supplement, but the Department of Energy,
9 again, deferred to the NRC. So, that's why we are
10 preparing the Supplement.

11 As I mentioned, the scope of the Supplement
12 was already described in the Adoption Determination
13 Report and that's the scope that we kept to in producing
14 this Supplement.

15 The scope is limited because the NRC staff
16 found that the Environmental Impact Statements were
17 otherwise acceptable for adoption.

18 So, just to reiterate, the Supplement
19 evaluates the potential environmental impacts on
20 groundwater and impacts associated with the surface
21 discharge of that groundwater that could result from
22 contaminants entering the groundwater from the proposed
23 repository.

24 The potentially affected area that we
25 covered in the Supplement is the area of the groundwater

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1 flow path that could include contaminant releases and
2 it follows the groundwater flow, focusing or
3 emphasizing the area beyond the regulatory compliance
4 points.

5 So, groundwater flows past the compliance
6 point, it flows through the Amargosa Desert and,
7 ultimately, to the Furnace Creek and Middle Basin areas
8 of Death Valley. So, it evaluates the groundwater flow
9 path as well as the potential surface discharge areas
10 for pumping and natural discharges.

11 This is a map of the Death Valley Regional
12 Groundwater Flow System and it is -- represents the --
13 it's a map of the United States Geological Survey's
14 model of the groundwater flow in this general region.
15 And this model is the model that the NRC staff used in
16 determining or assessing the groundwater flow and
17 assessing the potential impacts that could go into the
18 groundwater and flow through the aquifer.

19 So, you can see that -- it might be hard to
20 read - but, if you can see Yucca Mountain, the regulatory
21 compliance point is basically following that vertical
22 line south to the corner there. And, that's
23 approximately 11 miles south of the Yucca Mountain site.

24 Next slide?

25 The resources that we assess the impacts

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1 for include, of course, the groundwater and, in the
2 Supplement, we use the term the aquifer environment and
3 that's because it's not just the water that you're
4 looking at, it's the host rock for the water. So,
5 depending on the chemical make up of the rock and the
6 contaminants that you're looking, the contaminants may
7 flow freely along with the groundwater or it could
8 become basically stuck onto the host rock.

9 Also, for points where there are natural
10 discharge points or groundwater pumping locations, we
11 looked at impacts on soils and then on potential impacts
12 on public health, if people were exposed to soils or
13 groundwater, as well as impacts on ecological
14 resources, so flora and fauna, and the potential for
15 disproportionate impacts on minority or low income
16 populations that could be located where the groundwater
17 reaches the surface.

18 Next slide?

19 So, as I mentioned, the analysis looks at
20 the potential impacts from both radiological and
21 non-radiological contaminants and looks at those
22 impacts for a period of one million years beyond the time
23 when the repository would be closed. So, it looks at
24 when in that one million year period would we observe
25 the highest concentrations for the different

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1 radionuclides or non-radioactive materials.

2 And, it builds on the Department of
3 Energy's model of repository performance as assessed by
4 the NRC staff in the staff's Safety Evaluation Report.

5 Next slide?

6 To capture a reasonable range of impacts,
7 we looked at two different pumping scenarios for
8 groundwater and different climate scenarios.

9 So, the pumping scenarios include the
10 assumption that pumping would occur. And, for example,
11 it would occur at the Amargosa -- where it occurs now
12 which is the Amargosa Farms location. It's pumping for
13 irrigation.

14 And, under that assumption, we assumed that
15 all of the contaminants would be drawn up through the
16 pumping at that location. So, that's a conservative
17 assumption.

18 And then, we also assumed in another case
19 that there would be no pumping, in which case all of the
20 groundwater would flow directly to the natural
21 discharge locations.

22 And, again, we assume for each natural
23 discharge location that the entire contaminant plume
24 would reach that location.

25 For climates we looked at a hot and dry

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1 climate which is similar to the present day climate, but
2 also a cooler and wetter climate because that would
3 result -- of course, there would be more precipitation
4 which would result in more groundwater entering the
5 groundwater and entering the aquifer and affecting the
6 concentrations of the contaminants in groundwater.

7 And also, it could affect -- it could sort
8 of bring back potential discharge locations that are
9 ancient that are not currently discharge locations.

10 Next slide?

11 And, this is an example of prehistoric
12 discharge sites. And this is, as it says, the State
13 Line area of Nevada and California. And these are, I
14 think, about 30,000 years old or older.

15 So, it's kind of hard to see, but you can
16 see in the left hand photo the sort of the layering of
17 the minerals that were deposited. And, in the right
18 hand photo, it's a little harder to see, but you can see
19 similar structure there.

20 Okay, next slide?

21 The Supplement concludes that the
22 potential direct and indirect impacts of the repository
23 would be small, and this means that the environmental
24 effects would be nondetectable or would be so minor that
25 they would not noticeably alter any important attribute

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1 of each resource that we assessed the impacts for.

2 As well, we determined that the potential
3 cumulative impacts would be small and those would be
4 impacts, when considering the impacts of the repository
5 alone in addition to impacts from other activities in
6 the region.

7 And, these conclusions are consistent with
8 the NRC staff's understanding of how contaminants would
9 move through the aquifer.

10 Next slide?

11 So, the next steps, we have a public meeting
12 in Nevada. We've got a meeting in Las Vegas on
13 September 15th in the evening from 7:00 to 9:00 p.m. and
14 a meeting in Amargosa Valley on September 17th, also
15 from 7:00 to 9:00 p.m. And those meetings will be
16 preceded by an open house.

17 And then, we'll also have a teleconference
18 on October 15th, teleconference only, and, as Jim
19 mentioned, we'll have another teleconference some time
20 in November as a result of extending the comment period.

21 And, we expect to publish the final
22 Supplement in the first half of 2016.

23 Next slide?

24 So, we can go to clarifying questions now
25 and I'll just point out that there's -- this slide up

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1 here has the information on it that we've also provided
2 on the handout that's on the table. It describes the
3 ways that you can present or provide your comments to
4 the NRC staff.

5 Thanks very much.

6 MR. CAMERON: Okay, thank you. Thank you,
7 Christine. Thank you, Jim.

8 We have a few minutes for any clarifying
9 questions on the EIS process. If anybody -- anybody in
10 the room have a question? And, Kevin, please introduce
11 yourself to you.

12 MR. KAMPS: Hello, my name is Kevin Kamps
13 with Beyond Nuclear.

14 And, one question I have is, is there a
15 phone number yet for October 15th and will it be the same
16 as the November teleconference?

17 MS. PINEDA: There is not a phone number
18 yet, but I will be getting one next week and I will try
19 to make them be the same number. But, I'll send out --
20 we have our email distribution and I'll send that
21 information out once we get those phone numbers.

22 MR. CAMERON: And, if people want to find
23 out what that number is, is there -- do they just -- where
24 do they tune in to?

25 MS. PINEDA: I will add it to the public

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1 meeting notice site where we already have the October
2 15th meeting posted there, so I'll add it to that site
3 and then also in our email distribution, I'll put it in
4 there. But, the main place on the website would be the
5 public meeting notification site.

6 MR. CAMERON: Okay. Thanks, Christine.

7 Anybody else? Yes, Diane? Please
8 introduce yourself.

9 MS. D'ARRIGO: Diane D'Arrigo, Nuclear
10 Information and Resource Service.

11 I have a couple of technical questions. I
12 wanted to know the total amount of waste that is being
13 assumed to go into the repository and how much of that
14 is high burn up? And, so what -- and what cask
15 assumptions are being made for those types of fuel? I
16 guess that would be what TADs are there?

17 MR. RUBENSTONE: I don't want to get too
18 deeply into the technical details of the Supplement, but
19 just, in general, we used what was proposed as the action
20 in DOE's License Application.

21 So, the inventory is as defined in their
22 License Application which is consistent with the
23 Nuclear Waste Policy Act, which is 70,000 metric tons
24 heavy metal equivalent, 63,000 metric tons of which is
25 spent nuclear fuel.

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1 And, the assumptions about what fraction is
2 of what burn up is what was proposed by the Department
3 of Energy.

4 And, the same goes for the engineered
5 barrier system, the canisters that would be -- and waste
6 packages that would be used. Those are as described in
7 the license application.

8 MS. D'ARRIGO: How much is high burn up?

9 MR. RUBENSTONE: Again, I don't have that
10 number off the top of my head, but it is whatever was
11 proposed in the License Application.

12 MR. CAMERON: Okay. And, Diane, we're
13 going to try to keep this on the transcript. But, as
14 Jim said, we're not going to be able to go too deeply
15 into those questions, but why don't you just get it on
16 the record?

17 MS. D'ARRIGO: I was clarifying that -- I
18 was trying to clarify how much of the 70,000 metric tons
19 heavy metal equivalent is high burn up and how high of
20 burn up? And, what I'm hearing is that you don't know.

21 MR. RUBENSTONE: No, what I'm saying is I
22 can't tell you right now, but it is what was in the DOE
23 License Application which included some fraction of
24 high burn up fuel, but I just don't know the fraction.

25 MS. D'ARRIGO: It did include some?

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1 MR. RUBENSTONE: I believe it did, but
2 again, I would have to go back and look specifically.

3 MR. CAMERON: Okay, thank you. Thank you,
4 Diane.

5 Jennifer, is anybody on the phone have
6 clarifying question on process?

7 OPERATOR: Yes, first we have Mary Olson
8 from NIRS. You line is open.

9 MS. OLSON: Great, thank you so much.

10 Hi, Chip, hi to everybody else.

11 MR. CAMERON: Hi.

12 MS. OLSON: I have a sort of a historical
13 process question that is not about the SEIS content.
14 But, we heard that NRC staff reviewed the various DOE
15 documents and decided they were acceptable to be
16 adopted.

