

**Official Transcript of Proceedings**  
**NUCLEAR REGULATORY COMMISSION**

Title: Status of Spent Fuel Reprocessing  
Rulemaking Public Meeting

Docket Number: (n/a)

Location: Rockville, Maryland

Date: Wednesday, March 4, 2020

Work Order No.: NRC-0838

Pages 1-85

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UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

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STATUS OF SPENT FUEL REPROCESSING RULEMAKING

PUBLIC MEETING

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WEDNESDAY,

March 4, 2020

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ROCKVILLE, MARYLAND

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The Public Meeting met in the  
Commissioners' Hearing Room at the Nuclear Regulatory  
Commission, One White Flint North, 11555 Rockville  
Pike, at 2:00 p.m., Carla Roque-Cruz, Facilitator,  
presiding.

PRESENT

CARLA ROQUE-CRUZ, Reactor Systems Engineer,  
Division of Reactor Oversight, Office of  
Nuclear Reactor Regulation  
MERAJ RAHIMI, Chief, Materials and Structural  
Branch, Division of Fuel Management,  
Office of Nuclear Material Safety and  
Safeguards

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WENDY REED, Chemist, Division of Fuel  
Management, Office of Nuclear Material  
Safety and Safeguards  
CHRISTOPHER REGAN, Deputy Director, Division of  
Fuel Management Office of Nuclear Material  
Safety and Safeguards

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

2:01 p.m.

MS. ROQUE-CRUZ: Okay. So, I think we are ready to start our meeting. Thank you so much to all of you for being here today.

This is the public meeting to discuss the status of the spent fuel reprocessing rulemaking. My name is Carla Roque-Cruz from the NRC's Office of Nuclear Reactor Regulation, and I will be serving as your facilitator for the meeting today.

This is a Category 3 public meeting and we invite the public to participate in this meeting by providing comments, feedback, or ask questions during the open discussion portion of the meeting.

Before we start with the opening remarks and presentation, I would like to go over some logistics and groundrules for the meeting.

First, for the people in the room, to minimize distractions and ensure that everyone can hear the discussion, we ask that you please turn off or mute any device that may talk to you, ring, beep.

If you need to go to the restrooms, exit the door on the right, or my right, of the room. The men's room is to your right; the ladies room will be to your left.

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1           If we are asked to evacuate the building,  
2 please follow the direction of the NRC staff. We'll  
3 keep everyone together as we go outside and make sure  
4 that we can account for everyone.

5           Once the presentation is done, there will  
6 be an opportunity to provide your feedback or ask  
7 questions. When speaking, please identify yourself  
8 and your affiliation. For the people here in the  
9 room, please use the microphones, the one that I'm  
10 using right now or the one right in front of me on the  
11 other side. This meeting is being transcribed, and we  
12 want to make sure that we capture all your comments.

13           For those of you joining us on the phone,  
14 I will now let our coordinator for the bridge line go  
15 over the instructions for your participation.

16           Natasha?

17           OPERATOR: All participants will be in a  
18 listen-only mode throughout the duration of today's  
19 conference until the question-and-answer session. And  
20 at that time, you may press \* and the No. 1 on your  
21 phone to ask a question. If you would like to  
22 withdraw your question at that time, you can press \*2.

23           MS. ROQUE-CRUZ: Thank you.

24           Now I would like to turn the meeting over  
25 to the Deputy Division Director of the Division of

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1 Fuel Management in NMSS, Chris Regan, for opening  
2 remarks.

3 MR. REGAN: Welcome. Good afternoon,  
4 everybody. Thank you very much, Carla, for  
5 facilitating for us today. I want to thank you all  
6 for attending. It was good to see some folks here in  
7 person. I understand there's a number of folks on the  
8 line. We do very much appreciate your interest.

9 One of the fundamental premises of our NRC  
10 values is transparency and openness. So, it's  
11 extremely important for us to hear from you and,  
12 likewise, for us to share with you the activities we  
13 conduct in support of the NRC's mission.

14 With this in mind, myself and my staff  
15 very much look forward to hearing your views and  
16 perspectives on the staff's spent fuel reprocessing  
17 rulemaking activity. Technical and rulemaking staff  
18 are present to answer questions.

19 Our real purpose here today is to hear  
20 from you and your perspective as our stakeholders,  
21 which will, in turn, help us inform our decision and  
22 next steps as we move forward on the future path of  
23 this particular rulemaking activity.

24 One quick point of clarification, and the  
25 staff will get into this when making the presentation.

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1 This is a rulemaking that's been one of NRC's planned  
2 rulemaking activities for several years. It's  
3 recently kind of been in hiatus, and we've come back  
4 to revisit it to kind of figure out what we actually  
5 want to do with this rulemaking.

6 It was primarily envisioned that this  
7 would be used by industries which need to reprocess or  
8 recycle light-water reactor fuel. There's been a lot  
9 of dialog and interest in advanced reactor  
10 technologies, ATF, things of that ilk. The context of  
11 this particular rulemaking is focused on the fuel used  
12 for existing operating reactors rather than some of  
13 the new fuel forms we might be hearing about.

14 With that, I will end my remarks. Thank  
15 you again very much for being here. We do want to  
16 hear from you and actively participate in giving us  
17 feedback.

18 With that, I will turn it over to Dr.  
19 Wendy Reed, who will provide an overview of the  
20 rulemaking in question.

21 Wendy? Thanks.

22 MS. REED: Thank you very much, Chris.

23 And thank you for being here today.

24 So, just to reiterate what the purpose of  
25 this meeting is, and the purpose of my presentation,

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1 I'm going to give you a brief history of the NRC's  
2 efforts in regard to the proposed spent fuel  
3 reprocessing rulemaking, the status of that rulemaking  
4 today, and, most importantly, to provide opportunity  
5 for the public to comment on the proposed rulemaking.

6 And as Chris mentioned, the rulemaking was  
7 primarily focused on reprocessing light-water fuel,  
8 which is the focus of the meeting. The NRC does  
9 acknowledge that some members of the public may want  
10 to comment on reprocessing in the context of advanced  
11 reactors.

12 Next. Sorry, next slide, please, Carla.

13 So, I'll give you a little bit of  
14 background. The interest in commercial reprocessing  
15 of spent nuclear fuel probably started back in 2006.  
16 In response to this interest, NRC staff informed the  
17 Commission of the potential regulatory and resource  
18 implications to NRC to license reprocessing  
19 facilities.

20 Subsequently, the Commission directed the  
21 staff, as part of efforts to develop a reprocessing  
22 regulatory framework, to complete a gap analysis of  
23 NRC's regulations, which are found in Title 10 of the  
24 Code of Federal Regulations, Chapter 1.

25 In 2009, in response to Commission

1 direction, the staff identified several regulatory  
2 gaps in several areas, including safety and risk,  
3 waste management and environmental considerations, and  
4 material control and accounting.

5 In 2011, staff updated the Commission on  
6 the staff's progress and path forward for updating the  
7 regulatory framework. The NRC issued a draft  
8 regulatory basis which contained preliminary  
9 recommendations to address most of the regulatory gaps  
10 for licensing and regulating a reprocessing facility.

11 Next slide, please.

12 In 2012, the Commission asked the staff a  
13 number of questions related to reprocessing. These  
14 included asking for the staff's assessment of the  
15 current state of activity, including U.S. Department  
16 of Energy and industry plans regarding reprocessing,  
17 staff's recommendations regarding the need for  
18 continued effort to develop a rule, the anticipated  
19 schedule and resources required to complete the rule,  
20 as well as an appropriate range of options for doing  
21 so.

22 In 2013, the staff addressed these  
23 questions and sought direction from the Commission  
24 with regard to a path forward on the regulatory  
25 framework for licensing a reprocessing facility.

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1 Subsequently, the Commission approved the staff's  
2 recommendation to develop a reprocessing-specific  
3 rule, but directed that the staff's development to the  
4 regulatory framework be limited in scope to the  
5 resolution of the gap relating to the safety and risk  
6 assessment methodologies and considerations for a  
7 reprocessing facility.

8 Next slide, please.

9 Between 2008 and 2013, four nuclear  
10 industry companies informed the NRC of their support  
11 for updating the regulatory framework for reprocessing  
12 spent fuel. And these letters of interest have  
13 provided the primary impetus for the NRC to move  
14 forward on the reprocessing rulemaking. The NRC has  
15 received no letters of interest since 2013.

16 In 2016, the NRC suspended work on the  
17 rulemaking due to budgetary constraints and apparent  
18 lack of commercial interest in constructing and  
19 operating a spent fuel reprocessing facility.

20 Next slide, please.

21 So, where is the NRC today with regard to  
22 reprocessing? The Commission is expecting a final  
23 technical basis from the staff on the resolution of  
24 the safety and risk assessment methodology gap and a  
25 proposed path forward on spent fuel reprocessing early

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1 next year.

2 NRC has also learned that the DOE's Office  
3 of Nuclear Energy has begun a very limited, small-  
4 scale program to explore opportunities for  
5 reprocessing spent nuclear fuel.

6 And finally, the NRC's perception of  
7 industry interest in reprocessing is that it is not as  
8 strong as it was several years ago.

9 Next slide, please.

10 So, the NRC today is looking to hear  
11 opinions on the spent fuel reprocessing rulemaking  
12 from all stakeholders, whether they be here at the NRC  
13 headquarters or on the telephone. We really want to  
14 get your thoughts, as these are going to help inform  
15 the staff's communication to the Commission related to  
16 the limited-focus spent fuel reprocessing regulatory  
17 basis and any rulemaking that could be an outcome.

18 Now, with regard to timeline, we are  
19 hoping to communicate staff's recommendations to the  
20 Commission within the next two to three months.

21 Before I hand the meeting back over to  
22 Carla, I do want to make a clarification. If the  
23 spent fuel reprocessing rulemaking was discontinued,  
24 hypothetically speaking, nothing would preclude the  
25 NRC from restarting rulemaking efforts on reprocessing

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1 in the future.

2 Thank you for your attention.

3 MS. ROQUE-CRUZ: Thank you, Wendy, for the  
4 information provided.

5 And now, as we mentioned at the beginning  
6 of the meeting, this is a Category 3 meeting and we  
7 invite your participation. We really here want to  
8 hear from you. We want to hear what feedback you  
9 have, what input you have. We want to hear if you  
10 have any questions.

11 But, specifically, I would like you to go  
12 to that slide 11, and we have these two discussion  
13 questions, as a way to start maybe the conversation or  
14 the questions coming. A typical rulemaking costs  
15 approximately \$2.4 million. Should the NRC  
16 discontinue the spent fuel reprocessing rulemaking?  
17 And second, what is the intention of industry with  
18 regard to the construction, licensing, and operation  
19 of spent fuel reprocessing facilities? Again, this is  
20 just two questions that we put out here that we would  
21 like to hear your opinion on, but if you have any  
22 other questions, comments, feedback related to this  
23 topic, we welcome those as well.

24 Again, this meeting is being transcribed.  
25 So, we want to be able to capture all your comments.

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1 So, please come to the microphones if you have input  
2 or if you want to have a question or a question or  
3 feedback for us.

