

Official Transcript of Proceedings

NUCLEAR REGULATORY COMMISSION

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Reclamation Project Updated
Corrective Action Program

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1 UNITED STATES OF AMERICA
2 NUCLEAR REGULATORY COMMISSION

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4 PUBLIC MEETING ON
5 HOMESTAKE MINING COMPANY GRANTS
6 RECLAMATION PROJECT UPDATED
7 CORRECTIVE ACTION PROGRAM

8 + + + + +

9 Thursday, June 7, 2012

10 + + + + +

11 Red Lion Hotel
12 1501 East Santa Fe Avenue
13 Grants, New Mexico

14 + + + + +

15 6:00 p.m.

16 BEFORE:

17 FRANCIS "CHIP" CAMERON, Moderator
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P R O C E E D I N G S

MR. CAMERON: Good evening, everyone, and welcome to the public hearing on the cleanup of the Homestake Mining Corporation site in Milan. My name is Chip Cameron, and it's my pleasure to serve as your facilitator for tonight's meeting. And in that role I'll try to help all of you to have a productive meeting tonight.

And I just wanted to go over some meeting process issues with you so that you know what to expect tonight. And I'd like to talk to you about the objectives of the meeting, the agenda and format for the meeting, introduce the speakers who you're going to hear tonight, and also talk about some simple ground rules for all of us so that we can have a productive meeting tonight.

In terms of objectives, the first objective is for the NRC staff to provide you with clear information on the process and status of the reclamation of the site. And that also goes for the other agencies that have important roles in the reclamation process; the United State Environmental Protection Agency and the State of New Mexico's Environment Department.

And we thought that the information tonight will hopefully be helpful to you in preparing the

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1 comments that you may want to submit to the NRC on
2 the -- what's called the Revised CAP; it's the
3 Corrective Action Plan. And the speakers will be
4 telling you more about that.

5 Second objective tonight is to provide all
6 of you with an opportunity to discuss these issues with
7 the NRC staff and the staff of the other agencies. And
8 in terms of agenda I think I told most people that the
9 agenda in your package -- the blue package back
10 there -- is outdated -- and we do have a new agenda.

11 And if anybody needs a copy there are copies up here
12 for you.

13 And what we're going to do is we're going
14 to start off with big picture items. We're going to
15 go for an overview of NRC responsibilities. And for
16 that we're going to hear from Larry Camper here, who's
17 the director of the NRC Division of Waste Management
18 and Environmental Protection.

19 We're then going to go to Charles Faultry
20 right here from the EPA. And Charles is the associate
21 director of the Remedial Branch in the EPA Region 6
22 Superfund Division.

23 Then we're going to go out to you for
24 discussion of those big picture items for a half hour.
25 and then we'll take a break for 15 minutes -- give

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1 everybody a chance to walk around or whatever.

2 There may be questions on specific parts
3 of the Corrective Action Plan that come up after -- in
4 the big picture discussion. And I'm going to keep track
5 of those. I'll put them in the famous parking lot so
6 that we could come back to those when we hear the more
7 specific detailed presentations.

8 And that would be at 7:30 where we're going
9 to talk about the Corrective Action Program review
10 progress. And we have Bruce Watson here from the
11 NRC's -- the chief of the NRC Reactor Decommissioning
12 Branch.

13 And then we're going to go to John Buckley,
14 who's right here, that -- John is the senior project
15 manager. He's the project manager on this particular
16 site, and he's in the Division of Waste Management and
17 Environmental Protection. After those two
18 presentations at approximately eight o'clock we're
19 going to go out for discussion with all of you.

20 And I'm holding this microphone that does
21 not amplify. Okay? I always have to pause to think
22 about that when I say that. This microphone is
23 necessary so that Carol Dawley, our court reporter, can
24 get the transcript. Okay? And I'm hoping that
25 everybody can speak up tonight -- people at the podium,

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1 people in the audience who want to talk -- so that
2 everybody can hear you.

3 And when we -- in terms of ground
4 rules -- that brings up ground rules. In terms of
5 ground rules I would just ask you to just hold your
6 questions until the presentations -- both of the
7 presentations in each segment are done so that you can
8 get the whole picture. Then we'll go to you for
9 questions or discussion.

10 If you have something that you want to say
11 just signal me and come up here and use this microphone
12 and introduce yourself to us.

13 And I would also ask that only one person
14 at a time speak for two important reasons. And most
15 important reason is we can give everybody who has the
16 microphone our full attention and listen to what they're
17 saying. Second reason is so that Carol can get what
18 I call a clean transcript. If more than one person is
19 talking at a time she doesn't know who's talking.
20 So -- and that transcript will be publicly available
21 to all of you.

22 And I don't think we're going to have too
23 much problem with this tonight, but I would just ask
24 you to try to be as concise as possible in your comments
25 and questions. And I want to make sure that everybody

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1 gets a chance to talk tonight who wants to. So that
2 help with that goal.

3 And what we'll do is we'll give everybody
4 a chance to talk one time during each discussion period
5 before we go back for opportunities for people to speak
6 a second or third time. I just want to make sure that
7 everybody gets that opportunity to speak.

8 And I guess the final statement would be
9 that just please extend courtesy to everybody. You may
10 hear opinions tonight that differ from your own, so just
11 please respect the person saying that.

12 And before we go to Larry Camper, I just
13 want to make sure that everybody knows that there are
14 a representative here from Senator Bingamon's staff and
15 also from Senator Udall's staff. So thank you for being
16 here. And they also may be asking questions or comments
17 during the discussion period, then can introduce
18 themselves at that time.

19 There's a sign-in sheet at the back -- if
20 you could just, you know, sign on, and then the staff
21 will know how to get you more information. And when
22 we get to questions and answers we may be hearing from
23 the state environment department or other people from
24 the EPA staff. And we'll ask them to introduce
25 themselves at that point.

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1 And I just want to introduce Matthew Meyer who's up here
2 from the NRC staff also working on this particular
3 project.

4 And, with that, Larry, you ready?

5 MR. CAMPER: Ready to go.

6 MR. CAMERON: Okay.

7 MR. CAMPER: Good evening. Thanks for
8 being here and affording us the opportunity to talk with
9 you about the reclamation process for the Homestake
10 site. It's always important for us in Washington to
11 get out in the field where things actually take place.

12 So it's a pleasure to be here with you and hopefully
13 provide some explanation as to the oversight of the
14 reclamation activities at the Homestake site.

15 First slide, Sandra. There's a
16 interesting regulatory history for this site. The
17 slide depicts it. I won't go through every bullet.
18 But the important thing is that some major milestones
19 along the way have happened. The site operated -- 1958
20 it started. 1990 I think is when it ceased operations.

21 1973 New Mexico became an agreement state but then
22 subsequently New Mexico decided to return its agreement
23 to the NRC in 1986 for oversight of uranium recovery
24 activities in the state of New Mexico. 1973
25 the activities were regulated by New Mexico. But

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1 probably a major milestone for this site, of course,
2 was 1983 when the Homestake site was added to the NPL,
3 the National Priority List, and became a CERCLA site
4 at the request of the State of New Mexico.

5 Next slide. What you see here is the
6 regulatory role that we fulfill. We do have a license
7 in place for this site -- you see the license number
8 depicted there. EPA has responsibility also at the site
9 under CERCLA, and also the State of New Mexico has
10 regulatory responsibilities for the site by issuing its
11 discharge permits, which you see identified there by
12 number.

13 So there are three regulators, two federal
14 and one state for the, site. So the site is rather
15 regulated. And, of course, the challenge in all this
16 is to make sure all the regulators work together
17 well -- that we communicate extensively -- and I'm very
18 pleased to say that I think we're doing that. And I'll
19 show you a slide or two in a moment that will hopefully
20 depict that fact.

21 Next slide. We are trying to use what we
22 refer to as an integrated regulatory process. We do
23 have a Memorandum of Understanding with the EPA that's
24 been in place since 1993.

25 The Corrective Action Plan -- the CAP we'll

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1 refer to it this evening -- we're trying to get the CAP
2 that's currently undergoing modification to reflect the
3 needs of all three regulators that I cited -- NRC, the
4 EPA, and the State.

5 The CAP has recently been submitted to us
6 for updating, and Bruce and John are going to talk about
7 that extensively so I won't go into that. But I want
8 you to understand that a key goal is to try to get all
9 of the regulatory concerns captured within our reaction
10 or response to the CAP that's been provided by the
11 operator of the site.

12 We have formed an Executive Steering
13 Committee that consists of the State of New Mexico, NMED,
14 EPA, and the NRC. From time to time DOE, which would
15 ultimately have some long-term stewardship
16 responsibilities for the site, will attend those
17 meetings. But we did have a very successful Executive
18 Steering Committee meeting yesterday in Albuquerque.

19 Next slide. In terms of the MOU, like I
20 said, it's been around since 1993. What you see here
21 are the key components of that Memorandum of
22 Understanding. The NRC in that MOU is designated as
23 the lead federal agency for the site. EPA though has
24 responsibilities to carry out activities at the site
25 under its responsibilities under CERCLA.

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1 And there was a general agreement in that
2 Memorandum of Understanding in 1993 that our regulations
3 in Title 10, Code of Federal Regulations, Part 40,
4 Appendix A, would suffice to satisfy the CERCLA
5 requirements that the EPA has mandated to ensure they
6 take place.

7 Next slide. The Executive Steering
8 Committee that we have in place is something that the
9 NRC proposed about a year and a half ago. The other
10 two agencies readily agreed that it was a good idea.

11 We proposed it because we've used it very
12 successfully at the West Valley site in New York. The
13 West Valley site was a very complicated site. It's a
14 site where federal reprocessing -- the only commercial
15 fuel reprocessing in the United States took place at
16 the West Valley site.

17 And we had many, many regulators. We had
18 multiple state agencies involved, the EPA, the NRC, the
19 Department of Energy. And so the use of an Executive
20 Steering Committee consisting of executives that could
21 make decisions we thought was a model that would work
22 well here around the Homestake site, given that we have
23 three regulators involved as well.

24 So we're using the Executive Steering
25 Committee meeting, and we've had three meetings that

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1 you see depicted: one in August of '08, one in October
2 of '11, and then just yesterday. And the idea, as I
3 said, is to have executives participate that can make
4 decisions and move things along. And we did some of
5 that yesterday I would say.