17 And, I'm just wondering if there was any
18 sort of record of decision issued on this or does that
19 come after the final little additional piece, this SEIS?
20 I want to know the history of records of decision by NRC.

21 MR. CAMERON: Okay, thanks, Mary. Jim?

22 MR. RUBENSTONE: Yes, this is Jim
23 Rubenstone.

24 Because there is an adjudication involved
25 in this process, and those are the hearings that

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1 Christine referred to that were suspended in 2011. Any
2 record of decision which is a term of art in NEPA space,
3 the record of decision will happen after the hearings.

4 And, just as another, you know, background
5 historical note, the hearings, as they were beginning
6 back in 2008 and forward from there, the first step were
7 submission of contentions by various parties and
8 rulings on admissibility.

9 There were contentions admitted on the
10 Environmental Impact Statements. So, those were part
11 of the hearing proceedings. And the record of decision
12 on the environmental impacts would come after the
13 completion of the adjudication and then the
14 Commission's review of those decisions.

15 MS. OLSON: Thank you.

16 MR. CAMERON: Okay, thanks, Mary.

17 Jennifer, anybody else have a clarifying
18 question?

19 OPERATOR: Yes. The next question is from
20 Ruth Thomas, the Environmentalists Group.

21 MS. THOMAS: Thank you.

22 I've been looking over the adoption of the
23 Supplement and I wanted to be clear about understanding
24 this.

25 Now, they don't -- they talk about the NRC's

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1 Adoption Determination Report which was of 2008. How
2 does that fit into the decision making system? I
3 haven't ever heard of that particular --

4 MR. CAMERON: Okay, that's a --

5 MS. THOMAS: -- determination. I mean
6 it's -- could somebody explain that?

7 MR. CAMERON: That's a good question,
8 Ruth. We'll go to Christine to explain that.
9 Christine?

10 MS. PINEDA: Hi Ruth, this is Christine
11 Pineda.

12 The Nuclear Waste Policy Act requires that
13 the NRC adopt the Department of Energy Environmental
14 Impact Statements to the extent possible, practicable,
15 and the Adoption Determination Report that we produced
16 in 2008 is the staff's determination that we could adopt
17 the Department of Energy's EISs and, of course, with the
18 needed supplementation. So, that's the staff's
19 position.

20 So, as Jim mentioned, there would have to
21 be a formal hearing process where the contentions that
22 have been submitted on a Department of Energy's EIS and
23 any new contentions that might be admitted would have
24 to be reviewed and then a decision made concerning the
25 adequacy of the Department of Energy's EIS and the NRC's

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1 Adoption Determination Review and any Supplements that
2 came out of the entire process.

3 So, it's just one step in the whole process
4 and it's the staff's position.

5 MR. CAMERON: And, for Ruth and everybody
6 else, the document that --

7 MS. THOMAS: Well, now I remember the
8 National Environmental Policy Act --

9 MR. CAMERON: Ruth? Ruth, could you hold
10 on one second, please?

11 MS. THOMAS: What?

12 MR. CAMERON: Can you just hold on one
13 second? I just want to point out to everybody that, in
14 the Federal Register Notice that announced the
15 Supplement, there is a reference to the Adoption Report
16 and it gives you a number, a citation, in the NRC ADAMS
17 system for where you can get that document.

18 And, Ruth, I think we're going to have to
19 go on to see if anybody else has a clarifying question
20 so that we could get to comment. But, thank you for that
21 question. It was a great question.

22 And, Jennifer, I'm going to ask you if
23 there's anybody who has a clarifying question?

24 OPERATOR: Yes, the next question comes
25 from Michael Keegan of the Waste Michigan. Your line

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1 is open.

2 MR. KEEGAN: Hello, thank you. That's
3 Don't Waste Michigan.

4 Could you please tell me if there has been
5 another site that has been investigated? If there's
6 been an EIS on another site, an alternative site to Yucca
7 Mountain?

8 MR. CAMERON: Okay, thanks, Michael.
9 Jim?

10 MR. RUBENSTONE: This goes back into some
11 history and I'm not going to speak too definitively
12 because this is actions that were taken probably more
13 than 30 years ago.

14 I do not know the extent of the
15 environmental evaluations that were done for other
16 sites. The Nuclear Waste Policy Act amendments in 1987
17 directed the Department of Energy to focus its site
18 characterization only on the Yucca Mountain site.

19 So, if there had been any other
20 environmental work done on other sites, my guess is that
21 it would have pre-dated those amendments in 1987.

22 MR. CAMERON: And, Christine, do you have
23 something?

24 MR. RUBENSTONE: And, this is for a high
25 level waste disposal site.

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1 MR. CAMERON: Christine?

2 MS. PINEDA: I think that before Yucca
3 Mountain was designated, I think there were three sites
4 in the running. And I think there were environmental
5 documents for those three sites, at least -- and, I'm
6 not sure if they were, at that stage, if they were
7 Environmental Assessments or Environmental Impact
8 Statements.

9 MR. KEEGAN: Okay, Michael Keegan, again.

10 MR. CAMERON: Go ahead, Michael.

11 MR. KEEGAN: Can you hear me?

12 MR. CAMERON: Yes.

13 MR. KEEGAN: Yes, for the record, could you
14 please enter that in as to whether there has been
15 alternative sites examined or if the Yucca Mountain is
16 the only site that has been examined?

17 MR. RUBENSTONE: Well, again, I think --

18 MR. KEEGAN: Thank you.

19 MR. RUBENSTONE: -- I believe that's
20 outside the scope of what we're trying to address with
21 this Supplement. And, again, I don't have that
22 information, but we can see if we can research it.

23 MR. CAMERON: Okay.

24 MR. KEEGAN: I disagree. That is not
25 beyond the scope, that is within the scope. I need to

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1 know whether there's been an alternative site
2 investigated or not.

3 MR. CAMERON: Okay, thank you, Michael.
4 And, I think Jim said they were going to think about
5 that. But, thank you for the question.

6 And, Jennifer, anybody else?

7 OPERATOR: Yes, the next question is from
8 Paula Gotsch from Grandmothers, Mothers and More for
9 Energy Safety. Your line is open.

10 MS. GOTSCH: Thank you.

11 In trying to -- a process question -- when
12 you say that the staff decided that what the plan was
13 acceptable except for the groundwater problem. And, I
14 -- the amorphous staff, is that -- are those people that
15 make the decision, in other words, the group that
16 decided it was okay, are they named any where and also
17 their area of expertise? Like, how many of them are
18 hydrologists? How many are whatever? In other words,
19 who made the decision?

20 MR. CAMERON: Okay, thanks, Paula.

21 Jim, do you want to try to address that?

22 MR. RUBENSTONE: Yes, again, this fits
23 into the overall process for the review of the Yucca
24 Mountain Application including the environmental
25 documents. The staff that made the determination on

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1 the adoption are named in the Adoption Determination
2 Report as the preparers as is the NRC process for all
3 environmental documents. There is a section that names
4 the contributors to that document.

5 And, again, just to be sure you understand
6 the process, in the Yucca Mountain review, the NRC staff
7 does its review, reaches its conclusions, puts forth its
8 documents and then is a party in the adjudication.

9 So, these are the recommendations of the
10 staff which are to be adjudicated before the Atomic
11 Safety Licensing Board. Again, that proceeding began
12 and is now suspended.

13 So, the final decision on the construction
14 authorization would be done by the Commission itself,
15 but that is only to happen after completion of the
16 adjudication and then the Commission's review of the
17 contested and uncontested issues.

18 So, what was in the staff's Adoption
19 Determination Report is the staff's position as to
20 whether the DOE Environmental Impact Statements could
21 be adopted by NRC to fulfill NRC's requirements under
22 the Nuclear Waste Policy Act.

23 MR. CAMERON: Okay, thank you, Paula.

24 Jennifer, anybody else?

25 OPERATOR: There are no more questions on

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1 the phone.

2 MR. CAMERON: Okay, thank you.

3 We're going to go to comment now and our
4 first three speakers here in Rockville are Marty Malsch,
5 Kevin Kamps and Kenneth Freelain. And, Marty, and all
6 of you, I would offer you this podium and microphone to
7 make your comments.

8 MR. MALSCH: Good afternoon, everyone.
9 Thank you for the opportunity to offer comments today
10 on staff's Draft Yucca Mountain's Environmental Impact
11 Statement Supplement on Groundwater.

12 I'm Marty Malsch with the law firm Egan,
13 Fitzpatrick, Malsch & Lawrence and I'm speaking today
14 on behalf of the State of Nevada.

15 Nevada's technical experts are reviewing
16 the Draft Supplement and, as staff noted in last week's
17 conference call and as staff noted today, Nevada asked
18 for a 60-day extension to file comments so that its
19 experts would have an adequate time for review.

20 We would have preferred a 60-day extension,
21 but we certainly welcome a 30-day extension.

22 Nevada plans to file timely and very
23 detailed written comments on staff's groundwater
24 supplement. It would be premature for me to discuss
25 these comments today in any detail. But, I thought it

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1 would be useful at this stage, this early stage, to
2 highlight three areas of likely focus.

3 First, there is the matter of scope. The
4 scope of staff's current Draft Supplement is apparently
5 controlled by staff's September 5, 2008 adoption
6 decision.