4 With that, I'll open it to people here in  
5 the room. Comments or questions? Come on up.

6 MR. REGAN: So, while we're waiting for  
7 members of the public to approach the microphone, I do  
8 apologize, I wanted to also introduce at the table  
9 Meraj Rahimi, Branch Chief of the Materials and  
10 Structural Analysis Branch in the Division of Fuel  
11 Management, also here, who is going to help address,  
12 or at least if there's any questions in the area, to  
13 respond to those. So, thanks. Sorry, Meraj.

14 MR. RAHIMI: No problem.

15 MR. RICHTER: Good afternoon. This is  
16 Mark Richter with Nuclear Energy Institute. I want to  
17 thank the staff for providing us with an opportunity  
18 today to share our perspective relative to the  
19 rulemaking for reprocessing.

20 Some of the statements that I'd like to  
21 share, while they don't explicitly address the two  
22 suggested questions that you have on your slide, I  
23 think they would at least implicitly kind of lay out  
24 where we see things currently relative to that.

25 The first thing I want to make clear is

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1 NEI is fully supportive of the technology around  
2 reprocessing and where that is and the prospects for  
3 that going forward. But, with that said, we also  
4 believe that there's no current economic driver, at  
5 least in industry from the utility side, and even some  
6 of the suppliers, although I can't speak uniformly for  
7 all of them, for moving reprocessing rulemaking  
8 forward at this time. But we really think it's really  
9 a financial decision, a business decision for an  
10 individual company whether or not they want to move  
11 that forward.

12 As far as a rulemaking, we would encourage  
13 that all of the records/documentation that's been  
14 generated to date related to reprocessing be preserved  
15 in the event that a future need or interest arises.  
16 And I think you spoke to that earlier, Wendy, when you  
17 said that, if it is stopped now, there's no reason  
18 that it couldn't be restarted in the future without  
19 any loss of information, documentation, and so forth,  
20 that had been generated to support that.

21 So, that sort of makes my next point moot,  
22 but I'll state it anyway. We would advocate and  
23 support moving the rulemaking forward if that was  
24 necessary to preserve the work that had been done.  
25 But, that being said, again, there's no economic

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1 driver from our perspective at this point.

2 Another point that I would like to make,  
3 though, we talk a lot about innovative solutions and  
4 in the context of what we're doing with used fuel  
5 management in general going forward. And we think  
6 it's really important that the possibility of  
7 reprocessing be preserved as part of an innovative  
8 solution or approach to used fuel management, should  
9 the circumstances and the favorable economics present  
10 themselves in the future.

11 Thank you.

12 MS. ROQUE-CRUZ: Thank you for that.

13 Do we have any other comments here in the  
14 room?

15 And please, if you can state your name and  
16 your affiliation when you come to the microphone?

17 MR. LYMAN: Hi. This is Edwin Lyman from  
18 the Union of Concerned Scientists.

19 Just from a policy perspective, we don't  
20 support spent nuclear fuel reprocessing, primarily for  
21 proliferation and nuclear terrorism reasons, as  
22 separation and processing of plutonium and other  
23 weapons-usable materials only increases the risk  
24 associated with the nuclear fuel cycle and is not  
25 needed for the safe production of nuclear power.

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1           So, getting that out of the way, I do have  
2 a few questions. If you were to move forward, you  
3 would still only pursue this within the confines of  
4 the most recent SRM, or do you think you would ask the  
5 Commission for, since a lot has changed on the  
6 landscape since then, would you consider asking them  
7 to reconsider restricting this only to Gap 5?

8           MS. REED: This is Wendy Reed of the NRC.

9           I believe that we would restrict it to  
10 what was in the SRM to focus on the Gap 5. However,  
11 I think that would be a decision that would need to be  
12 made by the management at NMSS.

13           MR. LYMAN: So, even if you did go forward  
14 with the rulemaking, then a reprocessing plant  
15 application would still only have to meet Category II  
16 MC&A requirements? You're not planning to revisit  
17 that, even it has a Category I --

18           MS. ROQUE-CRUZ: I can't speak to the MC&A  
19 aspect, unfortunately.

20           MR. LYMAN: Okay. Because that is one gap  
21 that we think, with the current rules, that's a  
22 significant security gap; is that the facility would  
23 not require material accounting and control, in  
24 accordance with the actual risk of the material they  
25 would be processing and storing.

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1 My next question, you mentioned the  
2 Department of Energy, but it wasn't clear, did DOE,  
3 formally or informally, approach the staff and express  
4 interest in this rulemaking?

5 MS. REED: No. This was brought to my  
6 attention. My understanding is a press release made  
7 by the Department of Energy fairly recently that they  
8 were going to pursue low-level efforts to look at  
9 recycling and reprocessing options. I know no more  
10 further information than that.

11 MR. LYMAN: Right, but, of course, they  
12 could do that without having to get an NRC license,  
13 presumably, unless it were a commercial facility.

14 And with regard to advanced reactors --  
15 well, this goes back to the scope question. So, it  
16 seems the more likely issues that the Commission would  
17 face, since there are molten salt reactor vendors who  
18 are pursuing pre-application, like Terrestrial Energy,  
19 that it would make more sense, if you're going to go  
20 forward, to address the issue of reactors with an  
21 integrated reprocessing plant. So, it wouldn't seem  
22 to make sense really to proceed at this point, unless  
23 you were to rethink the entire scope and what would be  
24 the most useful application, because those types of  
25 reactors are going to introduce additional

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1 proliferation security concerns, based on the fact  
2 that individual sites would, then, have fuel  
3 processing and facilities that would be comparable,  
4 potentially, to a large commercial reprocessing plant  
5 with regards to the flux of special nuclear material  
6 going through that facility.

7           So, in our view, there's no need for the  
8 rulemaking, except to the extent that, if someone  
9 comes in under the current rules, there are gaps that  
10 would have significant security issues associated with  
11 them. And I guess my last question is, if you don't  
12 change -- well, if someone came in, would the  
13 Commission consider -- what mechanisms would there be  
14 if a future Commission decided, for instance, that a  
15 reprocessing plant should not be exempt from Category  
16 I? And I know you already said you can't address  
17 that. So, maybe I'll just ask you to take that back.  
18 But we would think that there should be other  
19 mechanisms, even if you don't go forward with the  
20 rule, to close that gap, where the Commission would  
21 not contemplate this historical flaw in a lot of the  
22 regulations.

23           So, those are my comments. Thank you.

24           MR. REGAN: Thank you, Dr. Lyman.

25           I'll just add a perspective that I think

1 we alluded to the fact that, if this rulemaking does  
2 not go forward, it does not preclude us from  
3 reassessing what might be in the interest of the  
4 public and stakeholders, should there be the potential  
5 for a license application to be submitted to the  
6 agency.

7 Part of this effort was that we identify  
8 gaps, and that's why we initially launched this  
9 particular effort. Since then, as you're indicating,  
10 there are additional areas that may warrant rulemaking  
11 focus to establish a regulatory footprint, put some  
12 requirements out there. Again, largely, this is  
13 driven by the interest. Right now, there's little  
14 indication that there's interest at this time that  
15 would warrant us expending the resources to move  
16 forward with a rulemaking.

17 So, absolutely, if there is the potential  
18 for parties that would like to pursue recycling or  
19 reprocessing of anything to include the advanced  
20 reactor fuel types, we would certainly revisit that  
21 question, if the need arises.

22 MS. ROQUE-CRUZ: Okay. Now, before we  
23 continue here in the room, let's give a chance to  
24 people on the phone, see if we have any questions.

25 OPERATOR: As a reminder, if you would

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1 like to ask a question, press \*, and then, No. 1 on  
2 your phone, unmute your line, and speak your name when  
3 prompted. And if you would like to withdraw your  
4 question, press \*2.

5 One moment as we wait for questions.

6 (Pause.)

7 We do have one question in queue.

8 Caller, your line is open?

9 MS. ROQUE-CRUZ: Hello?

10 MR. LOEWEN: Hello. This is Eric Loewen.

11 Can you hear me?

12 MS. ROQUE-CRUZ: Yes, sir, we can hear  
13 you.

14 MR. LOEWEN: This is Eric Loewen. I work  
15 for GE Hitachi Nuclear Energy, headquartered in  
16 Wilmington, North Carolina.

17 And regarding the two questions on slide  
18 11, on the first question, should the rulemaking  
19 continue, we think the nation needs options. We  
20 encourage the NRC to continue with this rulemaking,  
21 and that allows the NRC the diversity to regulate all  
22 facets of the supply chain from mining all the way to  
23 different options for used fuel, be it deep geological  
24 repositories or fuel recycling. So, we encourage  
25 that.

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1           No. 2, the question was, what are the  
2 intentions of industry? Industry has to move within  
3 the bounds of regulatory and policy frameworks. We  
4 think if those conditions are right in the licensing  
5 and the policy framework, that there is economic  
6 drivers for the recycling of used fuel. We did this  
7 in the past during the Advanced Liquid Metal Reactor  
8 Program that ran from 1984 to 1994. Again, we  
9 revisited those efforts in the DOE's program called  
10 the Global Nuclear Energy Partnership. And we've been  
11 involved in other initiatives.

12           Thus, we think there is a business case,  
13 but, again, we need the regulatory support, or not  
14 support, but the regulatory framework that's clear,  
15 which I think this rulemaking will give us, and then,  
16 also, the policy framework of how that would work.

17           And that's the end of my statement.

18           MS. ROQUE-CRUZ: Thank you for your  
19 comment.

20           Do we have any other comments or questions  
21 on the bridge line?

22           OPERATOR: Yes, we have several.

23           Our next comment comes from Tom Clements.

24           It's open.

25           MR. CLEMENTS: Yes. Hello. Can you hear

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1 me?

2 MS. ROQUE-CRUZ: Yes, sir, we can.

3 MR. CLEMENTS: Okay. Thank you very much.

4 Yes, this is Tom Clements, the Director of  
5 Savannah River Site Watch in Columbia, South Carolina,  
6 and I did participate in the earlier GNEP process,  
7 which was abruptly ended in 2009. And I'm certainly  
8 familiar with the rulemaking as it goes back.

9 Because of the awkwardness of the line, I  
10 just really have a couple of questions. This morning  
11 in ADAMS there was an email posted from Energy  
12 Solutions which said, notifying Dr. Reed that they had  
13 no interest in reprocessing. So, I'm curious, what  
14 companies have expressed, at least in writing, that  
15 they are interested in reprocessing and continuing the  
16 rulemaking? And will those emails or letters, or  
17 whatever they might be, be posted in ADAMS? And then,  
18 I have another question.

19 MS. REED: Okay. This is Wendy Reed of  
20 the NRC's staff.

21 That was the only email that we had  
22 expressing an opinion, as it were, in whether that  
23 particular company continued to be interested in the  
24 rulemaking. The gentleman from GE Hitachi just  
25 presented his organization's comments. But that is

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1 the only email that we received from industry stating  
2 their intent with regard to reprocessing.

3 MR. CLEMENTS: Okay. Thank you for that.

4 And just briefly, as we all know, the  
5 mixed oxide fuel fabrication facility licensing by the  
6 Nuclear Regulatory Commission was terminated by DOE in  
7 2018. And it appeared that there was no serious  
8 interest in using mixed oxide fuel. Apart from just  
9 the reprocessing itself, has the NRC heard from anyone  
10 in this rulemaking process that they might be  
11 interested in using MOX fuel?

12 MS. REED: This is Wendy Reed of the NRC.

13 From my perspective, I'm not aware of any  
14 utilities that had expressed interest in using MOX  
15 fuel, but that is my understanding and the extent of  
16 my knowledge.