6 Next slide.

7 MS. HEAD-DYLLA: (from audience): Mr.
8 Camper?

9 MR. CAMPER: Yes?

10 MS. HEAD-DYLLA: Real quick I have a
11 question about that.

12 MR. CAMERON: We'll get to that.

13 MR. CAMPER: Candace, we'll afford you an
14 opportunity here in just a few minutes. I'm going to
15 talk, and then Charles is going to talk from the EPA,
16 and then we're going to afford you the opportunity for
17 some questions.

18 I think a key message that I want to leave
19 with you is the degree to which the agencies involved
20 are working to put all of our requirements into our
21 response that will go back to Homestake about its updated
22 Corrective Action Plan.

23 Now, there will be questions that are
24 technical in nature that are designed to satisfy
25 regulatory requirements. And there will be questions

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1 that are designed to address more global issues, if you
2 will, of a regulatory nature.

3 But we think it's important for, on one
4 hand, the operator to understand what all these
5 requirements are that need to be satisfied. We also
6 think it's equally important for the public to see all
7 of the activities or all the issues and regulations that
8 have to be addressed.

9 And it's much nicer when you can read that
10 in one document and the applicant or the licensee, or
11 the operator in this case, can respond to one document.

12 It's a lot easier to do that for the public than trying
13 to read several different documents coming from several
14 different regulators and you're trying to make some
15 sense and have one fit with the other. So we think that
16 this will be something will afford the public a much
17 better understanding of what we're trying to do.

18 This site is a complex site. Many sites
19 undergoing reclamation and decommissioning -- in our
20 universe at the NRC and the program that I manage I have
21 83 different kinds of sites undergoing decommissioning
22 ranging from nuclear power plants, research and test
23 reactors, fuel cycle facilities, and, yes, uranium
24 recovery sites, Title 1 and Title 2. This
25 one is a complex site because both UMTRCA and CERCLA

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1 apply. And we can get you something that identifies
2 what those things mean.

3 But -- and they have different standards.

4 What that means is they have different cleanup criteria
5 that has to be assigned. So any time you're working
6 under a regulatory process that has more one than
7 standard to bring to bear there are all these challenges
8 that the regulators face when trying to work their way
9 through that. So that's why it's complicated -- it's
10 complex as we refer to it.

11 Interesting development from yesterday is
12 that we intend to develop a Communications Plan and start
13 to provide the community with more information under
14 a regular interval. And we're going to develop a
15 Communications Plan and we're going -- and part of that
16 plan is going to be to put out a newsletter -- and
17 information will flow to you via a newsletter. This
18 has been lacking in the past and we think it's a good
19 idea for you to get more information about the site.

20 So we're going to be working to do that as part of our
21 Communications Plan.

22 Our Communications Plan will be a matter
23 of public record. We'll share that with you so you'll
24 know what we're trying to achieve within that
25 Communications Plan.

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1 The issue of land application -- I think
2 certainly the concerned citizens here this evening know
3 that land application is one of the means that Homestake
4 site operator is using to manage the reclamation of this
5 site. That issue is being reexamined. There have been
6 some changes in the State of New Mexico laws and related
7 regulations that compel us to reexamine that -- the use
8 of land application at this site. So that is going to
9 be reexamined, and the State of New Mexico in particular
10 has the lead as we look at that particular issue.

11 Next slide. The EPA is looking at
12 preparing Records of Decision -- we call them
13 RODs -- for Operating Units 1 and 2. Operating Unit
14 1 deals with ground water. Operating 2 deals with
15 stabilization of the site. There's a third that deals
16 with radon -- management of radon.

17 Heretofore per the 1993 MOU between the two
18 agencies the NRC has taken the lead in dealing with
19 Operating Units 1 and 2, but the EPA has determined that
20 it also needs to reexamine whether or not there should
21 be a Record of Decision for those two units as well as
22 Operating Unit 3, for which they've had the lead.

23 The Executive Steering Committee meeting
24 that we had yesterday -- we took minutes. We're going
25 to make those minutes publicly available in about 30

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1 days. And any time the Executive Steering Committee
2 meets we'll make those minutes public. And if the
3 minutes to the previous meetings are not already out
4 there we can make those public too.

5 We don't think there's anything that gets
6 talked about in that Executive Steering Committee which
7 takes place in a government-to-government meeting that
8 we can't share with the public in terms of a summary
9 of the meeting proceedings.

10 All the stake site is conducting a
11 feasibility study with regards to the possibility of
12 moving the tailings impoundment to another location.

13 This question has been examined twice before, but at
14 the request of the EPA the Homestake site is doing that
15 again. And the results of that feasibility study are
16 to become available in June, so later this month.

17 Next slide. There have been some
18 criticisms of NRC. I always hate it when we get
19 criticized, but that's part of life in the big city I
20 guess. Criticism is okay, but I just wanted to make
21 a couple of comments about some of the criticisms.

22 NRC does not care about the health and
23 welfare of the community. We do. We may not always
24 do things just the way that you think we should, but
25 we do care. That's what we're in the business of doing,

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1 is protecting the public health and safety. So for what
2 it's worth to you I want to assure you that we do care
3 about the health and safety of this community.

4 We're only interested in supporting
5 Homestake. We don't support any licensee. We are a
6 regulatory agency. Our mission is 100 percent safety.

7 We don't support any licensee -- not Homestake, not
8 any power utility, not any licensee. That's not our
9 charge. That's not what we do.

10 And the public has no confidence in NRC and
11 does not trust its processes. That's probably the part
12 that troubles me the most is when we're not trusted.

13 We are in the business of protecting public health and
14 safety.

15 Next slide please. That's our mission.
16 We would like to be trusted and we'll do whatever we
17 can to help gain your trust in us. That's why, as I
18 said at the outset, it's important to be here. It's
19 important to answer your questions. It's important to
20 afford you the opportunity to ask us questions directly,
21 and hopefully we can do things that will further inspire
22 your confidence.

23 So, with that, I think I'll stop, Chip, and
24 that's it. And now we're going to go to Charles.

25 MR. CAMERON: Yeah, thank you very much,

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1 Larry. And this is Charles Faultry from EPA Region 6.

2 MR. FAULTRY: Hi. My name is Charles
3 Faultry. I'm the associate director for the Superfund
4 Remedial Branch. Can you all hear me okay? I was told
5 to use what they call a preaching outdoor voice. So
6 if I do and you can't hear me just wave your hand a little
7 bit.

8 But I would like to first of all also welcome
9 you and thank you for taking the time to be here tonight
10 from your busy schedule. I want to definitely thank
11 you for that. I want to thank Senator Bingamon and
12 Udall's representative for the meeting we had today and
13 all the regulatory agencies that have met last week -- I
14 mean, this week.

15 On yesterday came up with some great
16 opportunities and some great things came out of that.

17 One of the things that came out was the Community Plan,
18 and that Community Plan is a plan where all the agencies
19 will be working together again to make the community
20 aware of everything that we are doing.

21 Because EPA and NRC have overlapping
22 authority in connection with the site-- and also the
23 state agency -- what we did is we entered into, as Larry
24 said, a Memorandum of Understanding. And NRC has
25 assumed the role of the lead agency.

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1 What I wanted, if you can present this first
2 slide -- that EPA role -- I want to talk a little bit
3 about that -- and that is to monitor the cleanup activity
4 and provide comments to NRC since they are the lead
5 agency. And the other thing is to ensure that the
6 Homestake -- that Homestake follows the Superfund
7 regulations.

8 And we also conduct five-year reviews to
9 monitor the protectiveness of the remedy, and you would
10 see those things as they manifest themselves, and also
11 to ensure the protection of the human health
12 environment. That's one of our missions as well.

13 The next slide, if you don't mind. To do
14 some of those things the responsibility we have is
15 working with our stakeholders in the community to
16 address the concerns -- if there's concerns at this
17 site. To achieve some of those things we have what we
18 call some grants. One is a Technical Assistance Grant,
19 and that grant provide the community representative
20 with -- to seek technical expertise and to provide
21 comments on the reports of things that are generated.

22 The next is the TASC program, which provides
23 access -- well, EPA provide access to technical
24 contractor who can assist the community in understanding
25 reports and, again, provide comments to reports that

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1 are generated.

2 Next slide. And this is my last slide.
3 I'm trying to give some time back on my last slide, and
4 that is talking deletion of the site itself. Before
5 considering a site for deletion from the NPL, EPA has
6 to assure that all Superfund standards are met and
7 protection is achieved. And in this process we also
8 provide opportunity for the community to participate
9 during that process.

10 Again, I appreciate the effort that we came
11 from a joint effort to make sure that we work together
12 in providing you the information that you need in this
13 process. Thank you again.

14 MR. CAMERON: Great. Thank you. Thank
15 you very much, Charles.

16 And we're going to go to Candace first for
17 the question that you had. And I've got to apologize
18 to you that in order to get this on the transcript, you're
19 going to have to come up here and ask your question
20 because the cord doesn't reach back to you, Candace.

21 MS. HEAD-DYLLA: I have a number of
22 questions. Do you want me to come down --

23 MR. CAMERON: How many did you have?

24 MS. HEAD-DYLLA: Thirteen.

25 MR. CAMERON: Thirteen. Well, why don't

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1 you ask -- why don't we have you start off with a question
2 that is applicable to this big picture.

3 MS. HEAD-DYLLA: Yeah, that's the 13.

4 MR. CAMERON: Okay?

5 MS. HEAD-DYLLA: But I --

6 MR. CAMERON: Oh, you have 13 on just this.

7 Well, let's start out with you with -- why don't you
8 do like three, and then we'll see if we can go to other
9 people in the audience, and then we'll come back to you.

10 MS. HEAD-DYLLA: Okay.

11 MR. CAMERON: Okay? All right.

12 (Pause.)

13 MR. CAMERON: The cord is never going to
14 reach out there, Candace.

15 MS. HEAD-DYLLA: Okay. First and
16 foremost, this absolutely has to change.

17 VOICE: We're not getting any of that.

18 MR. CAMERON: Okay. Candace, you're going
19 to have to be right here on this.

20 MS. HEAD-DYLLA: So here's the first thing
21 that I'm going to recommend that we look at and start
22 to be clear about. When we talk about this site. I'm
23 just fine and dandy with calling it the Homestake site,
24 since that's what it's been called all these many year.