7 That decision included in Section 3.1.2 an
8 evaluation of whether significant new information or
9 other considerations arose since the DOE's 2002 and 2008
10 environmental documents could affect the conclusions in
11 those documents.

12 But, that was seven years ago. At least
13 four significant events have occurred since then that
14 could affect the conclusions and DOE's environmental
15 documents, and all of them warrant at least some further
16 review by staff.

17 First, there was the President's March 24,
18 2015 decision that Defense high level waste should be
19 disposed of in a repository devoted exclusively to that
20 purpose.

21 In light of that decision, the proposed
22 action and DOE's 2002 and 2008 environmental documents
23 to commingle Defense and commercial high level wastes
24 violates the National Environmental Policy Act.

25 Second, there is the July 10, 2015

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1 designation of the Basin and Range National Monument.
2 This may affect the conclusion of DOE's Rail Corridor
3 Supplemental Environmental Impact Statement because
4 some of the Caliente Corridor transects the new
5 monument.

6 Third, since the Application was filed in
7 2008, work was terminated on the Transportation, Aging
8 and Disposal Canisters, the so called TAD canisters,
9 that were assumed in the License Application and a large
10 amount of the commercial used fuel is now loaded in
11 different canisters.

12 If repackaging is required, this could give
13 rise to environmental impacts not evaluated previously.

14 And fourth, a critical part of DOE's
15 evaluation in its NEPA documents of the so-called no
16 action alternative was its evaluation of Scenario 2, a
17 total loss of institutional controls and used fuel
18 storage sites after 100 years.

19 In the Commission's Generic Environmental
20 Impact Statement for continued storage of spent nuclear
21 fuel, NUREG-2157, the Commission held that this
22 scenario was contrary to the NEPA rule of reason and
23 violated NEPA.

24 Yet, a fair reading of the DOE
25 Environmental Impact Statements is that Yucca Mountain

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1 is, in fact, not the preferred option under NEPA if this
2 particular scenario is eliminated from consideration.

3 Nevada is continuing its review of these
4 matters and its written comments will offer more
5 details.

6 Second, and again, as noted, well as noted
7 today by Christine, the source term used for
8 radionuclides that was used in the Draft's Groundwater
9 Supplement is a result of DOE's Total System Performance
10 Assessment.

11 Staff's reliance on DOE's Total System
12 Performance Assessment would appear to render material
13 and relevant to the Draft Supplement many, if not all,
14 of Nevada's TSPA safety contentions. Most of these
15 contentions were not addressed specifically in Drafts
16 SER Volume III and raised issues that have never been
17 the subject of public comment under NEPA and in
18 accordance with CEQ regulations. We plan to offer more
19 details about this also in our written comments.

20 And then, finally, the NRC is subject to the
21 Information Quality Act as implemented by a January 14,
22 2005 OMB Bulletin, an NRC Handbook that is part of NRC
23 Management Directive 3.17.

24 It seems clear that the Draft Supplement
25 constitutes a highly influential scientific assessment

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1 that is scientifically and technically novel and should
2 be subject to peer review by independent experts not
3 employed by NRC.

4 We are not aware of any plans by the NRC to
5 sponsor such a review. It would appear that an
6 independent peer review would be practical, appropriate
7 and required by law.

8 In addition, the February 22, 2002 OMB
9 Guidelines implementing the Information Quality Act
10 required the NRC to comply with certain generally
11 applicable quality guidelines in the Safe Drinking
12 Water Act.

13 It's not apparent that the Draft's
14 Supplement complies with these principles.

15 Again, thank you for the opportunity to
16 comment. We will provide more detailed comments and
17 supporting analysis in our written comments. And, I
18 should add that I have written copies of my remarks that
19 have things like legal citations and such and I am
20 prepared to hand them out.

21 Thank you very much.

22 MR. CAMERON: Okay, thank you. Thank you,
23 Marty.

24 Let's go to Kevin Kamps, Beyond Nuclear.

25 MR. KAMPS: Thank you.

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1 Good afternoon. My name is Kevin Kamps
2 with Beyond Nuclear and I also serve on the Board of
3 Directors of Don't Waste Michigan.

4 NRC's DSEIS has absurdly concluded that
5 radioactive releases from the proposed Yucca Mountain
6 High Level Radioactive Waste Dump would be small. That
7 is essentially minimal and harmless over the course of
8 a million years into the future.

9 Actually, if irradiated nuclear fuel is
10 ever buried at Yucca, it would leak massively over time
11 into the groundwater, creating a nuclear sacrifice zone
12 over a board region downstream.

13 This would include hazardous and even
14 deadly radioactive contamination of the groundwater
15 currently used for drinking and irrigation water in
16 Nevada's agricultural Amargosa Valley.

17 The Ash Meadows National Wildlife Refuge
18 and Death Valley National Park as well as the Timbisha
19 Shoshone Indian community inhabiting Death Valley would
20 also be in harm's way.

21 The potential for disproportionate impacts
22 on minority or low income populations is especially high
23 considering the current lifestyle of the Timbisha
24 Shoshone Indian community as well as the traditional
25 lifestyle of the Western Shoshone Indian Nation.

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1 The potential for cumulative impacts
2 associated with other past, present or reasonably
3 foreseeable future actions is very high. After all,
4 the U.S. Atomic Energy Commission, Department of Energy
5 and Military conducted atmospheric nuclear weapons
6 tests in the vicinity of Yucca Mountain from 1951 to
7 1963. They continued to conduct underground
8 full-scale nuclear weapons tests at the Nevada Test Site
9 from 1963 to 1992, many of which leaked radioactivity
10 to the atmosphere and environment as well as
11 contaminated regional groundwater.

12 Even after 1992, nuclear weapons testing
13 has continued at the Nevada Test Site in the form of
14 subcritical experiments involving plutonium.

15 Another cumulative impact involves
16 large-scale transport to and dumping of so-called low
17 level radioactive wastes at the Nevada Test Site.

18 We join with the State of Nevada Agency for
19 Nuclear Projects, several other environmental groups
20 and others in urging NRC to extend the public comment
21 deadline by at least an additional 60 days.

22 We also urge that additional in-person
23 public meetings be scheduled in California where
24 Yucca's radioactively contaminated groundwater would
25 ultimately surface in springs as well as elsewhere

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1 across the country given that Yucca's opening would
2 launch the unprecedented large-scale shipment of risky
3 high level radioactive waste by truck, train and barge
4 through most States.

5 And, we urge that all in-person public
6 meetings also include the call in option already being
7 provided at other locations on other dates.

8 And, I would just like to echo some of the
9 statements that Mr. Malsch just made as well.

10 The SEIS is incomplete and fatally flawed.
11 It doesn't address the waste inventory that has now been
12 changed and is uncertain due to President Obama's March
13 24, 2015 decoupling of Defense nuclear wastes and
14 commercial nuclear wastes which ends a decades old
15 commingling decision.

16 This was an official Executive Memo that
17 was announced by the Energy Secretary and carries the
18 force of law.

19 The scope is too narrow. The scenarios
20 used are bogus. And, the point of compliance is
21 objectionable.

22 The point of compliance at 11 miles is
23 another one of Yucca's many double standard standards,
24 as Dr. Arjun Makhijani has put it.

25 The only way for Yucca Mountain to meet its

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1 legal obligations is to dilute the radioactivity for 11
2 miles, but this contamination of groundwater and
3 drinking water will extend far beyond the 11 mile
4 downstream point.

5 The transportation impacts I mentioned are
6 a part of the need to expand the scope of this EIS
7 proceeding.

8 Also, the planned waste disposal package
9 has become obsolete. The standard Transportation,
10 Aging and Disposal canister, the TAD, is cancelled
11 effectively at this point. There is no actual design
12 that meets the specifications and requirements that has
13 not been completed.

14 The Department of Energy has terminated the
15 TAD design and certification program. So, the waste
16 package performance is unknown. This has a direct
17 impact on the Total System Performance Assessment.

18 The scope issue is a false flag in this
19 major Federal action. Again, the shipping of the
20 nuclear wastes makes this a major Federal action across
21 the nation. It's not a local Nevada issue.

22 I mentioned the impacts on the Timbisha
23 Shoshone who live in Death Valley in terms of
24 environmental justice and in terms of cumulative
25 impacts.

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1 The NRC itself in this document recognizes
2 on page 3-37, and I quote, the springs in the Furnace
3 Creek area including the Furnace Creek, Texas,
4 Travertine and Salt Springs are of traditional and
5 cultural importance to the Tribe, end quote.

6 And, one question I was not able to ask
7 during the clarification session and I'll ask right now,
8 and that is, if a Government shutdown will simply
9 suspend the clock on this proceeding and will that clock
10 be reactivated once the shutdown ends?

11 Thank you.

12 MR. CAMERON: Okay, thank you. Thank you,
13 Kevin.

14 I don't know if anyone know?

15 MR. RUBENSTONE: NRC does not have a
16 position on the impact of a potential Government
17 shutdown on the timing of the comment period. I think
18 that's an issue that will need to be considered if that
19 comes to pass.

20 MR. CAMERON: Okay, thank you. Thank you,
21 Kevin.

22 Is Anthony Leshinskie here? Or Erica
23 Gray?

24 Okay, we're going to go to the phones now
25 and I know there may be a couple people in the room who

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1 may want to decide to comment, so we'll make sure we're
2 back to them.

3 But, at this point, Jennifer, could you
4 activate Ruth Thomas's line so we can hear her comments?

5 OPERATOR: Ruth, your line is open.

6 MS. THOMAS: Thank you.

7 I wanted to support what was said and
8 particularly in terms of the Indian people. And, I
9 would call attention to page 3-32 in the Supplement and
10 would like to have documentation that supports the
11 conclusions that are met and, particularly as they
12 relate to the Indian property.