17 MR. CLEMENTS: Okay. Yes. Thank you very  
18 much. That's very informative.

19 And just in conclusion, I don't see any  
20 need for this to go forward, for the rulemaking to go  
21 forward, being quite familiar with the Barnwell  
22 facility down here in South Carolina and what happened  
23 to that; and also, with the GNEP project, and that the  
24 rulemaking we're talking about was put in suspension  
25 a few years ago. I think it would be best not to

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1 waste the taxpayers' money to proceed with the  
2 rulemaking and just go ahead and formally close it up.

3 So, that's all I have to say. Thank you  
4 very much.

5 MS. ROQUE-CRUZ: Thank you very much.

6 And please, I encourage the people on the  
7 bridge line, people on the webcast, in whichever way  
8 you can, people here in the room, we really want to  
9 hear you. So, come on up and give us your point of  
10 view or your questions, your concern.

11 We have a question here in the room. We  
12 want to keep things interesting. So, we're going to  
13 switch back to the room, and then, we'll go back to  
14 the bridge line.

15 MR. BADER: My name is Sven Bader from  
16 Orano Federal Services, and I appreciate the  
17 opportunity to come to the meeting and the invitation.

18 We were one of the last ones to send a  
19 letter in support of the rulemaking activity, and  
20 we've done a lot of support of the rulemaking activity  
21 in the past. I just want to make five points from  
22 Orano's perspective.

23 One, that Orano has safely and secured  
24 reprocessed nuclear fuel for several decades at its  
25 French facility in La Hague. We'll continue to

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1 support the U.S. regulatory efforts in this area, if  
2 there's any further activities moving forward.

3 Two, Orano has continued to develop and  
4 improve upon a full set of technologies utilized to  
5 support reprocessing of used fuel in France, and we'll  
6 support any such activities in the United States,  
7 regardless of who's interested in doing it, if it's  
8 the current light-water reactor fleet, future  
9 reprocessing of advanced reactor fuel, et cetera. So,  
10 there are potentially other avenues here.

11 Three, Orano continues to perform R&D to  
12 improve the safety, efficiencies, and costs of  
13 reprocessing efforts, as well as expanding its  
14 capabilities to treat a larger regime of used nuclear  
15 fuels, while providing a long-term, sustainable  
16 solution. And in particular, Orano is examining the  
17 potential for reprocessing smaller quantities of  
18 diverse fuel types in smaller, potentially modular  
19 facilities. So, we continue to improve upon the  
20 technologies and we look forward to the next  
21 technologies. If you want, you can call it small  
22 modular reprocessing, like the small modular reactors.

23 Four, Orano supports the continued work on  
24 NRC reprocessing rulemaking, to answer one of your  
25 questions. The reason we support these is because we

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1 think, as elaborated by GE, this will become an  
2 important part of evaluating a future back-end  
3 solution for the U.S. fuel cycle facilities. And just  
4 having the certainty of the regulatory information is  
5 part of the decisionmaking process.

6 And finally, Orano would be very happy to  
7 support any DOE or any other activities, if they  
8 decide to move forward with the reprocessing, and  
9 would welcome the opportunity to share Orano's  
10 experiences and expertise, and help develop a fitted  
11 solution for back-end activities in the United States  
12 and elsewhere.

13 I will say, at this point, Orano is not  
14 going to submit a license application this year, as we  
15 indicated in our last letter about seven years ago,  
16 but I think it was pretty well stated why we're doing  
17 that, and that's from an economic standpoint.

18 Thank you.

19 MS. ROQUE-CRUZ: Thank you.

20 Do we have any other comments?

21 We have a comment here in the room.

22 MR. KAMPS: Hello. Thank you. My name is  
23 Kevin Kamps, and I serve as Radioactive Waste  
24 Specialist at Beyond Nuclear, based here in Tacoma  
25 Park, Maryland. I'm also on the Board of Directors of

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1 Don't Waste Michigan. And I just have several  
2 comments and maybe some questions will come up as  
3 well.

4 So, perhaps since Orano just spoke, maybe  
5 I'll start there. Big picture, we oppose a restart of  
6 this rulemaking and call for it to end, call for it to  
7 be discontinued, for a long list of reasons.

8 So, Orano's spokesman just claimed that  
9 reprocessing has occurred safely and securely in  
10 France for decades, and we would contest that  
11 assertion. For one example, I was shocked that I  
12 learned about the liquid emissions into the English  
13 Channel from La Hague. At one point in La Hague's  
14 operations, there were up to 100 million gallons of  
15 so-called low-level radioactive waste discharges into  
16 the English Channel through an underwater pipeline.  
17 And the reason for the underwater pipeline was that  
18 it's illegal to do dumping from boats of reprocessing  
19 radioactive wastes under international law. And so,  
20 a loophole was exploited.

21 And not to beat up on the French, the  
22 British did it, too, at Sellafield, an underwater  
23 pipeline into the Irish Sea. And these discharges  
24 were so large-scale that it caused an uproar. A dozen  
25 European countries were so upset that they took legal

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1 action to try to get it discontinued because of  
2 contamination of the seafood supply. And the  
3 reprocessing contaminants in the ocean can be tracked;  
4 they can be fingerprinted as to what their source is.  
5 And they've been tracked all the way to the Canadian  
6 Arctic. So, this is a large-scale oceanic impact,  
7 including on the seafood supply, which, of course,  
8 humans eat that seafood supply. So, there's harm to  
9 humans. So, that's a little bit about the liquid  
10 discharge.

11 The gaseous aerial discharge to the  
12 atmosphere is also of tremendous concern, although it  
13 gets a lot less attention. So, again, when I saw the  
14 aerial photographs of what those discharges look like,  
15 infrared photographs, for example -- and a lot of  
16 times, proponents of reprocessing will say, well,  
17 those are noble gases for the most part that are  
18 getting out. But they fail to mention the part where  
19 the noble gas decays in a relatively short period of  
20 time into biologically-interactive and hazardous  
21 isotopes that are very long-lasting in terms of their  
22 hazard; isotopes of cesium, for example. So, those  
23 are blowing downwind across Europe and causing harm.  
24 That harm is not tracked very well or at all. So, we  
25 would question this claim of safety and security.

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1           And along the same lines, I haven't  
2 reviewed it recently, but the government of Norway, I  
3 believe it was, did a study of the risks of the La  
4 Hague facility. And it was especially focused, I  
5 believe, on the liquid high-level radioactive waste  
6 storage tanks and what could go wrong there if cooling  
7 were lost. And the potential for a continent-wide  
8 catastrophe does exist at La Hague, and the government  
9 of Norway pointed that out at one point many years  
10 back.

11           Of course, one of the classic examples of  
12 a nuclear catastrophe thus far in history was the  
13 Kyshtym explosion in 1957 in the Ural Mountains, which  
14 was a reprocessing facility, liquid high-level  
15 radioactive waste storage tank that lost its cooling,  
16 exploded. The CIA knew about it in real time, but it  
17 was kept secret for decades, until a Soviet dissident  
18 brought the information to the world in the form of a  
19 book. But the CIA knew about it because of their  
20 detection of the atmospheric releases, but also  
21 because the next publication of maps for that area of  
22 the Soviet Union simply had erased hundreds of  
23 villages and even some towns from the maps because  
24 they had been evacuated. And there was large-scale  
25 human harm caused by the Kyshtym disaster.

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1           But it wasn't just that explosion. Just  
2 the normal operations of the Soviet, and then, later,  
3 Russian reprocessing facility, including the discharge  
4 of nightmarish quantities of liquid radioactive waste  
5 into the adjacent river caused tremendous harm to the  
6 populations living downstream. And a part of it was  
7 racial discrimination. Those communities are Muslim.  
8 And so, it was decided that they weren't that  
9 important to worry about. So, they have suffered  
10 tremendously from that.

11           So, another aspect of the French Areva  
12 operations I'd like to bring up, because it was  
13 claimed that reprocessing has been done safely and  
14 securely in France, was an epidemic, a plague of  
15 contaminated shipments into La Hague in the 1990s.  
16 From 25 percent to 33 percent of all inbound shipments  
17 to La Hague during a year's-long time window in the  
18 1990s were externally contaminated above regulatory  
19 permissible dose limits; on average, 500-fold in  
20 excess, and in one case 3,300 times above permissible  
21 dose levels due to external contamination.

22           And I was at the Packaging and  
23 Transportation of Radioactive Materials Conference in  
24 Chicago in September 2001 and attended the session  
25 that was conducted by Areva at the time, and it was

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1 shocking. So, the workers, the innocent bystanders,  
2 unsuspecting members of the public that those  
3 shipments came in contact with at a short distance  
4 were harmed by that exposure. So, we disagree with  
5 Orano's portrayal of its past performance.

6 Moving on, I just wanted to echo what Tom  
7 Clements said. I was at NIRS, Nuclear Information and  
8 Resource Service, at the time Beyond Nuclear responded  
9 in 2007, but we were actively opposed to the Global  
10 Nuclear Energy Partnership during the Bush-Cheney  
11 Administration. And we were part of a very broad  
12 national, and even international, coalition in that  
13 effort. And as Ed Lyman mentioned, a lot of groups  
14 were there because of their concerns about nuclear  
15 weapons proliferation risks associated with  
16 reprocessing. And as I've been talking about, a  
17 number of groups came to the table because of their  
18 concern about the environmental ruination that is  
19 associated with reprocessing.

20 And a good example of that here in the  
21 United States is West Valley, New York, which, to my  
22 understanding, was about half military reprocessing,  
23 because there wasn't enough commercial waste in the  
24 country at the time to keep the facility busy, and the  
25 other half was commercial reprocessing. I can't do as

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1 good a job as Diane D'Arrigo at NIRS who has  
2 watchdogged that facility for many decades now. She's  
3 from up there. But the cleanup bill at West Valley  
4 just associated with reprocessing pollution is on the  
5 scale of \$10 billion. There's other radioactive waste  
6 and radioactive contamination at the site, low-level  
7 waste dumping, for example, that adds to that.

8 But the danger at West Valley is the site  
9 is eroding into the Great Lakes, and it may take a  
10 thousand years, or it may not. It's a highly eroding  
11 site. And millions of people draw their drinking  
12 water and eat the fish out of Lake Erie and Lake  
13 Ontario, and that's what's at risk. And every year,  
14 watchdogs, concerned citizens up there have to  
15 essentially beg and plead for the funding to monitor  
16 the site, to clean up the site. It's going very  
17 slowly, if at all.

18 And so, the question was raised, this \$2.4  
19 million to restart the regulatory rulemaking, and a  
20 much better use of such amounts of money would go  
21 towards the clean up of the past messes, like at West  
22 Valley, New York. Because, time and time again, as  
23 Tom Clements mentioned, taxpayers at the federal  
24 level, taxpayers at the state level in New York,  
25 ratepayer money, this is the public who's being asked

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1 to pay these costs. And we already pay a lot year  
2 after year at the Department of Energy, at the  
3 National Labs, doing experimentation with  
4 reprocessing. It's a vast amount of money, and the  
5 mess has not been cleaned up at these other sites.