25 But it's really important for you guys to

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1 know that it is owned by Berrick Gold, which
2 is -- Berrick Gold netted -- let's be really clear about
3 this -- netted -- not grossed -- but netted \$4.4 billion
4 last year. Okay?

5 So when we talk about things we'd like to
6 see done at this site, it's important to know that we're
7 talking about multi-billion dollar company. And that's
8 just one year. Okay? So we need to get these kinds
9 of signages changed. That's first.

10 Three questions. Your Executive Steering
11 Committee -- let's just start there. Is there a reason
12 that there's no community involvement in that committee?

13 I mean, if you're going to make that on the record -- I
14 mean, just sitting there and making decision without
15 the community's input, how we feel about things, it
16 doesn't seem to make good sense to us. So what's the
17 purpose there? Are we just too dumb to understand --

18 MR. CAMERON: Okay. Let's --

19 MS. HEAD-DYLLA: -- what we're talking
20 about or --

21 MR. CAMERON: Let's go to Larry to answer
22 that. And is this microphone -- Carol, is this
23 microphone going to pick him up?

24 (Pause.)

25 MR. CAMERON: Okay. Go ahead, Larry.

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1 MR. CAMPER: The Executive Steering
2 Committee is designed to let the agencies that have
3 regulatory authority for addressing the reclamation of
4 this site to meet together to make decisions that
5 hopefully will lead to this site being successfully
6 remediated in a way to satisfy all of our regulations.

7 It consists of government executives who can make those
8 decisions.

9 There's no reason why the citizens can't
10 be in there, certainly from the standpoint of your point
11 that you made about being too dumb to understand what
12 it was. That's not a conscious thought we ever had.

13 It's a committee that's designed to have executives
14 whose agencies have authority for making decisions.
15

16 But, as I said, Candace, what we want to
17 try to do is do a good job of sharing with the community
18 what is discussed and what decisions are made.

19 MS. HEAD-DYLLA: Well, I'm just going to
20 say that you guys have been at it for a long time now,
21 and we have a lot of ideas that we think if had they
22 been taken into account a long time ago, that we might
23 be a little bit further ahead in the process.

24 So we have some people who were former
25 mining engineers in our group and in our community.

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1 We think that they could sit in and listen to this
2 Executive Committee meeting and maybe give some good
3 input. So we really think it's time to get the community
4 involved.

5 And I'll say as my other two --

6 MR. CAMERON: Just for your benefit --

7 MS. HEAD-DYLLA: Yeah, go ahead.

8 MR. CAMERON: -- Candace -- Charles, do you
9 want to say anything in regard to Candace's question
10 about the -- or suggestion about the steering committee?

11 MR. FAULTRY: Yes.

12 MR. CAMERON: And then we'll go to that.

13 MR. FAULTRY: All right. Do I need to use
14 this mike?

15 MR. CAMERON: Yeah, if you'd -- I'm sorry.

16 MR. FAULTRY: I just want to add and echo
17 a little bit about what Larry was talking about. The
18 Executive Committee also -- it's a vehicle that -- where
19 we elevate issues and concerns as we begin to move
20 through reviewing documents and reviewing those things
21 that when we get to a certain point to where there is
22 deadlock, that we have a process in place.

23 And the executives of each of those agencies
24 are coming together to move those things along to
25 continue to work together cooperatively.

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1 MR. CAMERON: And I might just add this for
2 Candace's benefit -- is that these issues that are
3 discussed there -- I think the intent is to bring those
4 back to the public so that the experts that you and others
5 employ can address that. But, Larry, do you --

6 MR. CAMPER: No, I was going to say --

7 MR. CAMERON: -- want to say anything more
8 to Candace on that?

9 MR. CAMPER: -- so much of what goes on in
10 the Executive Steering Committee meeting, Candace, is
11 policy. I mean, there's some technical
12 discussion -- that is true -- but it's mostly policy
13 decisions that have to be made.

14 And our goal is to communicate those
15 decisions, to share those decisions, and to get
16 feedback. And I'm virtually certain that we will get
17 feedback from the summary minutes that we put out there.
18 And your feedback is welcome.

19 MR. CAMERON: Okay, Candace, question two.

20 MS. HEAD-DYLLA: Yeah. Question two.
21 Mom can't pick it up, but, Steve, can you pick up that
22 great big document that they brought today and let
23 everybody have a look at that? (Pause.) Oh, mom can
24 pick it up. My mother's --

25 So there's the document that we finally have

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1 today that was not available at our public library -- not
2 completely -- and haven't been able to download it
3 completely. And we have been extended the huge courtesy
4 of having another 30 days to prepare comments on that
5 document. We need more than 30 days to respond to that
6 document and we need technical assistance to help us
7 respond to that document and we can't afford that.

8 MR. CAMERON: Okay. Thanks, Candace.
9 And we'll go to Larry on the 30-day issue and then we'll
10 go to Charles on the technical assistance issue. Larry?

11 MR. CAMPER: The -- first of all, Candace,
12 I'll be the first to acknowledge that it's not easy to
13 get full access to these documents. Our system -- we
14 try to make them available. They are available. This
15 one became available March 15. But I do recognize the
16 challenge.

17 We extended the comment period for 30 days.
18 I'm committing to you tonight to extend it another 30
19 days.

20 MS. HEAD-DYLLA: Thank you.

21 MR. CAMPER: Okay?

22 MS. HEAD-DYLLA: What about the technical
23 assistance that we'll need?

24 MR. FAULTRY: The technical
25 assistance -- we'll work with you on that. When I get

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1 back we'll give you a call back.

2 MR. CAMERON: Microphone. Again, sorry.
3 Okay. This is on technical assistance.

4 MR. FAULTRY: Technical assistance. We
5 will support you in that effort. What I'm ready to say,
6 when we get back we'll give you a call back and lay out
7 some of those details how that would work.

8 MS. HEAD-DYLLA: Okay.

9 MR. CAMERON: Great. And
10 three -- question three.

11 MS. HEAD-DYLLA: Question three. Well,
12 first of all, just thank you for that. So we just want
13 to recognize that EPA in the last two years has really
14 done a nice job of supporting the community with
15 technical assistance. We welcome that. We appreciate
16 that. And we want to acknowledge it one more time.

17 The third one is please don't send us a
18 newsletter or just do some kind of pro forma
19 communication with us. Because you're going to look
20 out in the audience today and it's -- from Blue Water
21 Valley Downstream Alliance it's me, my mom, my husband.

22
23 The reason for that is the rest of the group
24 said no more meetings with NRC -- we're done. They've
25 said that we've been ignored and treated so

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1 completely -- we've been so completely disregarded that
2 there's no hope. If you believe there's hope go to the
3 meeting, say what you can, but we don't think it's worth
4 our while anymore. You should know that's where
5 the community is. And to send out a newsletter saying,
6 This is what the powers that be got together and decided
7 about your community and we really feel your pain and
8 we want you to be well informed of the way we're messing
9 with you behind closed doors -- that's not going to do
10 it anymore.

11 So the newsletter is a great idea if it's
12 meaningful and it's in conjunction with real
13 participation, which we have not had in how many years
14 of NRC involvement on this site.

15 MR. CAMERON: Thank you, Candace, and we'll
16 be back to you for the rest of your questions and
17 comments. And, Lori, this may reach. Okay? And if
18 you could just please introduce yourself.

19 MS. PETERKIN: Okay. Let me just get
20 set -- I'll have my back to people. My name is Lori
21 Peterkin. I'm with Senator Bingamon's office. And
22 this isn't a question so much as just a comment.

23 Cal from Senator Udall's office and I have
24 tried to be sort of a bridge between the agencies and
25 the citizens' group. We came out and met with them.

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1 They expressed a lot of concerns to us and I was able
2 to bring them back to the agencies.

3 First of all, I want to thank all the
4 agencies. The Congressional liaison for the NRC
5 arranged a phone call last Friday. We spent probably
6 an hour and a half on the phone where I was able to bring
7 the concerns of BBD to all the agencies to all the
8 agencies.

9 I spent all day yesterday -- or most of the
10 day yesterday at their meeting. And I can attest that
11 most of the discussion was not really technical, but
12 it was more who's responsible for what, the licensing,
13 the regulations -- it was really more of that type
14 meeting than technical.

15 In addition, the EPA -- the Congressional
16 liaison for the EPA arranged for people to come out from
17 Dallas specifically to give us a briefing on what's going
18 on. Cal and I both attended that today. And we did
19 bring the concerns of the groups to them, and I really
20 believe that they listened and they are addressing them.

21 Now, whether -- you know, whether they can
22 do what everybody wants them to do, you know, we're not
23 going there. But they are listening and I think they
24 are starting to address the concerns that we've tried
25 to bring to them.

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1 So just to let you know I think we have made
2 some progress. They are really working together -- I'm
3 really convinced of that -- I saw that myself -- that
4 maybe that hadn't been true in the past -- I wasn't
5 involved -- but what I saw yesterday that was one of
6 the key efforts in trying to get all the agencies to
7 work together and really try and come to some resolution
8 as to the best things that can be done.

9 So I just wanted to make that comment sort
10 of for the record because I know that maybe that wasn't
11 believed in the past. But having been there I really
12 want to thank all the agencies because they really spent
13 so much time with me and with Cal today. So I think
14 they should just be recognized for that. So I just
15 wanted to make that comment.

16 MR. CAMERON: Thank you very much, Lori.

17 Before we go back to Candace is there anybody else who
18 has a question about or a comment? Paul, I'm going to
19 have to ask you to come up here. Okay?

20 MR. ROBINSON: Sure.

21 MR. CAMERON: And if you'd just introduce
22 yourself to us please.

23 MR. ROBINSON: Yes. Good evening. My
24 name is Paul Robinson. I work at Southwest Research
25 and Information Center in Albuquerque, and I appreciate

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1 your presentations very much. Thank you.

2 I had a couple of questions. One is there
3 was a communication plan listed on several slides. And
4 I don't know what a communication plan is in this
5 context, and I don't know if it's going to provide
6 opportunities for public involvement before decisions
7 are made either on the status of documents or actual
8 actions. And it seems to me that a community
9 involvement plan -- communication plan to address
10 community involvement ought to have that timing
11 addressed.

12 And that's a real challenge, not only
13 because of the level of frustration the community that's
14 lived with this site for the last three or four decades
15 but the complexity of dealing with these sites.

16 So hopefully you'll be able to address when
17 and how that communication plan can be initiated and
18 how it can provide opportunities for involvement and
19 decision making, not just being told about decisions.