13 And to remind people that have forgotten
14 the Indians think in terms of seven generations and this
15 is going to affect way into the future. And, I want that
16 to be considered. And, our organization will be
17 submitting written comments as well.

18 Thank you.

19 MR. CAMERON: Thank you, Ruth.

20 And, Jennifer, can you see, we had a couple
21 of pre-registrants who were going to speak on the phone.
22 Can you if either Marvin Lewis or Donna Gilmore are on
23 the phone? If they want to comment, could you activate
24 their line one at a time? I guess Marvin first and then
25 Donna second.

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1 OPERATOR: Sure, hold on just one moment.

2 Marvin, your line is open.

3 MR. LEWIS: Thank you.

4 I want to make a statement that I hope is
5 out of scope, but I fear it won't be.

6 One, as soon as radioactive waste will be
7 moving to Yucca Mountain, we will have one more terrible
8 and dangerous issue to face here in Philadelphia.

9 I don't know if you know, but I'm going to
10 tell you that within the last few months, we've had over
11 100 cars flip over in one accident, accident in quotes,
12 meaning I'm not sure it was really an accident. And I
13 don't believe anybody else knows if it's an accident
14 because, sure enough, it appears that a gunshot went
15 through a window, harming the driver of the train that
16 flipped over. A hundred plus cars, passengers.

17 And, luckily, radioactive wastes weren't
18 involved for once. And, I hope it stays that way and
19 it will stay that way if we never -- well, not if we never
20 -- but, we'll have a better chance of it if the amount
21 of waste being moved on the tracks in this country is
22 minimized or eliminated or not moved at all, or a lot
23 of other questions open up.

24 We have in Pennsylvania trains a mile long.
25 Right now, all they're carrying is petroleum from shale

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1 up in Canada. We don't need more problems because we've
2 had five of them in Pennsylvania or surrounding States
3 have accidents. We've had enough accidents. We don't
4 need more dangerous materials moving through
5 Philadelphia. Believe me, we don't.

6 I could go on and on and on, but I'm boring
7 enough, I'm sure.

8 One more item about Philadelphia, and I
9 hope it isn't true where you live, we've had a little
10 problem with money to keep our fire stations open which
11 would be used in an accident with radioactive materials,
12 although I'm not sure we're -- well, come to think of
13 it, how can you be well trained enough? How can you have
14 the right equipment when a nuclear -- when a train load
15 of radioactive waste flips over?

16 But, we have an added problem. Some of our
17 fire stations are browned out which means they aren't
18 manned part of the time. Kind of hard to fight
19 radioactive and fires and whatever without people, but
20 we do it.

21 I just want you to have some perspective on
22 what you're talking about when you're talking about
23 moving radioactive waste through this country.

24 Thank you.

25 MR. CAMERON: Thank you. Thank you,

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1 Marvin.

2 Jennifer, can you see if Donna Gilmore is
3 on the phone and wants to comment? And then, someone
4 who I thought was in the audience who I think is on the
5 phone is Tony Leshinskie from the State of Vermont.

6 Can you see, first, about Donna and then
7 next about Tony?

8 OPERATOR: Okay, Donna, your line is open.

9 MS. GILMORE: Okay, thank you.

10 Yes, I'm questioning -- it seems to me that
11 the NRC should be required to justify their assumptions.
12 You know, I've been familiar with the high burn up fuel
13 and the lack of information available to confirm storage
14 even short term or the long term and the impact of that.

15 There needs to be -- the NRC shouldn't be
16 able to just say something is true and assume it without
17 having facts. There are documents that they reference,
18 they need to be updated with current information, not
19 old decisions that were made prior to high burn up being
20 used. So, they need to go back to the drawing board on
21 that.

22 We're sitting here in San Onofre, in a
23 marine environment where these canisters we have are
24 subject to stress corrosion cracking, talking about
25 transporting these. Right now, there's no approval for

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1 cracked canisters. There's no approval to transport
2 them. There's no approval to -- there's no evaluation
3 for seismic risk of cracking canisters. No one at the
4 NRC knows what's going on with that fuel right now.

5 I mean, Bob Einziger said I hope we never
6 have to open one of those, you know, I mean this is your
7 own experts.

8 So, you need to go back to the drawing board
9 on this. I'll have more comments later. I hope to
10 Nevada in person on that because I don't want to take
11 up everybody's time because I could go on for an hour,
12 but I won't.

13 Thank you.

14 MR. CAMERON: Okay, good. We'll look
15 forward to seeing you in Nevada possibly. And, thank
16 you, Donna.

17 And, Jennifer, is Tony on the phone? Is he
18 available?

19 OPERATOR: His line actually just dropped.
20 But, I do have five other comments.

21 MR. CAMERON: Okay. Well, let's go to
22 Abby Johnson.

23 OPERATOR: Okay. Abby, your line is open.

24 MS. JOHNSON: Hi, this is Abby Johnson with
25 Eureka County.

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1 I apologize, I missed the very beginning.
2 I know this isn't a comment exactly on the document, but
3 I'm wondering if there's a place where the view graphs
4 that Christine was going through are available on the
5 website?

6 MS. PINEDA: I apologize, they're not
7 available at this moment, but they will be up very
8 shortly and they'll be on the -- well, they'll be -- if
9 you go to, as Jim was -- well, you weren't on the line
10 earlier, but if you go to the NRC's web page and then
11 you go to Radioactive Waste and High Level Waste
12 Disposal and then go to Key Documents, that's where
13 we're going to be posting all of the documents related
14 to the meetings and other documents related to this
15 project.

16 MS. JOHNSON: And, would that be like
17 sometime this week or next week?

18 MS. PINEDA: That'll be next week.

19 MS. JOHNSON: That it would be posted?

20 MS. PINEDA: Yes.

21 MS. JOHNSON: Okay, thank you so much. I
22 appreciate that.

23 MR. CAMERON: Okay, thanks, Abby.

24 MS. JOHNSON: Thank you, Chip.

25 OPERATOR: Tony, your line is open.

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1 MR. LESHINSKIE: This is Tony Leshinskie.
2 I'm representing State of Vermont and the State Nuclear
3 Engineer.

4 When I registered for this conference, I
5 was not anticipating speaking, but I found out
6 subsequently that by registering the way I had done that
7 I had reserved time to speak. I was hoping that some
8 of my colleagues from the Agency of Natural Resources
9 who do evaluate groundwater issues would be able to join
10 me today, but they are unable to do so.

11 But, since I do have the opportunity,
12 hearing the discussion so far, it reminded me of a
13 teleconference I listened to several weeks ago
14 regarding greater than Class C waste. And I would
15 direct the Yucca Mountain project to review the
16 transcripts of that particular hearing.

17 In particular, there were a number of
18 concerns raised about whether it was possible or
19 probable to accurately evaluate whether, you know, a
20 geologic area will be arid or dry 10,000 years from now.
21 And, the comment that stuck with me, and I do not have
22 the commentator's name with me, pointed out that 10,000
23 years ago, Death Valley was underwater.

24 And so, this type of consideration should
25 be evaluated here. To what extent that has been done

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1 so far, I'm really unable to judge. But, I would ask
2 that if it has not been considered so far, please do so.
3 And, please consider, again, the ideas that were raised
4 regarding greater than Class C waste issues.

5 Thank you very much and that's all I have
6 to say.

7 MR. CAMERON: Okay, thank you, Tony.

8 And, Jennifer, how about Gwen Dubois?

9 OPERATOR: Gwen, your line is open.

10 MS. DUBOIS: Thank you.

11 Hi, my name's Dr. Gwen Dubois, I'm from
12 Chesapeake Physicians for Social Responsibility. I'm
13 an Internist in Baltimore.

14 First of all, I'm concerned with
15 environmental justice issues and the continued exposure
16 knowing that no level of radiation is safe and for
17 pregnant women, children and women in general, more
18 sensitive to the carcinogenic effects of exposure to
19 radiation.

20 So, we're asking the same communities to
21 continue to bear exposure and even though they say that
22 there's no -- or the EIS says that there's really no
23 significant exposure to radionuclides, I think that's
24 sort of under this assumption that low level is safe.

25 And, of course, we don't know what events

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1 could happen.

2 And, along the same environmental justice
3 concerns, I'm from Baltimore, as I said. Baltimore is
4 a city with a lot of poverty, especially inner city.
5 And, in 2001, we experienced a chemical containing train
6 that had a terrible fire in a tunnel right near the
7 downtown and near the baseball stadium. And, the
8 temperatures went to 1,800 degrees Fahrenheit in that
9 tunnel.

10 And, of course, we all thought, oh my God,
11 imagine -- or us in the anti-nuclear community -- what
12 if that had been radioactive waste?

13 And, when I say anti-nuclear community, I'm
14 just active against the concerns about nuclear weapons
15 and nuclear power as it creates plutonium and highly
16 enriched uranium initially because of its ability to
17 create a more proliferation.

18 But, then seeing nuclear power and what to
19 do with its waste that we have no really good solution
20 for.

21 So, I am concerned, in summary, that we're
22 going to okay a plan without any casks that we can put
23 the waste in as we transport across the country knowing
24 that there are going to be accidents. You know, I
25 bicycle, if you bicycle enough, you're going to be in

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1 an accident. If you drive a car enough, there's going
2 to be an accident.