6 One of those sites is General Electric  
7 Morris in Illinois. Just these past reprocessing  
8 failures haunt us still. So, since 50 years, there  
9 have been 772 tons of commercial irradiated nuclear  
10 fuel stuck at GE Morris, a facility that has never  
11 operated, which has hotspots in the facility and is at  
12 risk of a pool fire, for example, this more than 50-  
13 year-old facility packed to the gills with high-level  
14 radioactive waste with nowhere to go. It should never  
15 have been transported there in the first place.

16 I mentioned I'm with Don't Waste Michigan,  
17 and I just wanted to mention that Gerald Ford banned  
18 the export of reprocessing technology in response to  
19 India's use of U.S. Atoms for Peace knowhow and  
20 training at a Canadian research reactor to develop its  
21 nuclear weapons arsenal that it announced with a test  
22 in 1974. When Jimmy Carter came in, he expanded that  
23 ban even to domestic reprocessing.

24 Economics has been mentioned. Despite  
25 efforts by like the Reagan Administration, the

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1 economics is so dismal that the commercial industry  
2 often walks away, and then, the public is looked to to  
3 subsidize these efforts.

4 And one of my last points I'd like to make  
5 is that, full disclosure, both Beyond Nuclear and  
6 Don't Waste Michigan have intervened in the NRC  
7 licensing proceedings for the Consolidated Interim  
8 Storage Facilities, Holtec/Eddy-Lea Energy Alliance in  
9 New Mexico, up to 173,000 metric tons of commercially-  
10 irradiated nuclear fuel and Interim Storage Partners,  
11 of which Orano is a partner, 40,000 metric tons of  
12 consolidated interim storage.

13 And if you go back to the beginning in New  
14 Mexico, it grew out of the GNEP scheme. That's where  
15 Eddy-Lea Energy Alliance came from. And then, Orano  
16 has expressed that it is one of the Western world's  
17 leaders in reprocessing.

18 And both of these facilities over the  
19 years have publicly, depending on the audience,  
20 admitted that reprocessing is an end goal at these  
21 consolidated interim storage facilities. Don't Waste  
22 Michigan, as an intervenor, has objected to that in  
23 the licensing proceeding, and we object here again to  
24 that proposal, for all the reasons that I've stated.

25 Thank you.

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1 MS. ROQUE-CRUZ: Okay. We are going to  
2 the phone.

3 Natasha, do we have any  
4 comments/questions?

5 OPERATOR: Yes, we do. Our next question  
6 comes from Cynthia Wheeler.

7 Your line is open.

8 MS. WHEELER: Hi. Can you hear me?

9 MS. ROQUE-CRUZ: We can hear you.

10 MS. WHEELER: Okay. I'm Cynthia Wheeler.  
11 I'm calling on the NRC to discontinue this rulemaking  
12 for reprocessing of radioactive waste. I have moral  
13 standing on this issue because I live where we're  
14 being forced into fighting an interim storage  
15 facility. We're horrified that the NRC would consider  
16 transporting radioactive waste around the country for  
17 any reason, to reprocess spent fuel, including that.

18 Reprocessing hasn't worked around the  
19 world. It still creates waste, and waste that's more  
20 difficult to isolate. I've watched this country  
21 stumble and unable to deal with radioactive waste  
22 since the 1970s. I am speaking not just for myself,  
23 but for many others that want this country to -- we  
24 want the nuclear industry to stop producing more  
25 waste. We want to have the NRC to stop thinking of

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1 new ways to move it around and find ways to store it  
2 safely on sites where it was produced and in hardened  
3 on site storage.

4 Thank you.

5 MS. ROQUE-CRUZ: Thank you.

6 We are going to take more  
7 questions/comments from the bridge line, but I do want  
8 to remind the people here and on the line that the  
9 purpose of the meeting is to discuss the reprocessing  
10 rulemaking. So, if we can please focus on that topic  
11 because we really want to hear your two cents of what  
12 you have to say on that specific rulemaking.

13 Any other questions on the line?

14 OPERATOR: Yes. Our next question comes  
15 from Barbara Warren.

16 Your line is open.

17 MS. WARREN: Hello. My name is Barbara  
18 Warren. I work with Citizens' Environmental Coalition  
19 in New York, and I work specifically on the West  
20 Valley former reprocessing site, which is still not  
21 cleaned up after more than 50 years. We don't get the  
22 funding to clean it up.

23 We have huge amounts of high-level waste,  
24 transuranic waste. We have the majority are greater  
25 than Class C waste as this site. And yet, it can't

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1 contain that waste in any means because the site is  
2 eroding rapidly into adjacent waterways and the Great  
3 Lakes.

4 So, we have serious concerns that, if  
5 you're going to spend money, you're going to waste  
6 money, reprocessing is a boondoggle. All of the  
7 reports that have been written on this point to all  
8 the failures and the high costs of reprocessing. So  
9 that it makes no economic sense. The evidence for  
10 reprocessing makes no technical or scientific sense.  
11 So, why would you continue to -- why would you even  
12 propose a rulemaking to set up some sort of standards  
13 for reprocessing? It makes no sense, in light of all  
14 the technical reports that have already been written.  
15 All you have to do is refer to some of them to  
16 question huge amounts of money into something that has  
17 failed everywhere it has been employed, and continues  
18 to fail. France is an example where the country is  
19 only subsidizing it because they started it.

20 So, we would prefer if somebody invested  
21 some money in cleaning up the existing mess we've  
22 created at West Valley. That makes more sense to us.  
23 We are definitely against any further efforts towards  
24 reprocessing, and we would strongly object.

25 Thank you.

1 MS. ROQUE-CRUZ: Thank you.

2 Any other comments/questions on the bridge  
3 line?

4 OPERATOR: Yes. Our next question comes  
5 from Derick Botha (phonetic).

6 Your line is open.

7 MR. BOTHA: Hi. This is Derick Botha with  
8 NuScale Power.

9 And just for a bit of background, we're  
10 designing a small modular reactor. However, we don't  
11 manufacture fuel. Plant owners, our customers, they  
12 typically manage and contract for fresh fuel and also  
13 for spent fuel handling, just for context in answering  
14 your question with regards to industry interest.

15 So, something I do want to alert the NRC  
16 of is we've engaged several potential NuScale  
17 customers in foreign nations and they have expressed  
18 interest in a U.S. fuel takeback option that would  
19 involve reprocessing. And the reason they're  
20 interested, it's particularly attractive for customers  
21 in smaller nations where they have an interest in  
22 limited deployment in those nations, but they don't  
23 have the means and they're reluctant to move forward  
24 because it's impractical for them or infeasible for  
25 them to develop a long-term national spent fuel

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1 disposition program for such a limited deployment.

2 Thank you.

3 MS. ROQUE-CRUZ: Thank you.

4 Let's go back to here in the room. Any  
5 other questions or comments from the people here in  
6 the room?

7 (No response.)

8 None here. Do we have any other  
9 comments/questions on the bridge line?

10 OPERATOR: Yes. Our next question comes  
11 from Suzanne Rhodes.

12 Your line is open.

13 MS. RHODES: This is Suzanne Rhodes. I'm  
14 with the League of Women Voters of South Carolina, and  
15 we oppose the rulemaking.

16 We've been watching Savannah River Site's  
17 slow cleanup for about 40 years, particularly the big  
18 tanks of, well, basically reprocessing waste that are  
19 still a challenge, although they are making progress,  
20 thank God.

21 We opposed the Allied Nuclear General  
22 Services proposal for the same kind of safety and  
23 security reasons that have been mentioned before by  
24 some of the other offline speakers.

25 We are concerned that Savannah River Site

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1 cleanup, although it's on the way, we have a lot more  
2 to do. It requires money. You've talked about  
3 cleanup at West Valley and Morris. They are also of  
4 great concern and that's where our money ought to be  
5 spent.

6 But, for the long range, since I think  
7 it's pretty recognized now that Yucca Mountain has no  
8 future as a storage area, what we really need, and  
9 this country lacks, is long-term storage casks onsite,  
10 so that the safest possible storage can be made of  
11 reactor fuel that already exists. Why you all want to  
12 regenerate more, I have no idea, but that's an  
13 economic issue. It should not be a taxpayers' issue.

14 Thank you very much.

15 MS. ROQUE-CRUZ: Thank you.

16 And again, a reminder, I know there's many  
17 things that we may link to this topic, but we really  
18 want to know about this rulemaking and if we think  
19 that the NRC should continue working on the rulemaking  
20 or stop work for now on the rulemaking.

21 With that, any other comments/questions on  
22 the phone?

23 OPERATOR: Yes. Our next question comes  
24 from Marvin.

25 Your line is open.

1 MR. LEWIS: Thank you. I hope you can  
2 hear me.

3 My name is Marvin Lewis, L-E-W-I-S.

4 MS. ROQUE-CRUZ: Go ahead.

5 MR. LEWIS: We are now in a battle for the  
6 earth. We are toxifying the earth, radiating the  
7 earth. We are doing everything we can to destroy the  
8 human race. It has to stop.

9 Nuclear power is a mess and closing down  
10 their plants.

11 MS. ROQUE-CRUZ: Marvin, I apologize, but  
12 you're breaking up. So, we can't really understand  
13 your message because it really cuts in the middle of  
14 what you're saying. Maybe if you want to try to call  
15 back?

16 MR. LEWIS: Is that better? Is that  
17 better?

18 MS. ROQUE-CRUZ: Yes.

19 MR. LEWIS: I think that it will be better  
20 now.

21 Reprocessing is a farce also. It's only  
22 increased the amount of radioactive waste that we  
23 can't get geological repository, for such geological  
24 repositories just do not exist.

25 MS. ROQUE-CRUZ: Marvin, if you can go

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1 back and try to bring back your comment to the  
2 questions that we have in here? So, should the NRC  
3 discontinue to suspend fuel reprocessing rulemaking?

4 MR. LEWIS: And that's another problem.  
5 She cuts off the debate in the very areas that should  
6 be looked at. The NRC does not do its job. It  
7 doesn't do its job at any level. It is about to look  
8 at the big questions and have the big questions at  
9 these meetings, instead of cutting them off.

10 MS. ROQUE-CRUZ: Thank you, Marvin.

11 Do we have any other comments/questions on  
12 the line?

13 OPERATOR: Yes. Our next question comes  
14 from John Kelly.

15 Your line is open.

16 MR. KELLY: Good afternoon. This is John  
17 Kelly. I'm currently the Immediate Past President of  
18 the American Nuclear Society and have an extensive  
19 career in the nuclear energy area. But my comments  
20 today and questions are really on my experience and  
21 don't represent those of the American Nuclear Society.

22 First, in looking at the effect to the  
23 climate of carbon dioxide emissions, all of the major  
24 studies now point to the need to dramatically  
25 increasing not only renewables, but nuclear; that is,

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1 all clean energy sources, if we are to avoid the  
2 catastrophe of climate change.

3 And the numbers they talk about are  
4 doubling. And the reason this relates to the  
5 rulemaking is that, if you contemplate doubling of  
6 nuclear power worldwide, the demand on uranium  
7 resources is going to be extreme. And so, I think the  
8 question of reprocessing cannot be taken alone. It  
9 needs to be taken into an integrated fuel cycle system  
10 where you consider the possibilities of recycling to  
11 minimize the cost of long-term geologic disposal,  
12 which is often forgotten, as well as the benefits of  
13 having stable fuel supplies in uranium.