20 MR. CAMERON: Thank you.

21 MR. ROBINSON: I had some other questions
22 that --

23 MR. CAMERON: Why don't you go ahead, and
24 then we'll go back to Candace.

25 MR. ROBINSON: Okay.

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1 MR. CAMERON: Just ask your other --

2 MR. CAMPER: Can I react to Paul's
3 question?

4 MR. CAMERON: Yeah, sure. Go ahead.

5 MR. CAMPER: Okay. Paul, thank you for
6 your question. The reason that we wanted to create a
7 communications plan was because we recognize that on
8 one hand we've been making a lot of progress as
9 regulatory agencies under the Executive Steering
10 Committee of communicating better and trying to reach
11 decisions about how to address each of our respective
12 regulatory responsibilities.

13 And that's all fine and good that we're
14 doing that, but that's not getting that information out
15 to the community. And so what we're trying to do in
16 the communications plan, which includes among other
17 things a sharing of the Executive Steering Committee
18 minutes, we have certain regulatory authority that has
19 been invested in us by law. We are charged with making
20 decisions.

21 What we want to do then, and what we think
22 we can do to make better decisions, is through
23 communicating. The more we get information out to the
24 community about what takes place in those Executive
25 Steering Committees, what policy matters we're going

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1 to bring -- the more the community is informed the more
2 you can communicate with us through your letters or
3 through forums like this. So that's what we're trying
4 to achieve and that's why.

5 MR. CAMERON: And if I could just add one
6 thing to that, Paul, is that the EPA traditionally on
7 Superfund sites prepares a community involvement plan
8 and the NRC has a communications plan. And this is to
9 go and revisit that.

10 And one of the key issues that you raised
11 is an important one -- is when you go out to inform and
12 discuss and talk to the public before decisions are made.

13 So I think that it was good that you put that on the
14 table for them.

15 MR. ROBINSON: The Executive Steering
16 Committee meets very infrequently given the pace of
17 activity related to this site. Thirty years after the
18 contamination was identified there's a lot going on
19 still on a regular basis, so that every six months to
20 every couple of years that's not going to be frequent
21 enough in my view to sustain the kind of communication
22 I hear you identifying as your goal. You all are still
23 figuring out -- so there's got to be other communication
24 elements beyond that.

25 The possibility to build trust where

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1 there's a gap is always a challenge to overcome, and
2 having open meetings helps that. So having to announce
3 that a meeting is closed doesn't help that. I'm not
4 challenging the reasons for that, Larry -- I appreciate
5 the reasons. So trying to come up with a meeting model
6 where you're having open sessions and executive sessions
7 where you get, you know, some people -- like the phrase,
8 Speaking trust to power, and people who were in
9 executives in agencies -- some people think they have
10 power.

11 So they -- so having the opportunity to
12 engage people and having a public part of those meetings,
13 that might not compromise the meeting but would expand
14 on what you've offered.

15 I don't know what the term reexamine means
16 when the phrase EPA reexamine need for RODs and land
17 application being reexamined. So I'm really interested
18 in knowing why that word was chosen and what it's
19 supposed to connote.

20 MR. CAMERON: Can we give Paul
21 amplification on those two issues around the word
22 reexamination -- and I'm talking to both Larry and
23 Charles. Larry?

24 MR. CAMPER: Well, I think I probably defer
25 to Charles first with regards to Operating Units 1 and

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1 2 and the ROD and also maybe even defer to State of New
2 Mexico around the land application issues since they're
3 the primary responsible entities around those two
4 issues. But then I can embellish if need be.

5 MR. CAMERON: Well, let's go to Charles.

6 And I don't know -- Jeff, do you want to speak to the
7 New Mexico? Okay.

8 Let's go to Charles first and then we'll
9 go to the State. Charles?

10 MR. FAULTRY: This is on the reexamining
11 the portion of the Record of Decision. When we
12 originally looked at the MOU, one of the things was
13 looking at the CAP may have been an all-encompassing
14 document that would satisfy all the agencies.

15 And in our discussions that we've been
16 having we are looking at whether we would use that CAP
17 as the all-encompassing document or would we issue a
18 Record of Decision in addition to the CAP itself. And
19 so that's what that means -- that we would have further
20 discussion in looking at whether we would do a CAP only
21 or a Record of Decision and a CAP.

22 MR. ROBINSON: (Away from microphone).

23 MR. CAMERON: We've got to get you on the
24 transcript.

25 MR. ROBINSON: I appreciate that. The

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1 third operable unit has a Record of Decision, and there
2 has been some discussion of the need to reexamine that.

3 And so one is whether one needs to -- one process needs
4 to be reopened and the other reexamining is whether a
5 process needs to be abandoned, as I'm understanding it.
6

7 So I'm concerned about that OU 3, which is
8 the radon related operable unit, being lost in the
9 shuffle even though it's a major concern to the residents
10 of the area.

11 MR. CAMERON: Okay. Thanks, Paul.

12 And, Jeffrey, do you want to come over and
13 talk to the context of the reexamination of land
14 application?

15 MR. SHOEPPNER: Sure.

16 MR. CAMERON: And please introduce
17 yourself.

18 MR. SHOEPPNER: Good evening. My name is
19 Jerry Shoepner. I'm with the New Mexico Environment
20 Department.

21 We've been reevaluating basically the
22 irrigation issue for some time now. As BVDA's very
23 aware, they brought to our attention the change in the
24 standard back in 2007 from 5 milligrams per liter to
25 .03 milligrams per liter. And, of course, the effluent

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1 level at that time from the NRC was .44 milligrams per
2 liter.

3 So we automatically had to look at that to
4 see whether or not it is protective. And as you can
5 tell from the last several years, it's been use limited.

6 We've had some temporary permissions over the last few
7 years because we're trying to gather more data to support
8 whether or not the model that Homestake's provided to
9 us can be used as a predictive tool.

10 And at this point we don't have enough
11 information to say, No, it's not going to be usable or
12 it is going to be usable for long-term irrigation. And
13 that's why this reevaluation or reexamination -- we've
14 kind of gone a little bit broader and now involved EPA
15 and NRC to look at what their perspectives are as far
16 as irrigation and long-term disposal options.

17 MR. CAMERON: Great. And I would just note
18 that obviously we can have in-depth conversations on
19 these issues and that the staff of the agencies will
20 be here after we formally close the meeting if you want
21 to talk to them more about any of these particular
22 issues.

23 And, Paul, do you want to take one more?

24 MR. ROBINSON: Sure. Just briefly. So
25 these are actions that are being considered -- the

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1 reexamination -- that have important implications.
2 And all I know is the one line on the slides and the
3 Executive Steering Committee meeting record last year
4 was less than notes; it was very cryptic.

5 So I don't know when anyone is going to find
6 out any details about what the examination involves and
7 how there's opportunities for public involvement and
8 how those might affect the Corrective Action Plan, which
9 does address the applicable units and the land
10 application.

11 So trying to -- I'm concerned that the
12 Corrective Action has been accepted -- program has been
13 accepted as -- and made available for comment even
14 though it may not address all the comments or may not
15 address all the agency concerns and would want to see
16 the deadline for public involvement stretch out so that
17 our opportunity for comment doesn't end before your
18 all's reviews have been completed as well. And we want
19 the opportunity to benefit from the comments of the
20 technical staff for all the agencies.

21 MR. CAMERON: Larry? Larry Camper.

22 MR. CAMPER: The CAP, of course, is a
23 publicly available document. We're working to
24 create -- instead of questions, to address the CAP that
25 was submitted. It shouldn't be a surprise to anyone

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1 that if a document, as Candace's friend held up, of that
2 size is going to generate questions by the regulators.

3
4 So you're going to have a response back to
5 the Homestake site operator that's going to contain
6 questions from all three agencies. That letter, which
7 we call the Request for Additional Information, will
8 be a matter of public record.

9 And then when we're reviewing the responses
10 that the Homestake site provides to us around that RAI,
11 that Request for Additional Information, individuals
12 could make comments during the time the review is
13 ongoing. We will consider any comments that are
14 provided during the process.

15 And one of the things we talked about
16 yesterday is there is a strong interest by all three
17 agencies, in fact, that before Homestake puts pen to
18 paper to answer the questions, our experience has shown
19 us that it's very useful if the licensee or the applicant
20 sits down with the regulators and says, Let me make sure
21 I understand what these questions mean. The regulator
22 can explain what they mean.

23 When we have that meeting with the Homestake
24 site, it will be a noticed public meeting. So the public
25 can listen to that interfacing we will have with the

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1 Homestake site operators.

2 MR. ROBINSON: Now that's before
3 acceptance is complete or --

4 MR. CAMERON: Paul. Paul. We need --

5 MR. CAMPER: Oh, of course. No,
6 absolutely.

7 MR. CAMERON: -- to get you on --

8 MR. CAMPER: Of course. Of course.

9 MR. ROBINSON: And that's before
10 acceptance is complete, because that's very important.

11 As Bruce and John's presentation, if I can use your
12 first name, they identify an acceptance of
13 complete -- as complete as having already occurred.
14 But actually there were RAIs issued after that
15 acceptance is complete, some of which were not
16 addressed, so I'm sure that that statement will get
17 clarified during the additional --

18 MR. BUCKLEY: Bruce will explain that.
19 Right.

20 MR. CAMERON: Okay. Do we need to clarify
21 this now or can we wait till we get to the specifics?

22 MR. BUCKLEY: Well, actually, I think
23 Bruce's comments are going to clarify Paul's last
24 comments.

25 MR. CAMERON: That's -- okay. Good.

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1 MR. BUCKLEY: Actually, his --

2 MR. CAMERON: Okay.

3 MR. BUCKLEY: -- presentation will address
4 that.

5 MR. CAMERON: Okay. Thanks. We'll get to
6 you, Bruce. And we have a comment here, and then we're
7 going to go back to Candace. And just please introduce
8 yourself -- your correct name.

9 MS. HELMS: I'm Kathy Helms with Gallup
10 Independent. And I think some of your NRC folks might
11 know my adopted mom, Ann Harris. You might have heard
12 of her.

13 Anyway, we're all just simple folks. And
14 if you guys want to improve your communication plan,
15 you could start with some microphones that would
16 broadcast your voice throughout this room here, because
17 some of us have been coming here listening to this same
18 stuff since 2003, 2004, and we're getting kind of old
19 and hard of hearing, so, you know, I mean, it would really
20 be helpful for some of us.