3 What the figures are is that every 700 miles
4 -- I don't remember what the figure is, but you can
5 imagine that there are going to be a certain number of
6 accidents and then we're going to have waste, some of
7 this high burn up fuel stored and then transported. We
8 don't have that all worked out yet.

9 So, I don't see how we can approve one part
10 of this without making sure that every step on the way
11 has such a low likelihood of a catastrophe happening
12 that the benefits outweigh the risks. We're not there
13 yet.

14 And, we should have seen enough with things
15 that we didn't expect to happen whether it's Hurricane
16 Katrina or Sandy or Fukushima that the unexpected
17 happens and if it coincides with very dangerous material
18 being caught in the middle of it, it's a catastrophe.
19 So, we're not there yet and I think an EIS, at this point,
20 is premature or has to be redone in a more complete way
21 so that we have evaluated all the factors.

22 Thank you.

23 MR. CAMERON: Thank you. Thank you very
24 much.

25 Jennifer, could we go to Paula and then

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1 Maureen and then to Ace Hoffman?

2 JENNIFER: One moment.

3 Paula, your line is open.

4 MS. GOTSCH: Thank you.

5 In listening to what's been said so far, it
6 seems to me that just to go back to why Nevada was not
7 granted the full 60 days.

8 When you were talking about a problem
9 that's supposed to go on for millions of years, it seems
10 so petty to not give them the whole 60 days. They have
11 a right here to have as much time as they need and it
12 just seems -- in other words, you have a schedule to get
13 your work done, where does that all fit in in the scheme
14 of things when you're talking about millions of years
15 of a problem?

16 The public has seen what happened at
17 Hanford and now WIPP. So, here's two sites that were,
18 you know, managed by the NRC and DOE or who ever and they
19 failed miserably and subject to ridiculous accidents.

20 And, my question about who signed off on
21 this and said it was acceptable and what were their
22 credentials was part of what someone else brought up.
23 What about an independent peer review?

24 Some thing so important, it seems to me,
25 that why not open it up to other people?

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1 The problem I see here and I think that
2 you've got to consider also what you're opening up a can
3 of worms which everybody who's spoken so far spoke about
4 all the unfinished business and all the stuff that isn't
5 settled is that by doing this.

6 It's like you're going to say, okay, I'm
7 moored with the nuclear industry because now we have a
8 place, at least one place, to put this stuff and now
9 we'll probably have another one. We can okay this now
10 so that's going to look good. And that's just bad to
11 do that because you don't have place.

12 And here's people saying you're opening up
13 this risk all over the country. Don't make believe
14 stuff. Don't make believe it.

15 Thank you.

16 MR. CAMERON: Thank you. Thank you,
17 Paula.

18 And, for Maureen, Jennifer, can we have
19 Maureen and then Ace?

20 OPERATOR: Yes. Maureen, your line is
21 open.

22 MS. HEADINGTON: Most people know me as
23 Moe, I don't know if they know Maureen.

24 But, you know, I'm listening to this, I was
25 on the last hearing that took place about a week ago and

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1 had put in a request for the additional 60 days. And,
2 I'm the person who talked about the fact that I'm a
3 grassroots activist and it takes longer for news to
4 trickle through grassroots, but we're really at the
5 heart of what's going on because we outreach to
6 communities, not just a membership base.

7 And, 60 days isn't even enough, an extra 60
8 days isn't enough.

9 The comments moments ago made by Dr. Dubois
10 about EIS being premature, it absolutely is premature.
11 I think that if you take a step back and look at just
12 commonsense and sound judgment, this is about a calendar
13 that is running the show. It's dictating everything
14 and there seems to be a nonchalance about the
15 significance of all of these important facts, details,
16 observations that I'm hearing today and have been
17 hearing for a long time.

18 I get a sense that these issues kind of are
19 compartmentalized and taken in isolation. But, I want
20 to point out, I was in the Chicago area and home to more
21 reactors in Illinois than any other State. We're
22 sitting on lots of waste.

23 They've got to find out, first of all, stop
24 making it. But, given the fact that we still do, find
25 a way to get rid of the waste on site. If they're smart

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1 enough to do it at Yucca, then be smart enough to get
2 rid of it on site and take away the dangers inherent in
3 transport.

4 I've been following the stories about the
5 bomb trains which are amazing. And no matter what it
6 is that's being transported, whether it's plutonium
7 fuel rods or other flammable or volatile cargo, it seems
8 that the problems are pretty much the same. But, it's
9 like, have you considered not just this in isolation,
10 this transport of plutonium to Yucca Mountain in
11 isolation, but against the backdrop of everything else
12 going on?

13 Because the trains carrying crude oil from
14 Alberta tar sands or the fracked Bakken shale crude from
15 North Dakota known as bomb trains because they're
16 flammable, volatile cargo.

17 In 2015, there were five separate oil
18 trains that left the tracks that resulted in explosions.
19 Some were in Ontario. But, what happens in Canada
20 equally can happen here and does. We had one of these
21 happen here in Illinois just a few months ago.

22 These oil trains travel unchecked through
23 highly populated areas in Canada and in the U.S. It's
24 a slap in the face to be told there is minimal or small
25 or no danger. I would like something quantified. I

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1 want to know what small means. I think we're entitled
2 to transparency here. We need to know how these
3 statements could be made and if they are, attribute
4 them. Start footnoting everything you have so that we
5 can decide if we feel that those are reputable people
6 making these decisions. If so, I would question their
7 judgment.

8 I just feel that this is a disaster waiting
9 to happen. It's the old you can get it right 99 times
10 out of a hundred but that one time, what will it do?
11 What will it cause? It is inevitable.

12 And, if you look back at DOE's projections
13 for the GNEP, Global Nuclear Energy Partnership, on
14 which I worked in my community. DOE actually did make
15 -- come up with numbers of how many accidents there would
16 be. So, you can't go on the assumption that there will
17 be none. There will be some and it's a matter of that
18 cost benefit and how many of us or our homes or our
19 families are worth it to the powers that be?

20 I would like transparency in terms of any
21 elected official that dares to speak on this subject,
22 that at the same time, that it must be said how much money
23 they are getting from the industry, from anyone
24 affiliated with nuclear power industry, because
25 otherwise, they have zero credibility.

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1 I would ask that this project be put on hold
2 until the Price-Anderson Act is abolished because, if
3 you are limiting liability to the nuclear industry, then
4 you are also admitting liability. And, it should not
5 fall on the public.

6 And, I thank you for this time.

7 MR. CAMERON: Okay, thank you, Moe.

8 Jennifer --

9 OPERATOR: And, next we have Ace Hoffman.
10 Your line is open.

11 MR. CAMERON: Okay.

12 MR. HOFFMAN: Okay, thank you. This is
13 Ace.

14 Earlier in the meeting, it appears that
15 there is a lack of funding. And I wonder if that is the
16 main reason why we're not going to have meeting in
17 California or Illinois or Connecticut or anywhere else
18 where there are nuclear reactors? Is it because of a
19 lack funding?

20 And, this is for a project which will
21 probably cost \$50 billion and that's not including --
22 that's my estimate, of course -- but, it's not including
23 the money that was already spent which I guess is about
24 \$30 billion that's been tossed down the hole.

25 Or is it the reason that there's not going

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1 to be a meeting in California because groundwater
2 destruction, after an accident, a transport accident
3 anywhere, doesn't count? It only counts if it's a
4 groundwater problem at Yucca Mountain?

5 And, lastly, is there not going to be a
6 meeting in California because Death Valley, where the
7 waste can end up even if it's an accident in Yucca
8 Mountain is already considered a wasteland? Or is
9 there some other reason?

10 Is this, on a second topic, is this expected
11 to be the last waste repository in America? Does the
12 plan consider whether or not it's going to be an open
13 ended problem? If we don't shutdown the reactors, then
14 how can it possibly be large enough to hold all the waste
15 that's ever going to be produced?

16 And, I want to make a note of three facts
17 which is that one this is that the Arizona Police and
18 the Federal Bureau of Investigation are still looking
19 for who ever derailed the Sunset Limited there 20 years
20 with the loss of life.

21 And, earlier this year, a train carrying,
22 I don't know what it was carrying, but it ran into a fuel
23 truck which was carrying fuel, a military fuel truck,
24 shut down the highway next to it for hours and hours and,
25 you know, did quite a bit of damage. Fortunately and

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1 miraculously, nobody was killed as far as I can recall.

2 These crude oil trains that will be going
3 left and right, that are going left and right all over
4 the place, is there a plan, and is it going to be
5 described, how you're going to be sure that the spent
6 fuel trains are not on the same tracks next to each other
7 as one of these bomb trains or any kind of dangerous
8 train or any train, they're all dangerous, are they all
9 going to be stopped as the spent fuel trains go by?

10 And I don't think any of that is out of scope
11 because it's all going to produce groundwater problems
12 when there's an accident.

13 Thank you very much.

14 MR. CAMERON: Okay, thank you. Thank you,
15 Ace.

16 And, I think we have Mary Olson next, is
17 that correct, Jennifer?

18 OPERATOR: Yes. Yes, Mary Olson, your
19 line is open.

20 MS. OLSON: Great, thank you.

21 This is Mary Olson, the Southeast Office of
22 Nuclear Information and Resource Service. We do have
23 members in all 50 States.

24 And I want to echo the fact that people are
25 talking about things which a license would trigger.

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1 And, although there are parts of the Total System
2 Performance Assessment which suggests that maybe a
3 license for Yucca Mountain is not the very next step,
4 this SEIS is being construed as if it's just this little
5 teeny tiny piece and, yet, as completing the License
6 Application to some extent, and that License Applicant
7 would trigger all these transport comments.