14 And there's several other important  
15 economic impacts of having large-scale nuclear,  
16 specifically how it affects the GDP of the U.S. and  
17 the world. And this needs to be an international  
18 effort. So, by the U.S. proceeding down the path of  
19 doing the rulemaking, they would set a precedent for  
20 reprocessing, new reprocessing facilities around the  
21 world. That's my belief, as it has always been the  
22 case when the NRC acts.

23 And so, I think this is an investment in  
24 the future. It may not be needed exactly today. But  
25 climate change is something that is not just a 2- or

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1 10- or 50-year problem. It's a long-term problem.

2 Now the specific question related to the  
3 rulemaking has to with the relationship between the  
4 NRC and the EPA on dose standards. A few years ago,  
5 the EPA began a rulemaking on 40 CFR 190 which  
6 basically sets the emission limits from reprocessing  
7 plants and other facilities, but it specifically  
8 impacts reprocessing plants. And the reason it's so  
9 important is that the limits developed in the '70s  
10 made major assumptions about health effects from  
11 radiation that are now shown to be inaccurate. The  
12 modeling was inaccurate, and, basically, the basis for  
13 40 CFR 190 has been untouched for decades and I think  
14 needs to be revisited. Now EPA did launch a  
15 rulemaking, but I do not believe that they ever came  
16 to conclusion on that.

17 Again, the reason this is so important is  
18 that the EPA had envisioned technologies being readily  
19 available in 1975 that have not become readily  
20 available. And this was the driver for their setting  
21 the dose limits. So, I think the whole question of  
22 technology, best available technology, and the dose  
23 limit with respect to emissions is going to be a very  
24 important determinant of the future of reprocessing in  
25 the U.S.

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1           So, my specific question really has to do  
2 with, what type of interagency discussions have  
3 occurred between NRC and EPA specifically related to  
4 the EPA regulation 40 CFR 190?

5           MS. REED: Sorry. This is Wendy from the  
6 NRC. Can you repeat that last bit about 40 CFR 190?

7           MR. KELLY: So, it's 40 CFR 190 is an EPA  
8 regulation that sets the radiation emission limits,  
9 and I believe that it would be, or could be,  
10 incorporated de facto into the NRC rulemaking. And  
11 so, I didn't understand if there had been interagency  
12 discussions between EPA and NRC about the implications  
13 of 40 CFR 190 and what it says relative to the NRC  
14 rulemaking on reprocessing.

15          MS. REED: Well, several years ago, when  
16 efforts in this area were being conducted, the NRC did  
17 have some dialog with EPA in regards to this rule.  
18 However, in recent years we haven't been in  
19 communication with EPA about this.

20          MS. ROQUE-CRUZ: Any other questions?

21          MR. KELLY: Well --

22          MS. ROQUE-CRUZ: Go ahead.

23          MR. KELLY: Well, I just recommend that  
24 that discussion continue because I think, as was seen  
25 during the GNEP days, it can have a major impact on

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1 potential reprocessing facility designers.

2 MS. ROQUE-CRUZ: Thank you.

3 Questions here in the room?

4 (No response.)

5 Any questions on the bridge line? Or  
6 comments?

7 OPERATOR: Yes. Our next question comes  
8 from Diane D'Arrigo.

9 Your line is open.

10 MS. D'ARRIGO: Thank you.

11 This is Diane D'Arrigo. I'm the  
12 Radioactive Waste Project Director at Nuclear  
13 Information and Resource Service, and have been here  
14 for over 30 years. I've also grown up in the vicinity  
15 of the West Valley nuclear waste site, the waste site  
16 from reprocessing, and was part of efforts to prevent  
17 reopening of that site when it was under  
18 consideration.

19 How can the NRC consider a new rulemaking  
20 on commercial reprocessing when the one commercial  
21 reprocessing facility that we have in the United  
22 States is still far from cleaned up? And it's  
23 admitted by the NRC. In fact, in 2002, the NRC did an  
24 assessment of the West Valley site to see whether it  
25 could comply with the NRC's license termination rule,

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1 and it was determined that, because of the uniqueness  
2 of that site, it could not and they would have to use,  
3 NRC would have to use a lot of flexibility it to meet  
4 at least some level of license termination.

5 How can the NRC proceed with repeating the  
6 same process when the previous one process that we had  
7 is considered unsolvable or far from solvable? And  
8 Kevin Kamps pointed out earlier, and Barbara Warren,  
9 a lot of the technical and economic problems with the  
10 site.

11 The community is saddled with a facility  
12 that is going to take decades, if ever, to fully clean  
13 up. And the Department of Energy is pretty much set  
14 on not fully cleaning it up and justifying leaving the  
15 radioactivity in the ground, in the tanks.

16 We have a success story at West Valley in  
17 that the liquid has been converted into a solid, a  
18 major demonstration effort that was successful, but  
19 the sludge is left in the tanks. And the Department  
20 of Energy wants to declare waste incidental to  
21 reprocessing, allow to stay there, be grouted.

22 So, anyway, the history of West Valley --  
23 and the NRC staff that have dealt with it know that  
24 it's a problem. How can this agency proceed to  
25 consider repeating that mistake when they do not even

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1 have the process for fully cleaning up the six-year  
2 reprocessing that went on from '66 to '72? That's my  
3 first question.

4 MR. REGAN: This is Chris Regan.

5 Thank you very much for the comment. I  
6 wanted to perhaps clarify that this is a rulemaking  
7 initiative. There are regulatory requirements that  
8 are already on the books for licensing of reprocessing  
9 facilities. The activities involved with remediation  
10 and cleanup of contaminated sites is under one  
11 regulatory process. We are talking about something  
12 that, although it's in the same area, our focus of  
13 this particular meeting and discussion is on the  
14 regulatory requirements that would facilitate  
15 licensing of a potential future facility.

16 That's not to say that we would approve a  
17 license application for that. So, our licensing  
18 activities for any potential future facility or  
19 activity in that area would, in and of itself, be  
20 standalone.

21 So, simply by pursuing and proceeding with  
22 the rulemaking does not infer that an approval is  
23 guaranteed. Each --

24 MS. D'ARRIGO: Absolutely -- wait a  
25 minute. My understanding, when regulatory agencies

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1 such as the NRC receive an application, as long as the  
2 application criteria are met, you must grant that  
3 license. You can't decide, no, down the pike, no, we  
4 can't give this license; it's not necessary; they've  
5 met the A, B, C steps they have to meet. So, it is  
6 pretty much allowing for new reprocessing facilities.  
7 That's what you're trying to do. It's quite  
8 distinctly related.

9 We are being told at West Valley we have  
10 to sacrifice. We are being told at potential  
11 permanent waste repository consolidated, supposedly  
12 interim, sites that we have to sacrifice because this  
13 waste has already been generated.

14 So, I know the NRC loves to separate the  
15 creation of the waste from dealing with the waste  
16 itself, but we are at a point where we have one bit of  
17 commercial reprocessing history in this country. The  
18 license application and the licensing rulemaking would  
19 be to license similar facilities; i.e., to repeat that  
20 one mistake. Maybe it wouldn't be on two plateaus  
21 that are eroding into the Great Lakes. Maybe it would  
22 be a different process that would not make Cattaraugus  
23 Creek the hottest radioactive water in the country  
24 during operating -- unlikely.

25 So, what I'm asking is, has there been any

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1 -- I mean, I guess you've answered it in what you've  
2 said -- is there any consideration of the consequences  
3 of your business? The consequences of reprocessing  
4 exist. We can see at West Valley, we can see NRC and  
5 its cleanup standards saying, well, it can't meet the  
6 cleanup standards; we're going to have to be flexible.  
7 How can you proceed to do that same process again, in  
8 complete denial of, or are you considering what  
9 happened at West Valley?

10 MR. REGAN: So, thank you for the  
11 additional perspective. If I can summarize for you,  
12 it appears that you're communicating to us that you do  
13 not support us moving forward with the rulemaking, is  
14 that correct?

15 MS. D'ARRIGO: Absolutely.

16 MR. REGAN: Okay. Thank you.

17 MS. D'ARRIGO: Not to make more  
18 reprocessing.

19 MS. ROQUE-CRUZ: Thank you.

20 MS. D'ARRIGO: And I want to know who's  
21 going to pay to solidify the waste.

22 MS. ROQUE-CRUZ: Thank you. Thank you for  
23 your comment.

24 Again, we really want to focus to whether  
25 we want to keep moving on with the rulemaking or not.

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1 So, thank you for that.

2 Do we have any other comments/questions on  
3 the line?

4 OPERATOR: Yes. Our next question or  
5 comment comes from Steve Curtis.

6 Your line is open.

7 MR. CURTIS: Hello. Thank you. My name  
8 is Steve Curtis, and I have been looking at this issue  
9 for quite a while. And currently, I'm representing a  
10 grassroots effort called Virginia Recycles SNF.

11 And I'm really amazed at how many people  
12 on the line are really, really upset with this issue.  
13 And I think it's matter of just education of the  
14 public. There hasn't been a lot of that going on.

15 And our effort is to educate the public.  
16 But we feel there's a real future in reprocessing and  
17 recycling the spent nuclear fuel. The vast majority  
18 of audiences we talk to agree with that, for the  
19 reasons that John Kelly outlined and some of the  
20 reasons that Sven Bader outlined.

21 And so, what I would like to say is that  
22 we want to keep the option open. I think what you're  
23 doing is probably the right approach. Until somebody  
24 comes in and make a request for you to have a  
25 reprocessing facility, then I think you should

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1 probably table the rulemaking for now.

2 The correlate to that is there are new  
3 techniques for reprocessing also. One of them is fire  
4 processing. I think you'll be hearing about that  
5 sometime in the near future.

6 Anyway, that's my comment, and we're going  
7 to try to do some grassroots educating in the future.

8 MS. ROQUE-CRUZ: Thank you very much.

9 Let's go back to the room. Any  
10 questions/comments in the room?

11 (No response.)

12 Nothing here. Any questions/comments on  
13 the bridge line?

14 OPERATOR: Yes. We have a question or  
15 comment from Marvin Resnikoff.

16 Your line is open.

17 MR. RESNIKOFF: Thank you.

18 Can you hear?

19 MS. ROQUE-CRUZ: Yes, sir, we can.

20 MR. RESNIKOFF: Okay. My name is Marvin  
21 Resnikoff. I was involved with the Sierra Club  
22 Radioactive Waste Campaign, and I want to underline  
23 the points that were raised by Diane D'Arrigo, Kevin  
24 Kamps, and Barbara Warren.

25 I noticed in your slide that you were

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1 going to go back to 2006 history, and what some of  
2 these respondents have said is they want you to go  
3 back to the earlier history of West Valley. And that  
4 means going back to the 1970s. I encourage you to  
5 take a look at what happened in the licensing  
6 proceeding in the 1970s, in particular, to look at the  
7 contentions that were raised by intervening groups and  
8 the issues that were raised then. Many of them have  
9 now come back to haunt us.

10 In particular, points that were raised by  
11 Kevin Kamps regarding the economics, where he said the  
12 cost is going to be between \$5 and \$10 billion to  
13 decommission that facility. Just to go over the  
14 economics of that facility, it was purchased by loans  
15 from the State of New York in 1963 for \$32 million.  
16 It brought in, in the 16 years it operated, \$22  
17 million in revenue. And the cost to decommission is  
18 somewhere between \$5 and \$10 billion.