21 VOICE: I didn't hear you. What did you
22 say?

23 MS. HELMS: Yeah, exactly. That's what
24 I'm saying, because it's really hard for me to hear and
25 I'm on the second row, you know.

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1 And also -- okay. When you put these
2 documents out there and it takes three hours to download
3 something, that's not helping anybody. You need to
4 break these up to where they are usable for the public.

5 This is supposed to be a public process,
6 and if you really are concerned about the health and
7 safety of the public, then break it down to where they
8 can look at this, you know. I mean, seriously, I've
9 been dealing with this since the '80s, and it hasn't
10 improved a whole lot. Okay. anyway, that would be
11 appreciated. Thank you.

12 MR. CAMERON: Very good. Thanks.
13 Thanks, Kathy.

14 Candace, you want to reel off a few more?

15 MS. HEAD-DYLLA: Yeah.

16 MR. CAMERON: All right.

17 MS. HEAD-DYLLA: Well, first of all, I just
18 want to ask a question of the folks from the NRC. I
19 know -- let me get up here. I'd like to know what you
20 all think we do for a living in our community; just what
21 do you think we do?

22 (No response.)

23 MS. HEAD-DYLLA: Any ideas?

24 MR. CAMPER: We don't know what you do for
25 a living, no.

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1 MS. HEAD-DYLLA: Generally speaking, what
2 do you suppose?

3 MR. CAMPER: I suspect that you work at some
4 facility or company or something nearby. I mean, we
5 don't know what you do for a living.

6 MS. HEAD-DYLLA: Right. Well, the fact
7 is --

8 MR. CAMPER: Could be public employees.

9 MS. HEAD-DYLLA: -- we -- some of us are
10 engaged in farming, some of us are engaged in ranching.
11 All of us have full-time demanding jobs, many of us
12 from the time the sun comes up till the time the sun
13 goes down. So when you say we're going to have community
14 involvement and you're going to give us documents like
15 that, you need to acknowledge the fact that we're going
16 to be doing this as a second job.

17 This is what you do when you go to work,
18 and you can fit that all in when you're at work. We
19 do this when we come home from work. We do this on the
20 weekends. We do this as -- in place of hobbies, in place
21 of anything else but this.

22 We need more time, we need more help, and
23 when we say community involvement, we need involvement
24 that gets us in those policy meetings before the
25 decisions are made. So we're asking for that.

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1 Jerry, I don't know if this is the time to
2 go into land application now, or is later a better time?

3 MR. SCHOEPPMAN: Any time you'd like.

4 MS. HEAD-DYLLA: Okay. If land -- if
5 Homestake -- Berrick Gold is allowed to spread
6 contaminated water in our community, can you tell me
7 in real simple layman's term why they're doing that?

8 MR. CAMERON: And, Candace, if you could
9 just give Jerry the mike. Thank you.

10 MR. SCHOEPPMAN: Right now the disposal
11 option for their water that they're extracting from
12 alluvial plumes -- the question is whether or not that
13 poses a threat in the future.

14 And that's why we looked at this to see
15 whether or not the application to the soil develops a
16 concentration that is either detrimental to human health
17 or the environment. And that's why we have a lot of
18 monitoring. We're looking at vegetation, we're looking
19 at soil, we're looking at groundwater data.

20 And all of those indicate right now that
21 there isn't any substantial threat. The question is
22 will there be a threat in the future from migration,
23 and that's the part we need to look at and that's the
24 part we don't have answers to.

25 MS. HEAD-DYLLA: My question's different.

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1 I'm asking a different question and I'm asking you
2 why --

3 MR. CAMERON: Candace --

4 MS. HEAD-DYLLA: I'm asking you why take
5 the risk.

6 MR. SCHOEPPMAN: Our regulations do allow
7 for alternative technologies. We would prefer certain
8 technologies which would decrease toxicity, remove
9 mass, but there are options for them to make a
10 demonstration for other alternatives, so we have to
11 allow them that potential. And until we get enough
12 information to either go forward with that or to deny
13 that, we have to allow that.

14 MS. HEAD-DYLLA: So, Jerry, you're telling
15 me that a corporation that makes \$4.4 billion can't be
16 asked to just clean the contaminated water; not spread
17 it around on the the ground, just clean it.

18 MR. SCHOEPPMAN: And that's
19 actually -- that's exactly what we're looking at, is
20 water treatment versus this disposal option. But they
21 do have the option to look at this. Now, whether that's
22 going to be approved long term, that's a question we
23 don't have an answer to yet, but we will shortly.

24 MR. CAMERON: Okay. Candace, you want to
25 go through a couple more of your questions?

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1 MS. HEAD-DYLLA: Well, here's one more for
2 Sai and Mr. Faultry.

3 So, Sai, you and I and Laura and Dr. Curry
4 have had a two and a half hour conversation which I was
5 thrilled about on Tuesday, thinking, Wow, EPA has really
6 come a long way, and this is great that we're actually
7 going paragraph through paragraph through the third
8 five-year review.

9 And we thought, This is great and they're
10 listening and they seem to be taking things into account.

11 Is this now all going to get tossed out because that
12 is going to get rolled into the CAP?

13 MR. CAMERON: And just introduce yourself.

14 MR. APPAJI: Yeah, my name is Sai Appaji,
15 and I'm the remedial project manager for the Homestake
16 site.

17 What we discussed earlier this week with
18 Candace was comments on the five-year -- the recent
19 five-year review report. After we completed last year,
20 BVDA had many comments.

21 We responded, and the call we had this week
22 was to discuss some of those comments and additional
23 comments and questions that BVDA had. And what I told
24 Candace was that a five-year review can be amended if
25 we find errors or if we need to supplement the

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1 information. And there is a process within -- in how
2 we do it.

3 And what I've committed to doing is, you
4 know, we would amend the five-year review after we
5 complete the risk assessment. And we would -- at that
6 time, you know, the comments we discussed this week,
7 you know, the ones that we agreed upon, you know, we
8 will incorporate and make those changes.

9 MR. CAMERON: Okay.

10 MR. APPAJI: And I also said that this will
11 be done only after we complete the risk assessment, so
12 it won't be done this year for sure.

13 MS. HEAD-DYLLA: Well, how will that feed
14 into the CAP?

15 MR. APPAJI: That's a completely different
16 thing. It has nothing to do with the CAP because the
17 five-year reviews are something that EPA has to do at
18 Superfund sites. And we continue to do this for -- as
19 long as there is waste at the site. So even after the
20 site is deleted EPA can continue to do the five-year
21 reviews to make sure that they're still -- that
22 everybody's still protected.

23 MR. CAMERON: Okay. And thank you, Sai.

24 And that last comment -- the last answer
25 was in response to a question from Candace. Okay? And

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1 can you come up, please? And I think after this question
2 we're going to get the -- let's get the other two
3 reviews -- other two presentations out, and then we're
4 just going to go to open questions. So at least you'll
5 have the benefit of that. Yes.

6 MS. SCHRINER: My name is Pamela Schrinier.

7 My question is, on page 8 it says that Homestake is
8 conducting a feasibility study for the relocating of
9 the large tailing ponds. The results will be in June
10 2012.

11 When I was at that last meeting -- I think
12 it was in October, but I could be wrong -- I was under
13 the impression that they were not going to do anything
14 with that tailing pond because there was a risk. But
15 now I'm seeing on their paper that it says something
16 different.

17 My other question is I'm wondering what any
18 of you all that are not from Grants or Blue Water or
19 the area consider adequate health safety for any of us.

20
21 MR. CAMERON: Okay. Two questions. And
22 one is that is to clarify the status of something, and
23 the other is a more general question about what does
24 adequate protection of public health and safety mean
25 in the context of this area. Is it something that is

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1 set by regulation that it will apply to any area?

2 So Larry or any of the NRC staff want to
3 address the first question?

4 MALE VOICE: Sai can --

5 MR. CAMERON: Oh, Sai? Okay. Good. and
6 then I'm going to go to Larry.

7 MR. APPAJI: Last October when we had the
8 meeting we had -- we talked about a report that the Army
9 Corps of Engineers had completed. And the Army Corps
10 had looked at the remedy at the site, and they had come
11 up with a series of recommendations.

12 And this is part of an EPA -- you know, we
13 already look at remedies at sites and see if there are
14 things that we can do to improve sites where cleanup
15 is ongoing. And the same type of a process was used
16 here to see if there were things that they could do
17 better.

18 And when we were undergoing the study one
19 of the requests we had from the community was that, you
20 know, are there other options besides what they're
21 currently doing with the tailings pile. And the
22 recommendation that the Army Corps made was that it was
23 not a -- it was not recommended to move the tailings
24 pile because of the fatalities that might occur when
25 transporting this 22 million tons of mill tailings.

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1 So, you know, that's what we talked about
2 in October. But since then BVDA also said that the Army
3 Corps of Engineers report did not really look at a
4 different way of transporting the tailings through a
5 slurry rig. So that's why we asked Homestake to look
6 at not just, you know, one way of transporting -- you
7 know, are there other ways to transport it -- if it is
8 technically feasible. And that's what they're
9 conducting right now.

10 MS. SCHRINER: Okay.

11 MR. CAMERON: Thank you. Thank you again,
12 Sai. And let's -- oh, the adequate protection
13 question.

14 Go ahead, Larry.

15 MR. CAMPER: Those were two very good
16 questions by the way. They're all good questions, but
17 those two were very, very good questions.

18 In addition to what Sai just said, I mean,
19 the comment was right. It was determined before that
20 the feasibility for moving the tailings impoundment pile
21 was not there. And it was not there because risks from
22 the potential for trucking accidents -- it would take
23 a large number of trucks to move that material from point
24 A to point B -- wherever that was -- greenhouse gas
25 implications.

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1 It was those kinds of things -- the risk
2 from that -- it was determined in that feasibility study
3 not to move it. But, yet, another feasibility study
4 is being conducted for the reasons that Sai just
5 said -- and he said that very clearly. But you're right
6 about the outcome from before.