8 I want to support the fact that NRC listened
9 to these concerns that people are bringing.

10 I also want to absolutely support an
11 additional 30 days. Thank you for the 30 that was
12 granted today. I know it's a little bit odd for a
13 grassroots advocate to extend the comment period into
14 the High Holidays, but I also think that the State of
15 Nevada has every right to a 60-day extension and we
16 formally request that. I will do it in writing, but I
17 am right now verbally, formally requesting the full
18 60-day extension.

19 And, I also heard today the peer review
20 idea. Hell yes, this is very important work. It's
21 going to be a global trendsetter for the rest of the
22 world and, yes, there should definitely be peer review
23 on this work, on all of it.

24 Now, we come up against a portfolio of
25 issues which have been touched on today and I want to

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1 clarify that our community has deep concerns that the
2 License Application does not, probably never did, but
3 does not now reflect factually based data about the
4 components of the program that we expect to be quote,
5 unquote the reality.

6 So, if NRC is going to move forward with
7 this SEIS with its License Application based on the DOE
8 Application as written, I heartily commend that they
9 should all become license conditions, that if the
10 license conditions of the License Application are not
11 met, that the thing will come to a glorious grinding
12 halt.

13 Either that or you guys have to stop smoking
14 whatever it is you are and get real because the fuel is
15 different than Department of Energy originally assessed
16 it. There may be a quote, unquote high burn up
17 component, but today, we know from your very own staff
18 that every reactor is burning high burn up fuel and
19 started in the mid '90s and that makes 15 years of fuel,
20 some of which may or may not be mixed into the queue,
21 depending on how that politics goes, at a different rate
22 than is in the Application which was based on data that
23 predates the NRC decision to help the industry go to high
24 burn up fuel.

25 So, you have all these pieces in your

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1 pockets and the left hand and the right hand either
2 better start talking to each other or the left hand
3 better become an iron glove that says these are the
4 license conditions and if they are not met, the license
5 is invalid.

6 Because this is ridiculous. And, I'm --
7 yes, I'm pissed. So, there's the high burn up issue,
8 there's the TAD, Transport, Aging, Disposal, which
9 never occurred.

10 We now have all the container issues that
11 Donna Gilmore said she could talk hours about. And, she
12 could and should. And, you guys should listen. And,
13 I know some of the guys at NRC are listening.

14 But, is the Yucca Mountain Directorate
15 talking to those people? I hope so. You should, you
16 should at least have lunch together and say what's Donna
17 saying and get it straight because she knows what she's
18 talking about.

19 We're having a very worrying series of
20 problems associated with stainless steel containers,
21 lots of heat, lots of radioactivity and the fact that
22 there are designer versions out there that are unique
23 on sites where modifications were made.

24 I mean, this is a nightmare and if you're
25 just going to like launch into it without acknowledging

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1 that it exists, heaven help us all.

2 So, the containers, what's in the
3 containers and then we come to the fact that we just had
4 a President uncommingle waste that this whole License
5 Application rests on. The not so thermally hot Defense
6 waste is not necessarily bound for Yucca Mountain
7 anymore.

8 As a matter of fact, it says it is not in
9 the Executive Order. So, how are you going to reconcile
10 the design of Yucca Mountain based on the Defense waste
11 with it not now being part of that picture?

12 In other words, the License Application
13 should be invalidated, guys. And, if it's not, then you
14 should put conditions on every single aspect of that
15 deal.

16 And, how does this relate to the SEIS? It
17 relates directly because all of those components that
18 I'm talking about directly impact the source term.
19 They directly impact the solubility of the source term.
20 They directly impact the heat loading and, therefore,
21 the rock characteristics and, therefore, the vast flow
22 pathways.

23 There is no way that any of those issues I
24 just raised do not have to do with the ultimate system
25 performance assessment upon which this SEIS projection

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1 is based.

2 And, finally, I want to fully thank Ace
3 Hoffman for bringing up the fact that if this is
4 groundwater impacts, you've got them nationwide in this
5 picture. And there's absolutely no way that you should
6 only be looking at the Yucca Mountain piece.

7 I mean, if that's what this SEIS is about,
8 it should be called, you know, like Standard Compliance
9 or something like that because there will be groundwater
10 impacts, as he pointed out, every time there's an
11 incident or an accident that involves any type of
12 release or contaminated exterior of containers which we
13 know from Germany and France is a really prevalent
14 problem when you start moving this stuff around.

15 Now, final comment, when we sued Nuclear
16 Information and Resource Service and public citizens
17 sued the EPA on the Environmental Standard for Yucca
18 Mountain and they --

19 MR. CAMERON: Did we just -- Jennifer, are you
20 still there? It sounds like we lost our connection.

21 While we're waiting for the connection to
22 come back, is there anybody in the room who wants to --

23 OPERATOR: Thank you for calling, may I
24 please have your pass code? Caller, I'm not able to
25 hear you. Please check the mute feature on your phone.

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1 I am still not able to hear you, please check your number
2 and try your call again. Thank you.

3 MR. GENDELMAN: Hello?

4 OPERATOR: Thank you for calling. May I
5 please have your pass code?

6 PARTICIPANT: The pass code is 9708500.

7 OPERATOR: Thank you. And, may I please
8 have your first and last name with the spelling?

9 PARTICIPANT: I think Christine Pineda is
10 the conference organizer. But, this is the Nuclear
11 Regulatory Commission line.

12 OPERATOR: Okay. So, this is a leader
13 line then?

14 PARTICIPANT: Yes.

15 OPERATOR: Okay. I will rejoin you with
16 an open line.

17 PARTICIPANT: Thank you.

18 OPERATOR: You're welcome.

19 MR. CAMERON: So, are we going to finish up
20 with Mary Olson, Jennifer? No?

21 Can we go back in the room now while we're
22 waiting or should we wait?

23 OPERATOR: You are reconnected to the
24 conference, hold on just a moment.

25 Mary, your line is open.

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1 MR. CAMERON: Yes, Mary, could you finish
2 up for us, please?

3 MS. OLSON: Very briefly, just that
4 because of the deep time involved, we're talking about
5 compliance in a million years. So, our little
6 regulatory rules today have a little room in them for
7 this Federal Agency to consider its role, you know, in
8 a broader context.

9 So, I am invoking the moral context that we
10 now know and did not know when we did that law suit on
11 the standard that little girls and women are somewhere
12 between seven and two times more vulnerable than the
13 standard man who still dominates the regulatory
14 structure for NRC and all of its brethren and sistren
15 agencies.

16 And, therefore, I am formally asking that
17 you guys really throw all of the concerns people are
18 raising into a context where you understand that, you
19 know, it's a moving target what protection means. It's
20 a moving target what the whole scenario and the source
21 term means.

22 All these targets are moving and you have
23 a responsibility for all the generations to come, not
24 just who ever's pulling your strings on your next
25 deadline.

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1 So, thank you for listening.

2 MR. CAMERON: Okay, thank you. Thank you,
3 Mary.

4 And, Jennifer, we're going to hear from
5 Michael Keegan and then we're going to come back in the
6 room to some people here who want to talk.

7 And then, I'm going to check back with you
8 to see if there's anybody else on the phone. Okay?

9 Could you put Michael on?

10 OPERATOR: Okay. Michael, your line is
11 open.

12 MR. KEEGAN: Okay, thank you. Can you
13 hear me?

14 MR. CAMERON: Yes. Yes.

15 MR. KEEGAN: Can you hear me?

16 MR. CAMERON: Yes, we can hear you,
17 Michael.

18 MR. KEEGAN: Okay, very good.

19 Let's see, am I on speaker? I want to make
20 sure I'm not on speaker, just a moment.

21 OPERATOR: I just lost his line.

22 MR. CAMERON: Okay. Just out of
23 curiosity, we are going to come back in the room after
24 Michael gets back on. But, do you have anybody else out
25 there on the phones that wants to comment?

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1 OPERATOR: Not at this time. Again, if
2 you'd like to make a comment, just press star one.

3 MR. CAMERON: Okay, good, good. That at
4 least gives us an idea of how to deal with the rest of
5 the time.

6 Why don't we wait one minute and see if
7 Michael comes on? Otherwise, we'll go here in the room
8 and we'll get Michael on later on.

9 Okay, let's go to the room. We'll go to
10 this gentleman here and, if you could just please
11 introduce yourself to us?

12 MR. NELSON: Hi, good afternoon. My name
13 is Dennis Nelson. I am a Director of SERV, Support and
14 Education for Radiation Victims. I'm also a retired
15 Naval Officer and a research biochemist, biophysical
16 chemist.

17 And, I was struck by this idea that there's
18 minimal impact of such a repository, at least 11 miles
19 downstream in the underground stream.

20 It seems very strange to me that you can
21 make those kinds of assumptions over a million years.
22 It's just -- I find it kind of ludicrous.

23 But, the point I wanted to make is that,
24 from my perspective as a biophysical chemist, I think
25 that this whole process of risk estimation is wrong,

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1 that it has been subverted by people who have tried to
2 impose dose as a construct on radiation and it just
3 doesn't fit.

4 I've done toxicology. I know toxicology
5 and I'm a chemist. And toxicology is based on dose.
6 And dose -- in fact, there's a statement in toxicology
7 that dose makes the poison. In other words, everything
8 is potentially toxic if you get enough of it even water,
9 you can drown in it.