19 So, you have to ask yourself, how exactly  
20 are you going to factor into the cost of reprocessing  
21 the decommissioning cost when you do your licensing  
22 proceeding? That's the point I would like to raise.

23 MS. ROQUE-CRUZ: Thank you.

24 Any other questions/comments on the bridge  
25 line?

1 OPERATOR: Yes. We have a question from  
2 Jane Budar (phonetic).

3 Your line is open.

4 MS. BUDAR: Can you hear me?

5 MS. ROQUE-CRUZ: Yes, we can hear you.

6 MS. BUDAR: Okay. My objection is trying  
7 to silo these questions when you have the public  
8 listening. It doesn't work because people come in and  
9 they're going to talk to you about what is really  
10 concerning them.

11 But, as far as the rulemaking goes,  
12 rulemaking takes a long time and costs a lot of money  
13 and staff time and paperwork and computer and stuff.  
14 And so, it's going to be an expensive process to do  
15 these rules. That is something that I think we should  
16 not be doing, but the fact is that, if you make the  
17 rules and you have a set of rules, somebody is going  
18 to come in and meet those rules and say they want to  
19 start reprocessing. And I don't think they can do  
20 that feasibly without the set of rules. So, what  
21 you're basically doing is setting the groundwork for  
22 a reprocessing process, which you have heard in this  
23 session is not a good idea.

24 Now John Kelly brought up a lot of things  
25 that were outside the silo of what you're trying to

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1 confine us to. And because he did, I want to argue  
2 with some of the things that he said, one of which is  
3 nuclear power is not clean. It does produce  
4 emissions. If you take the fuel cycle from beginning  
5 to end, there are many, many problems, especially with  
6 Native Americans who go into the mines, and there's an  
7 expression: you may run into an old coal miner, but  
8 you'll never run into an old uranium miner because  
9 they get sick. And that's a whole other story.

10 Another thing that he brought up was the  
11 dose limit. Now I'm not trying to go outside of your  
12 silo, but he did. And for his claims about dose  
13 limits to stand is not acceptable. The dose limits  
14 that were promulgated in the '70s were mostly external  
15 dose limits. And the common man -- I can't ever think  
16 of the right name for it -- but the example of a human  
17 being that experiences these dose limits was a healthy  
18 man, 5'10", 140 pounds, or, you know, I'm not sure,  
19 but maybe 180 pounds. I don't know what that was, but  
20 they didn't count the fetus. They didn't count the  
21 child. They didn't count the woman.

22 And so, I just think Mr. Kelly's comments  
23 on dose limits are totally refutable, and I don't  
24 think they should stand in this process.

25 MS. ROQUE-CRUZ: I'm sorry, just to that

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1 we capture your comment adequately, for that first  
2 question, you're saying that you understand that the  
3 NRC should stop working on the rulemaking? Is that  
4 correct?

5 MS. BUDAR: I think they should stop  
6 working on the rulemaking because, if they do make  
7 these rules, there will be somebody who comes in  
8 requesting a license to do reprocessing, and we have  
9 already seen that that is a disaster.

10 May I bring up one more point? Nobody has  
11 mentioned Monju in Japan. Monju was not a  
12 reprocessing center. It was a breeder reactor. It  
13 was expensive. It was a disaster, and it was filthy.  
14 So, this was another type of reprocessing called a  
15 breeder reactor, and reprocessing is a really bad  
16 idea.

17 We should take our nuclear waste, place it  
18 where it is created, or as close to there as possible  
19 -- and SONGS is obviously a place that is not  
20 possible; it has to be moved -- and bunker it against  
21 external threat and be sure that it is being kept in  
22 proper casks, bunkered against earthquakes and against  
23 external threats. And this is called HOS, hardened  
24 onsite storage, and we should make sure that this is  
25 what is happening.

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1 MS. ROQUE-CRUZ: Thank you. Thank you for  
2 your comment.

3 Do we have any other questions/comments on  
4 the bridge line?

5 OPERATOR: Yes. We have a question from  
6 Kyle Sherman (phonetic).

7 Your line is open.

8 MR. SHERMAN: Thank you for this  
9 opportunity and for the opportunity to present  
10 comments and questions.

11 I'd like to voice my support in favor of  
12 the rulemaking. Many of the nuclear utilities, though  
13 they have not instigated the inquiries to try to build  
14 reprocessing facilities, I think that is largely  
15 because the regulatory framework is not set. That  
16 regulatory framework is not something that has been  
17 laid before them. And I believe that if that was made  
18 clear, that that process would begin to flourish and  
19 to bloom.

20 Thank you for your time.

21 MS. ROQUE-CRUZ: Thank you.

22 Any other questions/comments on the bridge  
23 line?

24 OPERATOR: Yes. We have a question from  
25 Pamela Green (sic).

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1                   Your line is open.

2                   MS. GREENLAW: Yes. Can you all hear me?

3                   MS. ROQUE-CRUZ: Yes, we can.

4                   MS. GREENLAW: Okay. My name is Pamela  
5 Greenlaw, and I'm working as a volunteer with a Sierra  
6 Club group in South Carolina.

7                   I have questions about the topic you're  
8 trying to narrow this to, rulemaking for particular  
9 purposes. So, I wanted to direct us back to slide 6  
10 in the PowerPoint. Staff was directed to limit the  
11 development of the framework to resolution of Gap 5,  
12 quote, "Safety and Risk Assessment Methodologies and  
13 Considerations for a Reprocessing Facility". Would  
14 you flesh that out for us? We don't know what kind of  
15 limit. We don't know if this proposed rulemaking is  
16 going to not consider safety and risk assessment  
17 methodologies or if you are. So, would you expand on  
18 that for us, please?

19                   MS. REED: This is Wendy Reed at the NRC.

20                   So, as I presented, as part of the  
21 regulatory framework development, the staff was asked  
22 to look at the various gaps in the regulations that  
23 would need to be addressed for reprocessing. And as  
24 I mentioned, one of those gaps was the fifth one,  
25 which pertained to like risk and safety aspects.

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1           And so, we looked at reprocessing, because  
2           it does have some, I guess, novel, in regards to  
3           reactors, potential accident scenarios. And so, we  
4           were looking -- the project was a way of looking at  
5           how best to address these to ensure that the chances  
6           of these accidents was mitigated, and that was part of  
7           the resolution for Gap 5.

8           We did do a draft, as I said, regulatory  
9           basis and we issued that in 2011. It was, I think,  
10          the attachment to SECY-11-0163. And that details --

11          MS. GREENLAW: I'm sorry, 611? I'm sorry,  
12          please. I'm sorry. You have to slow down. I don't  
13          write this fast. It was part of what now, SEC?  
14          That's EC-11?

15          MS. REED: Yes, so S-E-C-Y, dash, 11,  
16          dash, 0163. And that was the draft regulatory basis.  
17          And as part of that, we --

18          MS. GREENLAW: And that's 2011?

19          MS. REED: Yes, so that was back in --

20          MS. GREENLAW: In 2011, right?

21          MS. REED: Yes.

22          MS. GREENLAW: So, that was nine years  
23          ago?

24          MS. REED: Correct.

25          MS. GREENLAW: And so, the public is

1 expected to go back and read that from nine years ago  
2 on a dime and, then, respond to you in this narrow  
3 -- you want us to say yes or no to go forward with  
4 rulemaking, is that correct?

5 MS. REED: No, we were not expecting the  
6 public to go back and review the regulatory basis  
7 document. We are asking for people's opinions on the  
8 reprocessing rulemaking as it stands today.

9 MS. GREENLAW: Okay. So, the rulemaking  
10 that's going on today, we don't even see the proposed  
11 rule you're talking about? You're expecting a final  
12 technical basis on the Gap 5 resolution and proposed  
13 path forward rulemaking in early 2021. How is the  
14 public supposed to look at what kind of rule you're  
15 proposing before we can say go forward or stop?

16 People here on the line so far have been  
17 referring to their experiences of the past and they're  
18 pretty horrific. And then, you want us to say yes or  
19 no, go forward; go back. But you don't want to hear  
20 the answers.

21 So, I would like to suggest a couple of  
22 things. That you open this to, put this in The  
23 Federal Register and get public comment to tell us  
24 what the reprocessing rule proposal/draft looks like.  
25 We want to know what you're talking about because this

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1 is all in code for the public. Okay? I'm not talking  
2 about those of us who read these things, but we're  
3 talking about the public.

4 Because this whole process you're going  
5 through right now is very inadequate for you purport  
6 to be doing, which is listen to the public. And the  
7 public does, I agree with the gentleman earlier, Mr.  
8 Curtis from Virginia, who says table it. If nothing  
9 else, table it for now and do some public education.  
10 It will come back, and we'll say, "Yeah, move forward"  
11 or "Stop." But you're asking us to do this and you're  
12 asking the public to do this without any proper public  
13 education.

14 MR. RAHIMI: This is Raj Rahimi at the  
15 NRC.

16 Yes, I think what Wendy in her  
17 presentation is saying, that if we decide to proceed  
18 with the rulemaking, yes, definitely, we issue the  
19 draft rule for public comment, The Register. Yes, all  
20 that process is included. So, this is not, I mean,  
21 this public meeting is not that they're going forward  
22 with a final rule. But if we decide to go ahead with  
23 the rulemaking, part of that process is we will issue  
24 the draft rule, get the public comments, and in The  
25 Federal Register.

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1 So, here at --

2 MS. GREENLAW: Okay, that's really not --  
3 I understand that process, sir. What I'm saying is  
4 that your letters of interest from four nuclear  
5 industry companies, they support updating the  
6 regulatory framework. And so, they're interested in  
7 it, and that's the big reason that the NRC is moving  
8 forward on rulemaking, because you've got four  
9 industry companies that said, "Yeah, we're going to  
10 support this." And that's all the public knows, is  
11 that, you know, between those years of 2008 and 2013,  
12 that's your go-ahead. But, then, you stopped  
13 rulemaking because of the budget.

14 MR. RAHIMI: Yes. Yes, you're right. I  
15 mean, that was about six-seven years ago. That was  
16 the interest. But I think the focus of this meeting  
17 is we are visiting this question. And what we are  
18 asking, the rule is really to protect public health  
19 and safety if there is a need for reprocessing.

20 And what we're asking from the industry is  
21 in terms of, do you see in the foreseeable future that  
22 there will be an application for reprocessing? And  
23 that is a question. And so far, really, I have not  
24 heard from industry that's the case. The only thing  
25 that I have heard from the industry, they think it's

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1 good to have the rule. But I think our regulation,  
2 the need for regulation drives from the necessity, if  
3 they are going to do some operation, and we write the  
4 rule to protect public health and safety.

5 MS. GREENLAW: Well, people have already  
6 reported that there is no history of protecting public  
7 health and safety. And so, actually, you should  
8 probably abandon doing rulemaking at this point.  
9 You're not listening to people talking to you about  
10 safety and risk, although it's on the agenda. The  
11 people are being cut off and you're trying to narrow  
12 it down to, oh, you want us to go forward or you  
13 don't. Is that it? "Thank you very much, ma'am."  
14 "Thank you very much, sir." And then, we move on.  
15 And I think that your process is very flawed.