7 In terms of standards to protect public
8 health and safety, standards that are designed to
9 protect public health and safety are applicable across
10 the board. All -- standards that we use in the
11 radiation protection business -- whether it be EPA's
12 approach or our approach, these standards -- these
13 numbers that are acceptable exposure to ionizing
14 radiation come about as the result of work that's done
15 by scientific organizations such as the International
16 Council of Radiation Protection, the National
17 Commission of Radiation Protection, MCRP, ICRP. And
18 the values that are reached -- the numbers that are
19 reached are numbers that have shown through scientific
20 study and analysis to have no or negligible impact upon
21 us as human beings.

22 And then we go about employing those
23 standards in our respective regulations based on a large
24 part by the scientific studies that are done and by
25 organizations such as the ICRP and the NCRP.

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1 And I'm trying to keep this answer as simple
2 as I can because we can get into very complicated
3 technical discussions which I don't think will serve
4 further than what I'm trying to do in terms of giving
5 you at least a big picture answer to your question.

6 MR. CAMERON: And let's go to Kathy for a
7 follow up on that. And then, Bruce, I would ask you
8 to do your presentation and John do his presentation.
9 And then we'll go back out to everybody.

10 And let me know. We had a break scheduled.
11 Let me know if you want to take a 15-minute break at
12 some point -- if you need that -- and we'll do that.
13 But we can just follow through. And your question,
14 Kathy.

15 MS. HELMS: Are those protective standards
16 based on a 24-year-old white male? Does it consider --

17 MR. CAMPER: They're actually done
18 on -- the standards are -- there are many
19 different -- there are -- parts of the criteria that
20 go into creating those standards deal with female, deal
21 with young children, deal with males. Those protective
22 standards are very complex and consider multiple target
23 members of the population -- infants, children.

24 I mean, for example, children, because they
25 are going through rapid cell change and growth, are much

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1 more susceptible, for example, to ionization and
2 radiation than are adults. That's considered by those
3 scientific groups as they develop their standards.

4 MR. CAMERON: Okay. Bruce. So what we're
5 going to do, we're going to hear from Bruce, we're going
6 to hear from John Buckley, and then we'll go out for
7 questions that are -- can be on broad subjects, they
8 can be on specifics. And we're hoping that Bruce's
9 presentation will answer Paul's question from before.

10 And if it doesn't, Paul, please ask the question again.

11 Bruce, you want to --

12 MR. WATSON: Good evening and thank you for
13 being here. I'm Bruce Watson. I'm with
14 the -- obviously with the U.S. NRC. I'm here to talk
15 about the Corrective Action Program -- the review
16 process. And hopefully I'll answer Paul's question as
17 we go through this.

18 I want you to know though that Homestake
19 has been operating the remediation at the site under
20 an existing Corrective Action Plan. Okay? So they've
21 been doing things in accordance with the plan I guess
22 for the last couple of decades or so. And since 2000
23 they've done some significant cleanup of the site and
24 the alluvial aquifer under the site. As a matter of
25 fact I think they've removed over 250,000 pounds of

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1 dissolved uranium from both areas.

2 Let's go to the next slide. Under the NRC
3 license the CAP is required to be revised under License
4 Condition 35B. And that revised CAP -- the one that
5 we have right here -- was originally submitted in 2006.

6 So it's not a new document. It is a revision to that
7 document.

8 And we conducted what we call an acceptance
9 review to the original CAP in May 2007. Now, that
10 acceptance review means it's a technical acceptance
11 review. At that point we believe that they had provided
12 us sufficient information for us to start conducting
13 a detailed technical review. That's what that
14 acceptance means. It doesn't mean we accepted or
15 approved the plan -- just means we think there's
16 sufficient information in that plan for us to do a
17 detailed analysis of it.

18 And that was completed in 2007. In May 2007
19 we also issued the Federal Register notice that gave
20 receipt and hearing opportunity for the CAP.

21 Next slide. Okay. As part of that
22 acceptance review the technical review has a number of
23 steps. Of course, in May we started -- May 2007 we
24 started the technical review. And in February 2010 we
25 issued Requests for Additional Information -- or RAIs

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1 as we called them -- detailed technical questions on
2 the CAP.

3 In March 2010 -- 2012, excuse me -- we
4 received the revised CAP with the Homestake revisions
5 to it. The remaining open items will be addressed in
6 meetings such as these, meetings with other regulators,
7 and through the public comments.

8 And so we will evaluate those comments, we
9 will evaluate the requirements, and when we do reach
10 a conclusion that we are ready to accept the CAP, we
11 will issue a safety evaluation report -- that's the
12 SER -- and that will be documented for public comment.

13 As part of our review we'll also conduct
14 an environmental assessment. These -- this procedure
15 is in NUREG 1748. And if you go to our public website,
16 which is NRC.gov, go to the library, go to the documents
17 collections, and go to NUREGs, it'll be right there.

18
19 If you don't find it, go to our home page
20 and just Google NUREG 1748, and you can click on the
21 thing to find it. That's the guidance we follow. It's
22 called the Environmental Review Guidance for Licensing
23 Actions Associated with MNSS programs.

24 We evaluate the licensee's submittal on the
25 environmental issues. We conduct a impact analysis and

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1 consultations. Through that we determine if we think
2 and EIS is required, Environmental Impact Statement.

3 If it's yes, then using that process we begin the EIS
4 process, so the full-blown Environmental Impact
5 Statement.

6 If it is not, we prepare environmental
7 assessment, and in that document we make a determination
8 of whether a finding of no significant impact is
9 determined. If the -- no significant -- if we do not
10 determine that no significant impact is determined then
11 we go back and do the EIS. If it's yes, we do prepare
12 the Federal Register notice and we conclude
13 the -- complete the National Environmental Policy Act
14 analysis.

15 Next slide. Our project team -- John
16 Buckley is the project manager, Tom Youngblood is the
17 health physicist, who's going to be reviewing the health
18 physics and radiation safety associated with the CAP.

19 Matt Meyer's here; he's our hydrogeologist. We have
20 a number of engineering people including John Buckley,
21 who is also a geologist, and we have Doug Mandeville,
22 who's a geotechnical engineer. And the environmental
23 review will be done by Johari Moore.

24 And we also have the opportunity to bring
25 in any other scientific disciplines that we need. So

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1 if we need a geochemist, we'll do that. So the team
2 is formed, it's functioning, and we'll begin the
3 analysis.

4 There's nothing on this slide. What
5 happened to it? There it is. Okay. The CAP technical
6 review and the environmental reviews are done in
7 parallel. The end products are typically in EA or in
8 FONSI or in EIS, and they result in a safety analysis
9 report and the license being issued for the CAP.

10 MS. PETERKIN: I have a question.

11 MR. CAMERON: Let's just get John Buckley
12 on --

13 MS. PETERKIN: Okay.

14 MR. CAMERON: -- and then we'll go right
15 to you. Thank you, Lori. Thank you, Bruce.

16 And John?

17 MR. BUCKLEY: Good evening. I'm John
18 Buckley. I'm the project manager for NRC for the
19 Homestake site.

20 And what I wanted to talk to you about
21 tonight was the reason that the CAP was revised and what
22 is -- in a general form what's contained in the CAP.

23 So let's talk about first why was the CAP
24 revised in the first place. In a license amendment in
25 2006 -- back in I guess July of 2006 before I became

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1 project manager there was a license condition, which
2 Bruce mentioned before -- 35 -- which required that
3 Homestake revise the CAP for one purpose -- and that
4 was to include proposed compliance monitoring wells for
5 the Chinle Mixing Zone and the Upper, Middle, and Lower
6 Non-mixing Zone. So that was actually the reason that
7 we got a revised CAP in the first place.

8 Due to the complexity of the CAP and the complexity
9 of the subject and the fact that we hadn't received as
10 revised CAP since it was initially approved in 1989 NRC,
11 EPA, NMED thought that we should include -- should have
12 the CAP actually -- well, make it a comprehensive
13 document, for one, that would include information about
14 what had happened in the past, what is going to happen
15 in the future.

16 So the first CAP that was submitted by
17 Homestake in 2006 was I would say not nearly as
18 comprehensive as what we currently have. And so we went
19 back and -- the three agencies put our comments together
20 and we asked Homestake to pull together a more
21 comprehensive CAP.

22 As Bruce mentioned the original CAP was
23 1989. The original CAP was a continuous -- well,
24 actually, the Corrective Action Program was a
25 continuously changing program.

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1 So between 1989 and 2006 a number of changes
2 had been made. Homestake had put a bunch of wells in,
3 they'd taken some wells out. But it was time for a fresh
4 look and a comprehensive document that everybody could
5 look at to see where the groundwater remediation program
6 had been and where it was going to.

7 The objective of the CAP was always the
8 same, and that's to restore the groundwater to the -- to
9 meet the groundwater protection standards established
10 for each of the different aquifers.

11 As most of you know from the last CAP
12 perhaps -- if you didn't we'll talk about this -- the
13 CAP includes five general components for groundwater
14 restoration. The first is source control -- and that's
15 their large tailings pile flushing program. The second
16 is plume control. The third is the RO plant treatment.

17 Fourth is evaporation pond. Back in 2000 they had two
18 evaporations ponds, and they now currently have three
19 evaporation ponds operating. And fourth is the land
20 application program.

21 If we look at the revised CAP what we find
22 is the revised CAP provides several different things
23 which the 1989 CAP did not. It provides the current
24 status of the groundwater restoration activities. It
25 provides all of -- a summary of the restoration progress

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1 that's been made to date. It identifies the
2 modifications required to the CAP to meet the
3 restoration goals for each of the different aquifers.

4 It provides a comprehensive listing of the
5 documents which are being used and a historical
6 monitoring information into a single document so we can
7 look at all of the historical monitoring that's been
8 done at Homestake, and it is summarized or provided in
9 the current CAP -- very helpful for all of us trying
10 to understand what's going on at the site. And,
11 finally, the CAP provides an updated groundwater
12 restoration schedule.

13 If we look at the components in the revised
14 CAP the five components that are currently operating
15 are still there. What has been added is a sixth
16 component -- or the possibility of a sixth component
17 which is alternate treatment technology, such as the
18 in situ phosphate, ex situ zeolite, and the
19 electrocoagulation.

20 As Larry mentioned, he has extended the time
21 period for comments from the public. We understand that
22 that's short. Part of the reason for having a public
23 meeting tonight was to provide to you a summary of the
24 comments from EPA, from NRC, from NMED, and to hear the
25 public's comments on the CAP.