10 But, all of this is based on chemical and
11 chemical concentrations. That doesn't happen with
12 radiation. Radiation has a single nuclear
13 disintegration which has enough energy to precipitate
14 a reaction without high numbers of atoms. I mean, a
15 single atom can do that.

16 But, in toxicology, it takes millions and
17 millions of atoms because of Avogadro's number. It's
18 such a big number that you have to have billions and
19 trillions of atoms of a toxin to cause something to
20 happen.

21 And so, by inference, you can say that, if
22 it's diluted, if it's diluted sufficiently, you get
23 below that threshold concentration, nothing's going to
24 happen. And that's true. In toxicology, if you get
25 below the critical concentration, nothing happens.

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1 But, that's not the case with radiation. A
2 single disintegration can cause -- has enough energy to
3 precipitate a chemical reaction or a destructive
4 reaction. It's more like a bullet going through
5 tissue. You know? Radiation going through cells is
6 like a bullet going through tissue. It causes damage
7 and that damage has to be repaired.

8 So, you can't make those kinds of
9 constructs and you can't assume that downstream -- 11
10 miles downstream it's going to be diluted enough that
11 nothing's going to happen because a single atom can
12 cause something to happen.

13 Now, probability-wise, that's not too
14 likely because we're constantly getting bombarded with
15 stuff and with radiation and cosmic radiation and all
16 that.

17 But, it is causing damage and that damage
18 has to be repaired and there's a limited amount of repair
19 capability in a human body.

20 You're born with your repair cells, your
21 pluripotential stem cells. You have a certain number.
22 You have a certain number of divisions that a cell clone
23 can go through before it's used up all its telomers and
24 then it has to die. It has to go through apoptosis, self
25 cell destruction.

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1 But, that -- and then it's replenished with
2 the pluripotential stem cells. But, you only have a
3 limited number of those.

4 So, any damage that you do to your cells is
5 going to, in some way, affect you and affect your life.
6 And maybe your life expectancy because if you use up all
7 your potential repair cells, you've used them up and
8 then you die.

9 So, I just want you to think about that.
10 It's not as simple as you're making it out to be and these
11 guys who say that radiation can be -- radiation
12 exposure, the risk from radiation exposure can be
13 described as dose are -- they're just plain wrong.

14 Thank you.

15 MR. CAMERON: Thank you. Thank you very
16 much, Dennis.

17 And, Jennifer, can you put Michael on and
18 then we'll go to Erica Gray?

19 OPERATOR: Yes. Michael, your line is
20 open.

21 MR. KEEGAN: Okay, thank you. Thank you.
22 I'm sorry, you got cut off there apparently.

23 What I wanted to point out is, yes, indeed,
24 this goes back decades. And the institutional records
25 have been lost. The history has been lost. And, it's

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1 been these -- been critics who have tracked us for
2 decades who are now the historical record.

3 What I'm seeing lacking is quality
4 assurance throughout this process. And, I want to
5 point the NRC staff to an audit report by the Office of
6 the Inspector General of November 16, 2009 where they
7 found quality assurance was lacking within the NRC on
8 reviewing quality assurance programs, too cozy with the
9 industry and just things were done too casually.

10 I see that same quality assurance lacking
11 here and that really is the fundamentals of engineering.
12 And, when I hear all these open ended questions
13 unresolved, things that have changed tremendously, it's
14 troubling.

15 So, I want to direct the NRC to have a
16 quality assurance program in place. I certainly do
17 advocate a peer review and there has to be
18 accountability. There has to be responsibility and the
19 buck has to stop somewhere and in Rickover's Navy, the
20 buck has to stop and there has to be somebody who is
21 responsible ultimately.

22 And, what I am seeing is everybody sort of
23 passing the buck, dodging it. We now have the NRC doing
24 what was to have been a DOE project. It's just so
25 compromised in so many ways.

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1 And, those are my comments. Thank you.

2 MR. CAMERON: Okay, thank you. Thank you,
3 Michael.

4 Do we have Erica on the phone, Jennifer?

5 OPERATOR: Erica Gray, your line is open.

6 MS. GRAY: Hello, can you hear me?

7 MR. CAMERON: Hi.

8 MS. GRAY: Hi, this is Erica Gray calling
9 from Richmond, Virginia. I'm going to just kind of
10 repeat, obviously, what a lot of other people have
11 already stated.

12 There is no way you can look at a time frame
13 of millions of years. I heard Arjun Makhijani on a call
14 a couple of weeks ago stating that a prominent geologist
15 had stated, you know, may be you can look out a hundred
16 years, maybe even go into five hundred, but past that,
17 there's no way you can look at further into the future.

18 The idea of putting stuff underground and
19 thinking we can seal it off is just a bad idea. When
20 it comes to high level waste, high burn up, I'm here in
21 Virginia where Dominion has signed us up for a high burn
22 up fuel cask demonstration and experiment.

23 So, there is really no way that the industry
24 nor the NRC really can guarantee safety or really know
25 how this high burn up fuel is going to behave in the

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1 coming decade or two decades.

2 You know, fast tracking this idea is bad and
3 really, I think that peer review is going to be very
4 important and, really, look at our experiences we have
5 across the country. I mean we've got Hanford. We've
6 got the WIPP facility, we've got Savannah River site,
7 we've got plumes. I don't have confidence.

8 We need to stop making this waste in the
9 first place and the brakes need to go on this idea, this
10 kind of thinking we can throw this stuff underground and
11 the job's done. That's not going to work.

12 So, that's all I have to say. Thank you.

13 MR. CAMERON: Okay, thank you, Erica.

14 How about John LaForge, Jennifer?

15 OPERATOR: John, your line is open.

16 MR. LAFORGE: Yes, thank you.

17 I represent Nukewatch in Wisconsin and I
18 report on these issues extensively.

19 I'm wondering now, I see that the
20 transcript's being written as we speak and I just wanted
21 to know if this transcript of today's discussion is
22 going to be available after today? Will it be
23 accessible online?

24 MR. CAMERON: Okay, can we answer that for
25 John?

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1 MS. PINEDA: Yes, the transcript will be up
2 when we do our website update next week with all of the
3 documents related to this meeting and the transcript and
4 the meeting summary will be up, too.

5 MR. LAFORGE: How about --

6 MR. CAMERON: Okay.

7 MR. LAFORGE: -- sooner than that? Won't
8 it be able to be looked at even this evening or tomorrow?

9 MS. PINEDA: The NRC staff has to review
10 the transcript for errors and things like that before
11 we can finalize it and post it.

12 MR. CAMERON: And, I think --

13 MR. LAFORGE: Thank you.

14 MR. CAMERON: -- that there's a time
15 element for the Court Reporter to be able to get you the
16 transcript, too, right?

17 MS. PINEDA: Well, we will get it up as
18 quickly as we can.

19 MR. CAMERON: Okay, thanks, John.
20 Anything else?

21 MR. LAFORGE: No, thank you.

22 MR. CAMERON: All right.

23 Jennifer, is there anybody else on the
24 phone?

25 OPERATOR: Yes, we have Ruth Thomas for the

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1 Environmentalist Group. Your line is open.

2 MS. THOMAS: Hello. I wanted to bring out
3 the plans that have been going on for some time and this
4 deciding what priorities the Nuclear Regulatory
5 Commission needs to focus on and what activities need
6 to be eliminated or shut down.

7 And, from the public's viewpoint and for
8 the future, the NRC needs to stop all the work that
9 they're doing on these future reactors and future plans
10 and think about solving or trying to solve or put as many
11 people as possible on the activities related to waste
12 and dealing with the problem we already have and not
13 continue to encourage and to license more and more
14 facilities and all kinds of facilities.

15 And, there's going to be a meeting about it
16 -- well, the Commission is going to meet on this issue
17 the 8th of September. And, the meeting that they had
18 on the 1st of September, I haven't finished reading the
19 transcript, but there were -- well, I know I wasn't able
20 to get on the call and a lot of other people weren't
21 because the line was closed for I don't know how long
22 during the meeting, not the whole time, but a good bit
23 of the time it was closed.

24 So, the public's viewpoint in
25 consideration --

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1 MR. CAMERON: Okay, Ruth --

2 MS. THOMAS: -- was not well represented
3 at all in the transcript and it's -- we're the ones that
4 have -- well, actually, we're the ones that are paying
5 for all this either through our taxes or our electric
6 bills.

7 And, yet, it's such a struggle for a member
8 of the public to get to say anything or to get
9 information. So, I've been doing it for 43 years and
10 I guess I'm just an optimist, I think maybe somehow or
11 other this will be turned around.

12 MR. CAMERON: Okay, Ruth, thank you very
13 much

14 MS. THOMAS: Thank you.

15 MR. CAMERON: Thank you and I should have
16 said this earlier and it's usually in this type of
17 meeting we only allow someone one opportunity to
18 comment. But, it was good to hear from you again, Ruth.
19 I just wanted to alert everybody to that.

20 And, we have one person here in the room who
21 wants to comment and I understand we have one person on
22 the phone.

23 And, Jennifer, we're going to go back in the
24 room now and then we'll be back to Mr. Gary Sachs. Okay?
25 And, we're going to hear from Diane D'Arrigo right now.

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1 OPERATOR: Okay.

2 MR. CAMERON: Diane?

3 MS. D'ARRIGO: This is Diane D'Arrigo,
4 Nuclear Information and Resource Service.

5 I, of course, fully support the comments of
6 my colleague in our Southeast office.

7 And, actually, I'm concerned that I asked
8 a couple of questions earlier about basic content, basic
9 assumptions of what's being considered in the document.