16 I'm going to say one more thing, and then,  
17 I'll shut up.

18 MS. ROQUE-CRUZ: Thank you.

19 MS. GREENLAW: Ma'am, ma'am?

20 MS. ROQUE-CRUZ: I just want to make sure  
21 that I get your comment adequately. So, you are  
22 opposed to the NRC continuing with the rulemaking.  
23 And thank you for your comment. We just want  
24 everybody to get an opportunity to bring their  
25 thoughts and to be able to provide their comments to

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1 us. And we are on a schedule. So, we need to move  
2 on. So, thank you.

3 And do we have another question or comment  
4 on the phone?

5 OPERATOR: Yes. Our next question comes  
6 from Don Hancock.

7 Your line is open.

8 MR. HANCOCK: This is Don Hancock with  
9 Southwest Research and Information Center in  
10 Albuquerque. We have had long involvement in the  
11 various fits and starts of this rulemaking. We agree  
12 that you should stop the rulemaking. You should  
13 discontinue it.

14 I wanted to say I was a little surprised  
15 in your historic summary that you didn't mention the  
16 workshops that you held in 2010 and the rulemaking  
17 comments that you got in 2011. My organization, as  
18 well as numerous others, were involved and I think  
19 sent a pretty clear message then you should not  
20 proceed. Clearly, it's still the case that you should  
21 not proceed. And you have lots of bases to do that in  
22 terms of both what you've heard in the past and what  
23 you're hearing again today.

24 In terms of the attention of the industry,  
25 I think you heard pretty clearly from Orano that they

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1 are not moving forward with a licensing application.  
2 In fact, there's no company that has any site that  
3 they've educated the local public to reprocessing  
4 being a good idea in that community, given the history  
5 of contamination and economic problems that all the  
6 reprocessing sites have had, not only the commercial  
7 site at West Valley that's been talked about, but the  
8 military AEC reprocessing sites in the United States,  
9 which are still in cleanup mode even longer than West  
10 Valley, apparently, is going to be.

11 So, I think it's clear there is no  
12 economic basis to proceed. The industry is not saying  
13 that they are needing you to proceed or wanting you to  
14 proceed, or that they have any or that they're even  
15 close to having any site that they might be able to do  
16 reprocessing. So, yes, please discontinue the  
17 rulemaking and spare us and NRC staff and the  
18 taxpayers from having to continue in this kind of  
19 process. I hope that will be your recommendation to  
20 the Commission in your report in these next few months  
21 that you mentioned.

22 Thank you.

23 MS. ROQUE-CRUZ: Thank you.

24 Any other questions/comments in here, the  
25 room?

1 And I see one.

2 MR. BADER: This is Sven Bader from Orano  
3 again.

4 First off, I don't agree with what the  
5 last client said. So, you know, he's not speaking for  
6 industry.

7 The second point is I just want to make an  
8 understanding. Right now, there is a rule for  
9 reprocessing and it's under Part 50, correct?

10 MS. REED: Yes, that is correct.

11 MR. BADER: So, what we're trying to do is  
12 address some of these 23 gaps, right?

13 MS. REED: Yes.

14 MR. BADER: Okay. So, all these people  
15 who are saying don't move forward with rulemaking are  
16 really basically saying leave the rule like it is with  
17 the 23 gaps. Is that the way the NRC would state  
18 that?

19 MS. REED: I guess that what I'm  
20 understanding is a lot of people don't want us to go  
21 forward with any further rulemaking regarding  
22 reprocessing, for various reasons. That's what I'm  
23 hearing today.

24 MR. BADER: So, you would leave the  
25 existing regulation with the 23 gaps in it?

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1 MS. REED: Pardon? Could you repeat that,  
2 please?

3 MR. BADER: You would leave the existing  
4 regulation with the 23 gaps in it?

5 MS. REED: Sorry, Chris.

6 MR. REGAN: That would be the perspective,  
7 yes --

8 MR. BADER: Okay.

9 MR. REGAN: -- because there are rules on  
10 the books right now. The rulemaking is to address the  
11 gaps. We've been directed by the Commission to move  
12 forward at this time with the rulemaking to address  
13 Gap 5. We are at a decision or pursuing a decision to  
14 discontinue that rulemaking or propose to the  
15 Commission that we discontinue the rulemaking to  
16 address the Gap 5.

17 MR. BADER: Okay. Okay. So,  
18 theoretically, industry could still make an  
19 application with the NRC under the existing regulation  
20 of Part 50?

21 MR. REGAN: Yes.

22 MR. BADER: Okay. Thank you.

23 MS. ROQUE-CRUZ: Any other questions here  
24 in the room? Or comments?

25 (No response.)

1           If not, we're going to go back to the  
2 phone, and then, we'll go back to the room, to just  
3 keep it interesting.

4           Questions/comments on the bridge line?

5           OPERATOR: We have one question in queue  
6 from Barbara Warren.

7           Your line is open.

8           MS. WARREN: Okay. So, you actually  
9 raised -- yes, this is Barbara Warren again -- you  
10 actually a real question here now. In other words,  
11 you are saying that you would still entertain an  
12 application for reprocessing, even though you've  
13 identified a long list of gaps and you would not  
14 address those gaps, but you would proceed to analyze  
15 the application that was submitted to you?

16          MS. REED: This is Wendy Reed from the  
17 NRC.

18          Yes, if a potential licensee came in with  
19 an application that's under 10 CFR Part 50, because  
20 the reprocessing facility falls into the definition of  
21 a production facility, we would review it against the  
22 Part 50 regulations. Admittedly, many of those  
23 regulations may not apply, and it would probably be  
24 necessary for a lot of -- or we'd have to regulate by  
25 orders. So, it would be a complex licensing action

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1 under Part 50.

2 MS. WARREN: Okay. I want to say that I  
3 reviewed the document, the 2007 "Managing Spent  
4 Nuclear Fuel in the U.S.: the Illogic of  
5 Reprocessing". It mentioned that it hadn't been U.S.  
6 policy since 1982 not to reprocess spent nuclear fuel.  
7 So, I have a lot of questions about what's occurring  
8 right now, and I would suggest that we're going to  
9 need a Federal Register notice and an Environmental  
10 Impact Statement if you are proposing to consider  
11 reprocessing again in the U.S.

12 It is serious proliferation, nuclear  
13 proliferation risk. We have not discussed much of  
14 that today, but that is a major risk. And so, I think  
15 we're going to need an Environmental Impact Statement,  
16 quite frankly.

17 MS. ROQUE-CRUZ: Okay. Thank you.

18 I just want to, again, I want to make  
19 sure, we definitely want to hear your thoughts, but we  
20 want to hear your thoughts of everybody. If you come  
21 back on the line and you have a question, please do  
22 so, but please do not call back to repeat a comment  
23 because we want to give an opportunity to everybody to  
24 be able to speak and for us to be able to listen to  
25 their comments.

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1                   With that, do we have any other  
2 questions/comments on the bridge line?

3                   OPERATOR: Yes. We have a question from  
4 Tom Clements.

5                   Your line is open.

6                   MR. CLEMENTS: Yes, thank you again. This  
7 is Tom Clements, Columbia, South Carolina.

8                   And a new term was raised on this call,  
9 and I wanted to get the NRC's reaction to it and if it  
10 is part of this proceeding. We heard the term "small  
11 modular reprocessing," which I'm not familiar with.

12 And I wasn't surprised that the Orano gentleman raised  
13 it. But is the term "small modular reprocessing" an  
14 NRC term and are you looking at this so-called "small  
15 modular reprocessing" as any part of the rulemaking?

16                   And I'll leave it at that. Thank you very  
17 much.

18                   MR. REGAN: This is Chris Regan.

19                   I can offer, no, that's not a term that  
20 we're familiar with. Small modular reactor, SMR, yes.  
21 Small modular reprocessing, no

22                   And the second part of your question, if  
23 I understood or heard you correctly, was, would that  
24 small modular reprocessing be considered as part of  
25 this rulemaking? Certainly it would be something that

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1 we're going to look into and it would be part of our  
2 decisionmaking process on whether we propose to  
3 continue or not to the Commission.

4 MS. ROQUE-CRUZ: All right. We have a  
5 comment/question here in the room.

6 MR. KAMPS: Thank you. Kevin Kamps with  
7 Beyond Nuclear and Don't Waste Michigan.

8 I just wanted to comment briefly on the  
9 process. I found the treatment by the NRC staff of  
10 Marvin Lewis, followed by John Kelly, to be a double-  
11 standard. Marvin Lewis was trying to communicate  
12 reasons why he would discontinue not only this  
13 rulemaking, but reprocessing, period, and was quickly  
14 cut off, where John Kelly, who had reasons why he  
15 supports reprocessing and supports this rulemaking,  
16 was not cut off.

17 And I would like to respond to one of John  
18 Kelly's points that he raised, and someone else, I  
19 think Barbara Warren, someone brought it up as well,  
20 this carbon dioxide claim. Maybe it was Jan Budar.  
21 That nuclear power is needed, reprocessing is needed  
22 to save the climate. And I would just like to point  
23 out that one of the emissions from reprocessing is  
24 radioactive carbon-14, which, then, yes, can become  
25 carbon dioxide. It can take other chemical forms.

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1           The significance of radioactive carbon-14,  
2           an artificial, hazardous substance, is that it's  
3           perhaps one of the most biologically-hazardous  
4           substances generated by nuclear power, generated by  
5           reprocessing. It has a 5,500-year half-life. So,  
6           multiply by 10, 55,000 years of hazard, if not 110,000  
7           years of hazard, to be more conservative, and it goes  
8           everywhere that carbon goes, which is everywhere in  
9           the human body, everywhere in the food chain. And  
10          that's another reason that reprocessing should not  
11          happen and why this rulemaking should be ended.

12                 And I guess to finish the thought, to  
13          respond to Orano's last point a minute ago, I  
14          mentioned the Executive Orders that were issued by  
15          Gerald Ford and Jimmy Carter, and there's been this  
16          ping pong game between different Administrations  
17          trying to bring reprocessing back, trying to end it;  
18          the economic nonsense, and then, turning to the public  
19          to make it economic by subsidizing it with public  
20          money.

21                 So, whether it's Executive Orders from the  
22          White House or whether it's congressional legislation,  
23          that would be another response from the public who  
24          wants none of this to happen, and maybe that's what it  
25          will take.

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1           And I would just point back to the Global  
2 Nuclear Energy Partnership. I mentioned the broad  
3 coalition that resisted that during the Bush-Cheney  
4 Administration. It was a large groundswell of  
5 opposition that rose up in this country.

6           So, why waste the money? Why waste the  
7 time? You're going to be met with fierce resistance.  
8 And you've heard the reasons why. More than 50 years  
9 of experience with this technology in this country.  
10 With nuclear weapons proliferation to places like  
11 India, we still live with the risks of nuclear war  
12 between India and Pakistan because of reprocessing.

13           Thank you.

14           MS.       ROQUE-CRUZ:           Any       other  
15 questions/comments on the bridge line?

16           OPERATOR: We have a question from Michael  
17 Keegan.

18           Your line is open.

19           MR. KEEGAN: Hello. I'm Michael Keegan  
20 with Don't Waste Michigan.

21           Yucca Mountain, that was a success, a huge  
22 success, because it kept the lie alive. It kept the  
23 illusion that there was a solution alive. And now,  
24 without that illusion, we need another illusion, which  
25 is reprocessing. It's the illusion of a solution.

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1           We have 50 years of failure. Now I've  
2           been at this for 40 years, and the lessons I learned  
3           is that the NRC is incapable of learning lessons.  
4           They are major proliferation issues involved here.