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1 We understand that it does take time to
2 generate questions. So EPA and NMED are also going to
3 get the same extension for preparation of their public
4 comments. So I really can't share those comments with
5 you tonight -- we just don't have them.

6 So I guess, in summary, I'd be happy to
7 answer any questions that you have already from reading
8 the CAP. We can talk about the past CAP. Be happy to
9 address your comments.

10 MR. CAMERON: Thank you, John. Lori had
11 a question on Bruce's. And then I want to check with
12 Paul to see if your question -- previous question was
13 answered by his presentation. And, Lori?

14 MS. PETERKIN: Okay. Thank you. I had
15 some questions on the environmental assessment and
16 environmental impact statement. So I'm just curious.
17 Since the original CAP was done after NEPA is there
18 not a requirement for an EIS -- for an environmental
19 impact statement?

20 MR. CAMPER: No, there's no requirement for
21 an environmental impact statement. There is a
22 requirement that we conduct an environmental
23 assessment. When you go down -- for certain types of
24 license activities the regulations specify that there
25 will be an environmental impact statement.

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1 When the regulations don't specify that
2 there will be an EIS performed what we do, and other
3 federal agencies do, is you step through a process of
4 evaluation -- it's called an environmental assessment,
5 as Bruce pointed out in his slides. As you're doing
6 that technical examination you reach a point in that
7 process evaluation that says we have a finding of no
8 significant impact -- a FONSI -- or the findings turn
9 you toward the conduct of a full environmental impact
10 statement.

11 We will conduct -- we are conducting that
12 environmental assessment, as Bruce pointed out in his
13 slides, as we go about doing the review. And then
14 ultimately you result with then a safety evaluation
15 which we'll put forth in a -- what's called an SER,
16 Safety Evaluation Report -- and the environmental
17 assessment document.

18 I do not know as I sit here, and cannot tell,
19 what the outcome of that assessment will be. It may
20 result in a FONSI or it may result in the need to do
21 an environmental impact statement.

22 But, you know, whereas -- I think you
23 understand very well -- the federal action before us
24 at the moment is a modified CAP. That's the federal
25 action before us. And --

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1 MS. PETERKIN: Okay. My question was
2 really is it -- was an environmental impact statement
3 required --

4 MR. CAMPER: No, it's -- to approve the --

5 MR. CAMPER: No, it's not.

6 MS. PETERKIN: -- original CAP.

7 MR. CAMPER: No, it's not.

8 MS. PETERKIN: Okay, so it wasn't. So on
9 the environmental assessment, since this is an
10 agricultural area and, you know, there's probably
11 some -- I'm guessing some grazing. And we learned
12 today, you know, about even insects, you know, digging
13 up contaminated soil and, you know, the whole food chain.
14 Is that all considered in the environmental assessment?

15 MR. CAMPER: Yes.

16 MS. PETERKIN: So the whole food
17 bank -- chain process --

18 MR. CAMPER: Yeah, the --

19 MS. PETERKIN: -- wildlife, birds, you
20 know, landing in the evaporation ponds or whatever.

21 MR. CAMPER: The environmental assessment
22 is a comprehensive examination --

23 MS. PETERKIN: Okay.

24 MR. CAMPER: -- of all the -- yeah.

25 MS. PETERKIN: So -- yeah, I was just

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1 trying to find out how extensive that assessment was
2 versus a full EIS. So -- okay. Thank you.

3 MR. CAMPER: I think, by the way, that's
4 a very good question also for the following reason.
5 Some people reach the conclusion that an environmental
6 assessment is very limited by comparison to an
7 environmental impact statement. That's not
8 necessarily the case.

9 More times than not what we do in terms of
10 environmental assessments are referred to as complex
11 environmental assessments. And they are rather
12 extensive in nature and they're not that different than
13 an environmental impact statement --

14 MS. PETERKIN: Okay.

15 MR. CAMPER: -- frankly. But there is a
16 difference in nomenclature, so we have to, you know,
17 stick to the process and be careful what we call what.

18 MS. PETERKIN: Thank you.

19 MR. CAMERON: Thank you. Paul, did
20 that --

21 MR. ROBINSON: Well, take Laura's
22 question.

23 MR. CAMERON: Okay.

24 MR. ROBINSON: I remember mine so I'll be
25 able to --

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1 MR. CAMERON: And I think I'm going to have
2 to ask you to come up here.

3 MS. WATCHEMPINO: Good evening. My name
4 is Laura Watchempino. I'm acting coordinator for the
5 Multi-Cultural Alliance for a Safe Environment.

6 And I'll start with my most recent question
7 because it was just being discussed -- that I think there
8 is a difference between an environmental assessment and
9 an environmental impact statement, which is the
10 differences in public involvement in each process.

11 During the environmental impact statement
12 there's more opportunity for public input through the
13 public hearing process, and that process may not be
14 available in the environmental assessment. So that's
15 a key difference.

16 And my other comment or question for you
17 is what are the public repositories for this Revised
18 Correction Action Program? -- because I wasn't able to
19 find it, and, as was mentioned earlier, it's very hard
20 to download on a home computer. So can you tell me where
21 this document is available for public review here in
22 Grants?

23 MR. BUCKLEY: What we tried to do -- there
24 probably is not a -- this is John Buckley. There
25 probably is not a local hard copy available for your

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1 review. That is a true statement. What we try to do and
2 what we're required to do is to make these documents
3 publicly available.

4 So when I receive a document from Homestake,
5 I then make that document publicly available in ADAMS
6 for anybody to access. You are also able to obtain
7 copies through NRC's public document room. Now, I
8 understand that that doesn't help you much if you're
9 looking for a hard copy in Grants or Milan.

10 MS. WATCHEMPINO: And --

11 MR. BUCKLEY: That is the answer.

12 MS. WATCHEMPINO: -- it was also mentioned
13 earlier that we really can't access these documents on
14 the ADAMS website because it -- our computers just can't
15 handle it. And we can't wait three hours for a
16 downloading or -- I mean, it just is too much for our
17 capacity.

18 MR. BUCKLEY: We'll have to do a better job.

19 There is the -- the document folks actually determine
20 the file size, and if we need to address it I guess we'll
21 have to address that. But we are not responsible for
22 downloading that document; that's a different group.

23 And, of course, they have their procedures for, I guess,
24 file size. I don't know how that's done.

25 MR. CAMERON: And, Larry, did you want to

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1 address Laura's --

2 MR. CAMPER: Sure. I think I'll address
3 both of them. Sai, do you want --

4 MR. APPAJI: Yeah. Laura, I want to
5 address the comment toward the report. You know, as
6 I indicated, you know, we have -- EPA has a repository
7 at the public library here in -- or the University of
8 New Mexico campus library. So we can request -- if
9 that's okay with the NRC, we can have this information
10 available there.

11 MR. CAMPER: Well, I was about to
12 say -- thank you, Sai. I'm going to cause -- we are
13 going to ship copies -- two copies of this
14 document -- we'll get two copies of this document out
15 here to this local library in the next week to two.

16 We'll get it out here as soon as we can.
17 And then the library, of course, will manage the
18 documents as the library does. But we'll get two copies
19 out here as quickly as possible. Okay?

20 MR. CAMERON: And --

21 MR. CAMPER: And the other point to make,
22 if I might, is regarding the environmental assessment.

23 Laura, thank you, it was a very good
24 comment. You're absolutely right about the difference
25 in the process.

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1 And what Laura's referring to is that in
2 an environmental impact statement there are scoping
3 meetings -- or a scoping process called for in the
4 development of an environmental impact statement. It
5 can be rather extensive in nature or, you know, it cannot
6 be so extensive in nature. But it typically involves
7 a public meeting.

8 But what we're going to do in the case of
9 the environmental assessment, if we end up that the
10 environmental assessment results in a FONSI and does
11 not take us to an environmental impact statement we're
12 not required to make that environmental assessment
13 public. We are required to share it with the State,
14 and they have a 30-day comment period. We're going to
15 make the environmental assessment public. We're going
16 to provide that to you for your review as well.

17 MR. CAMERON: Anything else, Laura?

18 MS. WATCHEMPINO: Yes. I am sorry, but I
19 also couldn't hear very well in the back when you said
20 why an environmental impact statement was not required
21 for this project. You said a federal action, but I
22 didn't hear the rest of it.

23 MR. CAMPER: Well, I apologize for the
24 mikes. Listen, it's not pleasant on this end either,
25 I assure you. It's too bad. I'm sorry. I wish we had

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1 a better system.

2 What I said was is that when federal
3 agencies are conducting a major federal action, which
4 in our case is a licensing action -- in other federal
5 agencies it may be the Corps of Engineers building a
6 bridge, whatever it is -- the major federal action has
7 to be evaluated under the National Environmental Policy
8 Act.

9 MS. WATCHEMPINO: Under what?

10 MR. CAMPER: The National Environmental
11 Policy Act; NEPA, 1969. Okay? In this particular case
12 the major federal action on the table is to review an
13 updated Corrective Action Plan.

14 That Corrective Action Plan is our
15 licensing action, and either we will ultimately
16 review -- excuse me -- approve or not approve that CAP
17 or we'll ask questions that lead to that approval.
18 That's the major federal action and that's what has to
19 be evaluated.

20 What I said was is that in our regulations
21 there are certain activities that in the regulations
22 themselves specify that an environmental impact
23 statement be prepared. For example, if today we
24 were -- if we had a licensing action before us for a
25 new conventional uranium recovery mill, in our

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1 Regulations in Part 40 that requires that we conduct
2 an environmental impact statement. If we are reviewing
3 an application for a nuclear power reactor that requires
4 in our regulations that we conduct an environmental
5 impact statement.

6 When your regulations don't require that
7 you conduct an environmental impact statement what you
8 do is your step through the process of conducting an
9 environmental assessment. CEQ, Council on
10 Environmental Quality, guidelines and our regulations,
11 in turn, and the guidance that we follow says when you
12 step through that process you can reach one or two
13 conclusions.

14 The activity that's being
15 evaluated results in what's called a FONSI, a finding
16 of no significant impact, or the findings lead you to
17 believe that you need to conduct a full-blown
18 environmental impact statement.

19 But environmental assessments are also very
20 complex reviews of the action before the federal agency.

21 An environmental impact statement is more
22 comprehensive -- you are right -- and it typically
23 involves scoping, which has more public
24 involvement -- that is correct.