10 And, I would say that it appears that the
11 NRC is not prepared, if you were going to have a question
12 period, to not have someone here who could give me the
13 answer to what the amount of waste is that's going go
14 into the facility or that the assumptions are going to
15 be. What amount of high burn up fuel?

16 These are basic things that you're asking
17 us to comment on and we just got the document about a
18 week ago. So, it would be, I would say for future
19 hearings, it would be good to have somebody from the NRC
20 who could answer these questions unless you really don't
21 have the answers. But, my suspicion is that you do, you
22 just don't have the technical people here.

23 So, I will point out that that's a pretty
24 important aspect to whether or not this facility is
25 going to meeting the environmental criteria under NEPA.

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1 There's a lot of political pressure right
2 now to, well, there has been, to increase the amount of
3 waste that will go into the Yucca Mountain site to have
4 it take more than the 70,000 metric tons.

5 We know, as earlier was mentioned, that all
6 reactors are using high burn up fuel now. So, the
7 amount of radioactivity in the commercial fuel is much
8 greater than would have been assumed on the earlier
9 assumptions.

10 It was also mentioned that the President
11 made a decision to not include the Defense waste which
12 doesn't have as much radioactivity, the commercial fuel
13 is much, much hotter even if it's not high burn up.

14 So, this is a more specific concern about
15 you don't know what is going to be in the inventory.
16 And, yes, you've asked DOE to give you more information,
17 but we are saying that you need a lot more information
18 and to proceed without knowing that is irresponsible.

19 And it's already a problem with the
20 previous earlier conditions. Our organization with
21 others made a petition to the Department of Energy
22 several years ago to disqualify the Yucca site because
23 it couldn't meet the existing criteria based on water,
24 volcanos, earthquakes.

25 The amount of radioactivity that could go

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1 into the air and into the water both at the site and from
2 transport across the country needs to be included in
3 this and it's not clear that it is at all.

4 Let's see, so that's part of what I wanted
5 to say.

6 I also wanted to support the concerns that
7 have been raised about environmental justice. The
8 notification or the inclusion of concerns of people who
9 have greater susceptibility to radioactivity, who have
10 more exposure because of their cultural habits or the
11 concentration of the radioactivity in the milk from
12 Amargosa Valley or in the food from Amargosa Valley.

13 The scope needs to be broader and consider
14 all of these things.

15 The casks or the packages, as were
16 mentioned, apparently do not exist and I don't
17 understand how -- well, we would oppose -- we oppose the
18 approval of a plan or an Environmental Statement when
19 there is no container.

20 The containers themselves, the casks, at
21 least for high burn up fuel now, have not been certified
22 for transport. I'm not sure if that's still the case
23 for storage, but for transport, it's my understanding
24 that there's not a transport container for high burn up
25 fuel that's been certified by the NRC at this point.

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1 Yet, the assumption is made that the NRC will approve
2 that and that the containers will be able to be moved.
3 But, at this point, that's not the reality.

4 And then, once the containers are in the
5 mountain, we obviously need that drip shield and we
6 would need more of that. What does it mean when there's
7 higher amounts of inventory?

8 Over the years, during the Yucca Mountain
9 process, the Yucca Mountain development of all the
10 environmental documents, the rules changed three or
11 four times for what was the point of compliance or the
12 amount of radioactivity or the length of time.

13 So, all of this seems to be in a flux and
14 you can use now what DOE's current limits are, but we
15 are calling on you to use the assumption that women and
16 children, the fetus, are more susceptible to
17 radioactivity and need greater protection, that
18 radioactivity will bioaccumulate in the environment and
19 from the air and the water and the milk and so forth,
20 the crops.

21 And, to err on the side of conservatism as
22 the protection levels change. I support the concern
23 that was raised about not really knowing how much
24 radioactivity does hurt someone because the information
25 is changing and the information is not taking into

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1 consideration the most vulnerable parts of our life
2 cycle, the human life cycle and others species' life
3 cycles.

4 So, my conclusion is that we still believe
5 that the site should be disqualified. We support a
6 longer comment period. We believe the NRC should
7 provide or would support making whatever assumptions
8 you're going to make be license conditions since these
9 seem to be able to change as my coworker suggested.

10 MR. CAMERON: Thank you. Thank you,
11 Diane.

12 Jennifer, could you put Gary Sachs on
13 please?

14 OPERATOR: Yes, Gary, your line is open.

15 MR. SACHS: Thank you.

16 Isn't Yucca Mountain dead yet? Hasn't
17 Yucca Mountain been killed numerous times? Wasn't
18 water found? We're still here? How old are we? What
19 is it we're not understanding that there's water where
20 you intend to put radiation or if you use the wrong cat
21 litter all things are bound to explode? Don't you think
22 so?

23 But, who am I to say? So, I do not support
24 Yucca Mountain opening under any circumstances. I do
25 not support planning the ability to -- you do not have

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1 the ability to plan for a million years.

2 I support everything Diane said and every
3 thing that was said prior to when I spoke today.

4 And, Chip, I assume Diane is in the room
5 with you? I am extremely disappointed in not believing
6 that the NRC doesn't have someone who could respond
7 technically to the concerns that are raised in the room.
8 Because they have -- have had concerns responded to,
9 bringing passion to my dialogue in the room with you.
10 And if it's not happening there, but maybe Diane's not
11 there.

12 MR. CAMERON: No, she's here, Gary. Yes.

13 Okay, thank you. Thank you, Gary.

14 And, Jennifer, is there anybody else on the
15 phone? We're getting close to closing here, but we
16 don't want to miss anybody that might be on the phone.

17 OPERATOR: There are currently no
18 questions in the queue.

19 If you would like to ask a question, press
20 star one or make a comment.

21 MR. CAMERON: Okay. We still have a
22 little bit of time. Anybody else who hasn't spoken yet
23 want to say anything?

24 I'm going to ask Jim Rubenstone, Acting
25 Director, Yucca Mountain Directorate, to close out for

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1 us.

2 Jim?

3 MR. RUBENSTONE: Thank you, Chip. Thank
4 you to everyone who took part in this meeting,
5 especially to those who provided us with comments.

6 As I said in the beginning, we do take your
7 comments seriously and we appreciate them very much and
8 we will do our best to address them as we move this
9 document to its final stages.

10 I'd like to remind you once again that we
11 will have some additional public meetings. They're on
12 the slides that we will get posted. They're on the
13 handout that is here about commenting. And that you can
14 also comment by mail and at the regulations.gov website.

15 We will do our best to get all of this
16 information posted to our website as quickly as we can.
17 But, as Christine noted, we do need some time to review
18 the transcript before we put it up because we want to
19 make the most accurate transcript that we can.

20 I'm getting a signal we may have one more
21 commenter, so I will stop there and let -- we'll take
22 one more, the additional commenter on the phone.

23 OPERATOR: Okay. Barbara Stevens from
24 the Volunteer Nuclear Information Resource Service,
25 your line is open.

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1 PARTICIPANT: Right, Barbara -- this is
2 her husband. I'm holding the phone for just a second.
3 Here she is.

4 MS. STEVENS: Oh, I'm sorry. I was hoping
5 my husband could talk for me.

6 But, can I speak now?

7 MR. CAMERON: Yes, go ahead, Barbara.

8 MS. STEVENS: Okay. I'm a -- my husband
9 and I were in New Mexico at the time of the 20 years of
10 the Environmental Impact Statement for WIPP. And, we
11 got to the point of into it 20 years, we had a legal
12 Federal hearing on opening WIPP and all the scientists
13 who -- the independent scientists were allowed to speak.

14 And, while they were speaking, the DOE,
15 whoever did it, the NRC, DOE, whoever it was opened WIPP
16 while the legal hearing was going on.

17 So, we come from a place of not having a lot
18 of respect for these agencies that are so tied to the
19 giant colossal owners of the nuclear everything.

20 So, I'm sorry, we worry forever about any
21 kind of credibility and certainly, water, just drinking
22 water, is enough of an issue perhaps.

23 Please forgive me for being so, you know,
24 resentful or something or concerned about the
25 credibility of the agencies that are so closely tied to

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1 the industry.

2 So, I guess, at this point, I could bring
3 up drinking water or water, all the groundwater issues.

4 Of course, the -- my husband is shouting.
5 That does sound like we're back to -- and it's the
6 transportation is absurd. You know it. We all know
7 it. We all know that you're selling, you know, that
8 what's happening.

9 So, please reverse your course.

10 MR. CAMERON: Okay, Barbara, thank you and
11 your husband. Where are you located anyway?

12 MS. STEVENS: Greenbelt, Maryland.

13 MR. CAMERON: Okay.

14 MS. STEVENS: But, we were in New Mexico.

15 MR. CAMERON: All right.

16 MS. STEVENS: For about a 20 year period.

17 MR. CAMERON: Okay. Thank you very much
18 and, Jennifer, we're going to go back and let Jim
19 Rubenstone close out for us.

20 Thank you, too, for your help, Jennifer.

21 MR. RUBENSTONE: Yes, I thank you very much
22 to our operator who did a fine job in getting the
23 comments in.

24 And, again, I want to thank everyone for
25 their comments. We will have further meetings and, as

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1 we noted at the beginning, we have extended the comment
2 period until November 20th.

3 And, with that, I want to thank my
4 colleagues here, Christine Pineda, Adam Gendelman and,
5 of course, Chip Cameron and our very capable staff that
6 helped out in this meeting.

7 So, again, thanks to all the commenters and
8 we will see you at our next meeting.

9 (Whereupon, the above-entitled matter went
10 off the record at 5:01 p.m.)

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