5           In 1976, Harvard's Legal Law Review  
6           conducted a colloquial for about a year and a half.  
7           They brought together about a hundred experts on  
8           security, on nuclear, on policy, and they concluded  
9           that you would need a police state if you were going  
10          to be pursuing a plutonium economy or reprocessing  
11          economy.

12          So, my question to you is, what are the  
13          security costs involving towards reprocessing? And I  
14          vehemently go on record in opposition to you carrying  
15          forward with this petition. So, please stop it. Take  
16          that \$2.4 million, invest in looking at how you're  
17          digging a deeper and deeper hole. The jig is up at  
18          Yucca Mountain. The jig is up here. Stop the  
19          illusions. This is a kabuki dance and you are doing  
20          the public a great disservice. Do some full cost  
21          accounting. You'll soon learn that you are digging a  
22          deeper and deeper hole.

23          Now I need some response on the security  
24          question. What are the security costs and what are  
25          the thoughts on that?

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1 Thank you.

2 MR. REGAN: So, thank you for the  
3 question. Unfortunately, we don't have the necessary  
4 subject matter expertise in the room to be able to  
5 answer your question at the moment. It's a little  
6 outside the scope of the purpose of this public  
7 meeting, but we will take that back and ensure that  
8 that's something we consider in our decisionmaking  
9 process on whether to propose to the Commission on  
10 whether to move forward with the rulemaking or not.

11 Thank you.

12 MS. ROQUE-CRUZ: Any other  
13 questions/comments on the bridge line?

14 OPERATOR: There are no additional  
15 questions in queue.

16 MS. ROQUE-CRUZ: Any questions/comments  
17 here in the room?

18 MR. LYMAN: Sorry, it's Ed Lyman again  
19 from UCS.

20 So, I'm not sure our position was  
21 completely clear on the question before you. So, we  
22 understand there is a balance; that the current rules  
23 that would allow a reprocessing plant application to  
24 come in under Part 50 today are inadequate from both  
25 safety and security perspectives. But we do have to

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1 balance whether -- in our view, the way the Commission  
2 has already limited the scope of what you're trying to  
3 do to one gap and not looking at some of the other  
4 issues that are discussed has already minimized the  
5 value of this kind of process. So, from that point of  
6 view, we don't support you going forward.

7           However, if there were a firm commitment  
8 by a potential applicant who has expressed their  
9 interest in actually submitting an application for a  
10 reprocessing plant, we would expect that the rules  
11 should be revised to ensure that that plant actually  
12 would meet the necessary safety and security  
13 requirements. So, we would not want to see a  
14 reprocessing plant licensed under Part 50 today.

15           Thank you.

16           MS. REED: This is Wendy Reed from the NRC  
17 staff.

18           I would just like to make some  
19 clarifications about the SRM we received from the  
20 Commission regarding Gap 5. What the Commission asked  
21 us to do was to focus on the resolution of the Gap 5  
22 for the time being. And as I said, in early 2021,  
23 we're supposed to report back to the Commission with  
24 the finalization of the Gap 5 regulatory basis and a  
25 path forward.

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1 I guess at that time the Commission could  
2 make, if that were, indeed, the path that we followed,  
3 the Commission could make the decision that we would  
4 resolve all of the other gaps as well at that time.  
5 But the Commission did say that at this time we focus  
6 on Gap 5.

7 Thank you.

8 MS. ROQUE-CRUZ: Do we have any  
9 questions/comments on the bridge line?

10 OPERATOR: Yes. We have a question from  
11 Pamela Greenlaw.

12 Your line is open.

13 MS. GREENLAW: Thank you very much.

14 Yes. So, when will be the next public  
15 input after you look at that particular gap? When  
16 will be the next public meeting?

17 And the next question I want to ask is,  
18 will this transcript be made available on ADAMS?

19 Thank you for today's session. Thank you.

20 MS. REED: This is Wendy Reed.

21 At this time there are no plans for any  
22 further public meeting or public engagements with  
23 regard to this rulemaking. As I stated during my  
24 presentation, we're intending to communicate our  
25 recommendations to the Commission in the next two to

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1 three months, ideally, on whether we should go forward  
2 with this rulemaking or if we should discontinue the  
3 rulemaking at this time.

4 To your second question, yes, the  
5 transcript will be made public in ADAMS for the public  
6 to view.

7 MS. ROQUE-CRUZ: Any other  
8 questions/comments here in the room?

9 Yes?

10 MR. KAMPS: Hello. Kevin Kamps, Beyond  
11 Nuclear and Don't Waste Michigan.

12 Just very briefly, I think I mentioned the  
13 double standard for taking comments today. And I  
14 think an explanation for it, hearing Ed Lyman's  
15 comments just now, the rules coming down from the  
16 Commissioners themselves to staff, it just seems like  
17 the agency is being schizophrenic, is having some kind  
18 of a split personality disorder.

19 Many of us from the public interest  
20 community who spoke out against reprocessing today,  
21 those are issues that have to be integrated into these  
22 decisions. And to not be able to hear them makes no  
23 sense. It was mentioned by several speakers, I think,  
24 that under the National Environmental Policy Act, this  
25 has to be addressed. You can't segment off, you can't

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1 separate things that are inseparable. So, under NEPA  
2 alone, at some point the NRC is going to have to  
3 address the safety, the security, like it or not.  
4 That's the law. I know it's under attack by the Trump  
5 Administration, and the environmental movement in this  
6 country is fighting back against that attack to try to  
7 protect NEPA. But the hard look of NEPA requires that  
8 all these questions and all these concerns be  
9 addressed, at least with a hard look.

10 And by not wanting to hear -- and I point  
11 back to that Marvin Lewis, followed by John Kelly  
12 disconnect -- you have to hear all sides about these  
13 things. So, I'd just point that out.

14 Thank you.

15 MS. ROQUE-CRUZ: We are 15 minutes, or a  
16 little bit less, from the end of this meeting, and  
17 there's a few more slides after this one.

18 I'm going to go with one more  
19 question/comment on the bridge line. I think we have  
20 time.

21 Do we have anyone?

22 OPERATOR: We have one question from Vina  
23 Colley.

24 Your line is open.

25 MS. COLLEY: Hello. This is Vina Colley,

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1 and I'm President of Portsmouth/Piketon Residents for  
2 Environmental Safety and Security and National Nuclear  
3 Workers for Justice.

4 And we are victims of reprocessing at the  
5 Portsmouth Gaseous Diffusion Plant, the Paducah Plant,  
6 and the Oak Ridge Plant. The Government has paid lots  
7 of money to these sick and dying workers. So, for you  
8 not to stop this ruling and stop this processing of  
9 reprocessing reactor fuel is a crime. The Government  
10 is spending taxpayers' dollars trying to compensate  
11 us, and it's putting us through all kinds of  
12 loopholes.

13 I testified about the depleted uranium and  
14 reprocessing a few months ago. And we asked them to  
15 have public comments and come to the public and let us  
16 speak about what they've done to us already. So, if  
17 you let them do this without public participation,  
18 then you're going to be just as bad as they are.

19 And to my understanding, the NRC doesn't  
20 have any jurisdiction over the isotopes of these  
21 facilities. So, it's very scary that you are willing  
22 to let them have a process without putting public  
23 input. It is a crime against humanity.

24 I am a worker from this plant, and for 38  
25 years I have been putting my life into making people

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1 understand what they had done to us. And the  
2 Government, a representative, in 2000, admitted that  
3 they made us sick and they want to help us, and they  
4 want to make it good. But they haven't made it all  
5 good. Workers are still fighting and workers are  
6 still dying.

7 So, I'm asking you to please do not let  
8 them do this reprocessing. Thank you.

9 MS. ROQUE-CRUZ: Okay. Thank you so much.  
10 Thank you so much.

11 I see no questions/comments here in the  
12 room.

13 This meeting, as Wendy mentioned, is being  
14 transcribed and the transcript will be available, it  
15 will be publicly available in ADAMS. And I believe  
16 the webcast will also be, it's available.

17 If you have any questions/comments in the  
18 coming days or weeks, can they submit email? Okay.  
19 And I think it was mentioned there's, at this time,  
20 there's no Federal Register. The comments that we  
21 received today is the comments we're going to -- this  
22 meeting was made with the idea to get the comments and  
23 the feedback from the public. So, at this time,  
24 there's no comment period for this meeting.

25 MS. REED: Carla, sorry, can I just

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1 interrupt?

2 We did get a few comments via email from  
3 people who, for various reasons, couldn't participate  
4 today. So, one email, as Mr. Clements alluded to, we  
5 received from Energy Solutions. He stated that they  
6 are no longer interested in reprocessing. And we also  
7 received three emails from members of the public who  
8 opposed the reprocessing based on safety and  
9 proliferation concerns. So, those, as I said, even  
10 though this is the forum for comments, we did accept  
11 those because the people could not attend the meeting  
12 today, and those are in public ADAMS and will be  
13 considered as a part of the process going forward.

14 MS. ROQUE-CRUZ: Thank you for the  
15 clarification, Wendy.

16 With that, we want to thank everybody that  
17 attended this meeting. We want to thank the NRC  
18 staff. We want to thank the people on the bridge  
19 line, the people here in the room.

20 It is two hours. We know there's a lot of  
21 people that feel passionate about the topic, but  
22 that's why we have to keep the meeting moving. That's  
23 why we have to make sure that everybody gets a chance.  
24 That's why we have a facilitator, so that we can keep  
25 the meeting focused and the comments focused, and so

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1 that everybody can go and talk to us and we can  
2 listen.

3 So, thank you so much for going with the  
4 meeting and allowing us to just move along and have  
5 other people express their opinion and give us their  
6 feedback.

7 As Wendy mentioned, that feedback will  
8 help the NRC staff develop a paper to the Commission  
9 pertaining to the spent fuel reprocessing regulatory  
10 basis and any rulemaking that may be an outcome.

11 We are always looking for opportunities to  
12 improve our public meetings and our public  
13 interactions. So, you can go to the NRC web and  
14 there's a link to the feedback form. So, if you have  
15 any comments or if you have anything that you would  
16 like to say in terms of the process or the meeting,  
17 you can fill out that feedback form. Or if you have  
18 any feedback on the meeting, on the process, you can  
19 send an email to [wendy.reed@nrc.gov](mailto:wendy.reed@nrc.gov) and  
20 [edward.lohr@nrc.gov](mailto:edward.lohr@nrc.gov). We will welcome any feedback.

21 For those of you in the room, if you did  
22 not sign up, there's a sign-up sheet right there on  
23 the table next to the door. So, please sign up before  
24 you leave. There's also copies of the slides, if you  
25 don't have that.

**NEAL R. GROSS**

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1           With that, I'm going to turn it over to  
2 see if Chris or Meraj or Wendy have any closing  
3 remarks.

4           MR. REGAN: I would just like to thank  
5 everybody for your active participation. We did  
6 receive significant comment, significant amount of  
7 comment and feedback, and we will consider that in  
8 formulating our recommendation to the Commission, who  
9 has ultimate decision authorities.

10           Thank you very much for attending. We  
11 appreciate your participation.

12           MS. ROQUE-CRUZ: And with that, that  
13 concludes today's meeting. Thank you very much.

14           (Whereupon, at 3:53 p.m., the meeting was  
15 concluded.)

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