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Via e-mail:

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March 18, 2019

Lee Brookhart
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

RE: Request for Physical Public Meeting in San Diego on March 25, 2019

Dear Mr. Brookhart:

The Nuclear Regulatory Commission (NRC) has planned to host, on March 25, 2019, a “virtual public meeting (webinar) to discuss [the NRC’s] enforcement decisions regarding the Special Inspection conducted by the NRC to evaluate an August 3, 2018, incident involving a loaded spent fuel storage canister that was misaligned and became stuck on a metal flange while being lowered into a storage vault.” The August 3rd misalignment incident is one example of a pattern of safety violations at a nuclear waste site located in San Diego, California: a site the NRC is charged with transparently managing.

This letter serves as a request for the NRC to host a **physical meeting on March 25, 2019 in San Diego, California**, to discuss the on-going safety violations at the San Diego nuclear waste site. The physical meeting should be open to the public to engage in a critical and necessary discussion with NRC officials about the on-going safety violations at the San Diego nuclear waste site. The NRC purports its hosts these public meetings to “provid[e] the public with substantial information on its activities and conduct[] business in an open manner...”¹ However, the NRC has failed to provide the public of San Diego an accessible NRC proceeding. The only proceeding the NRC has conducted was in Arlington, Texas—1,391 miles away from the San Diego nuclear site and the millions of individuals surrounding the site. The NRC has not held any other evidentiary hearing on this matter. It has not placed any witness or decision maker under oath.

The NRC cannot adequately and transparently manage the San Diego nuclear waste site without requiring NRC officials responsible for managing the San Diego site to hold a public meeting—in San Diego—to directly address the public’s questions and concerns regarding the NRC’s investigation into the safety violations at the nuclear site. A physical meeting in San Diego will provide the NRC with the level of public participation required to effectively manage the San Diego nuclear waste and protect the surrounding communities.

¹ The NRC’s full policy regarding “Enhancing Public Participation in NRC Meetings” is available at: <https://www.nrc.gov/public-involve/public-meetings/v67n102p36920.pdf>. All quoted material in this letter is from the NRC’s public participation policy.

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Significantly, the NRC categorized the March 25th webinar as a “Category 3” public meeting, which pursuant to the NRC’s own policy is a meeting designed “**to fully engage [the public] in a discussion on regulatory issues.**” The entire purpose of a Category 3 meeting is “to maximize discussion with the public to ensure that their issues and concerns are presented, understood and considered by the NRC.” Further, Category 3 meetings are supposed to provide a wide range of participation opportunities for the public “and is specifically tailored for the public to comment and ask questions **throughout the meeting.**”

A physical meeting in San Diego is the best forum to satisfy the NRC’s mission to regulate the San Diego nuclear site transparently and to obtain an adequate level of participation from public stakeholders. The NRC’s suggested virtual webinar to discuss complex safety issues at the nuclear waste site cannot provide “the widest exchange of information, views, concerns and suggestions” associated with Category 3 meetings. The NRC’s policy regarding public meetings even suggests these types of meetings are akin to a “town hall” or “roundtable discussion,” which is difficult to perform online in the suggested webinar format. A request for the NRC to host a physical meeting in San Diego, where the public would be able to attend and participate is therefore reasonable and will satisfy the goals envisioned by the NRC’s policy regarding public participation at Category 3 meetings.

By holding a physical meeting in San Diego, the NRC will be able to obtain the essential public participation to effectively regulate the San Diego nuclear waste site. The physical meeting is specifically designed to make the NRC accessible to the individuals surrounding the nuclear waste site; the same individuals the NRC is charged to protect. While a virtual webinar may be more convenient for NRC officials, it will not provide the NRC with the high level of public participation needed to address the pattern of safety violations at the San Diego nuclear site. A physical meeting, however, will provide the NRC with an opportunity to obtain key information from the public and directly answer the public’s concern regarding the nuclear site. This opportunity is unfortunately missed with a virtual meeting where public participation is inherently impeded by the limited online format.

In sum, a virtual webinar is not a sufficient forum to offer the high level of public engagement need for an NRC Category 3 meeting. Given the serious health and safety issues related to the San Diego nuclear waste site and the millions of individuals surrounding the site, it is crucial for the NRC to host a physical meeting in San Diego on March 25, 2019, to be able to create the type of dialogue necessary to resolve the on-going safety concerns at the San Diego nuclear site. The NRC must afford the communities surrounding the site an opportunity to participate in a manner that will bring effective change to the pattern of safety violations currently observed at the San Diego nuclear site.

Very truly yours,



Michael J. Aguirre, Esq.