25 But you step through the process -- and you

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1 go into the process -- we have a NUREG -- it's NUREG
2 1748 -- which outlines our environmental review
3 process. But you have to step through the process
4 methodically -- look at all the criteria and reach your
5 conclusion as to whether or not it's a FONSI or it's
6 an environmental impact statement.

7 I do not know -- we do not know yet if this
8 will result in a FONSI or if it will result in an
9 environmental impact statement because we haven't done
10 the analysis. But we'll complete that analysis and get
11 to that decision point.

12 MR. CAMERON: And --

13 MR. CAMPER: But, in either case, what I'm
14 going to do -- we're committing to do -- what our agency
15 is committing to do is to make that environmental
16 assessment -- even if it doesn't result in an
17 environmental impact statement we'll make it available
18 for public comment.

19 MR. CAMERON: And, Laura, stay here so you
20 make sure that we hear this because Larry corrected
21 something that he said earlier, and a member of the NRC's
22 Office of General Council just wanted to clarify
23 that -- and it's going to be consisted with Larry -- what
24 Larry just said -- and this is Jim Biggins with NRC.

25 MR. BIGGINS: Thank you, Chip. Jim

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1 Biggins with the Office of General Council. Larry
2 misspoke just a second ago, and I love to correct Larry.

3 But he said that we don't normally make
4 environmental assessments public because it's not
5 required under our regulations, and that's incorrect.

6 We always make environmental assessments publicly
7 available under our regulations that implement the
8 National Environmental Policy Act.

9 What our regulations do not require for
10 environmental assessments is that they be available to
11 the public for comment. And so if you want to restate
12 that again, just for the record --

13 MR. CAMPER: Well, thank you, Jim, for
14 correcting me. I thought what I said was we don't --

15 MR. CAMERON: I think that he did.

16 MR. CAMPER: -- provide them normally for
17 public comment.

18 MR. BIGGINS: You just said make them
19 public.

20 MR. CAMPER: Oh, no, we make them -- right.
21 We don't normally make them available for public
22 comment. In this case we're going to make it available
23 for public comment. So if I wasn't clear on that, I'm
24 sorry. Thank you, Jim.

25 MR. CAMERON: Okay. That's clear now. We

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1 have -- going to take question here. I want to go to
2 Paul, I want to go to Candace -- yes. And, Carol, you
3 know who Kathy is. Right? Introduce -- I think we just
4 need to repeat our names so Carol gets them down.

5 MS. HELMS: Kathy Helms. You just -- he
6 just took care of the EA part. But -- okay. So, one
7 thing. If there are no copies available here for the
8 public now on the CAP then and you're going to ship them
9 so that they will be available for the public, are you
10 also going to extend the deadline for comment then
11 because the folks won't be able to read it if they don't
12 have time to comment?

13 Also, what provisions do you have for
14 non-English speaking folks? Because you have a
15 Hispanic community, you have Acoma, you have Laguna,
16 you have all these folks, some of them who may not have
17 internet, who don't speak English, don't read English.

18 Also, in case of an accident, do you have
19 an evacuation plan for the Homestake site?

20 And on this CAP here you're talking about
21 identifying modifications required to the CAP to reach
22 restoration goals. Are any of these modifications
23 required because you can't reach the cleanup level?

24 MR. CAMERON: Okay. The extension of the
25 comment period because of the delay in hard copy, the

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1 making the document available to non-English speaking
2 people, the need for an emergency plan -- those are three
3 of the -- did you have one more or is that it? I think
4 that's --

5 MALE VOICE: There was a fourth one.

6 MS. HELMS: Oh, no. The other one was
7 about --

8 MR. BUCKLEY: Are you modifying because it
9 can't be --

10 MS. HELMS: -- the modifications -- is
11 that because they can't meet the cleanup standards or --

12 MR. CAMERON: Oh, is the modification due
13 to the fact that they can't make the cleanup standard.

14 MR. BUCKLEY: Modification to the CAP?

15 MR. CAMPER: Yeah.

16 MR. CAMERON: Do you want to best answer
17 that last one first?

18 MR. BUCKLEY: John Buckley. No, the
19 modification to the CAP was what I mentioned. There
20 was a license requirement -- license condition
21 requirement for them to modify the CAP to include some
22 proposed groundwater monitoring wells. So that's why
23 the CAP was initially required -- requiring
24 modification. That's it.

25 MR. CAMERON: Okay. Let's get to the rest

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1 of Kathy's questions. I know Candace has a question,
2 Lori, Paul, the woman in the back -- we're going to get
3 to all of you. But, Larry, go ahead.

4 MR. CAMPER: Yeah, let me -- on the first
5 one, the ability to extend the comment period, we have,
6 you know, flexibility in that regard. And if 30
7 days until July 27 is not enough because there's not
8 a hard copy available then I'm certainly amenable to
9 extending time longer on behalf of the agency. I mean,
10 we can go an additional 30 days beyond that, for example.

11 MS. HELMS: Why don't we just have that?

12 MR. CAMPER: I'm deciding it right now.

13 MR. CAMERON: The question was when would
14 you decide it. So, Larry --

15 MR. CAMPER: Right now. Right now.

16 MR. CAMERON: -- you're officially saying
17 that the comment period is extended?

18 MR. CAMPER: I'm saying the comment period
19 will go, instead of July 27, until August 27. That's
20 an additional 30 days. So that's an additional total
21 of 60 days beyond the 30 days, so that's 90 days of
22 extension time that we're providing.

23 MR. BUCKLEY: We can go to Friday, August
24 31.

25 MR. CAMPER: Friday, August 31. Because

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1 that -- your point's very well made. And getting a copy
2 here for you so that -- that's certainly a reasonable
3 thing to do and ask for.

4 MS. HELMS: Can you make one available in
5 Gallup?

6 MR. CAMPER: I can see a large moving van
7 coming out here now with --

8 MS. HELMS: It takes me an hour and a half
9 to get down here. Okay?

10 MR. CAMPER: -- thousands of copies of that
11 thing.

12 MR. CAMERON: Okay.

13 MR. CAMPER: You say you want a copy in
14 Gallup too. All right.

15 The other part is tougher. I'd have to
16 really go back and look at our process. I don't know
17 what we can do about the different languages and so forth
18 that you cited. We don't normally do that that I'm aware
19 of. Maybe Jan from OGC has some insights, but
20 I -- that's one I'd have to go back and look at from
21 a process standpoint. I just can't commit on something
22 like that right now.

23 MR. CAMERON: Okay. And
24 the emergency -- is there an emergency plan?

25 John, do you want to --

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1 MR. WATSON: As far as a formal emergency
2 plan for nuclear safety, there are no credible nuclear
3 safety accidents that can occur at the site. They're
4 all industrial safety --

5 MS. HELMS: If there are exploding --

6 MR. WATSON: That's different. That's not
7 nuclear. That's commercial industrial and accidents.
8 Yeah. Those are events -- okay? Yeah, but there are
9 no required -- there are no credible nuclear safety
10 accidents that could happen at the site, so therefore
11 there would not be any formal emergency plan required
12 by the NRC.

13 MS. HELMS: What about if there --

14 MR. CAMERON: Kathy, Kathy. You know,
15 this is just not a conversation between you and these
16 guys. All right. And if you have other questions,
17 we'll come back.

18 But I've been threatening to get Paul up
19 here to find out. Okay? But we'll come back to you,
20 Kathy. We're going to go to Paul and then Candace and
21 Lori and -- do you want to come up too at some point?

22 Then I won't forget. And Laura has something. Paul?

23 MR. ROBINSON: Thank you. So my name is
24 Paul Robinson. So there were several interesting
25 statements made, and I would really appreciate having

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1 a copy of the two presentations that were provided with
2 the citations to the documents that are being referred
3 to.

4 I see on one of your slides, Bruce, that
5 there's a process that goes from licensee environmental
6 submittal to impact analysis and consultations to EIS
7 required. And apparently someone has decided no and
8 we go to the prepare EA rather than decided yes. And
9 I'm wondering where the document that made that
10 determination can be found.

11 MR. WATSON: That isn't -- as I
12 said -- this is Bruce Watson again. That process is
13 documented in NUREG 1748, and it is called the
14 Environmental Review Process for -- associated with NMS
15 programs. It's available publicly on our website at
16 nrc.gov, library, document collections --

17 FEMALE VOICE: Oh, my god.

18 MR. WATSON: -- NUREG --

19 MR. ROBINSON: So I have --

20 MR. WATSON: Or the easy way to get --

21 MR. ROBINSON: So I didn't ask you about
22 the citation to the rule. I asked you about the citation
23 to the document --

24 MR. WATSON: That is a requirement --

25 MR. ROBINSON: -- where a determination was

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1 made.

2 MR. WATSON: That is a requirement in the
3 process that we look at that.

4 MR. BUCKLEY: But I think we're answering
5 the wrong question. The determination has not been
6 made, Paul. This is the general process -- it's not
7 the -- this is the process we will follow, not the
8 process that has been followed.

9 MR. ROBINSON: So --

10 MR. BUCKLEY: Understand this is the
11 general process for environmental reviews.

12 MR. ROBINSON: Okay.

13 MR. BUCKLEY: It is not the one that has
14 already been completed.

15 MR. ROBINSON: Okay.

16 MR. BUCKLEY: So don't misunderstand.

17 MR. ROBINSON: And I appreciate that, John.

18 And I recognize that you had stated in an e-mail to
19 BVDA that an EA would be prepared -- and then a
20 significant determination would be made. And so I see,
21 based on the slide that Bruce gave us, that someone's
22 heading -- made that no determination --

23 MR. BUCKLEY: No, no, no, Paul. A
24 determination has not been made. That's the process
25 we will follow. The e-mail that I sent to Candace is

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1 entirely consistent with what Larry has just said and
2 with the process that's laid out in 1748. Nothing has
3 been done down that chain yet. We haven't even started
4 the environmental review. We're not even there yet,
5 Paul.

6 MR. ROBINSON: So there will be an impact
7 analysis and consultation process before a yes or no
8 decision is made on the EIS required?

9 MR. CAMPER: Paul, I just a few moments
10 ago -- and I'm sorry, maybe you can't hear me back there.
11 I said that we're going to -- I mean, the process is
12 to do an environmental assessment --

13 MR. ROBINSON: Uh-huh.

14 MR. CAMPER: -- you look at your results,
15 you get to a point of decision, you find yourself having
16 a FONSI or you find yourself having a need to conduct
17 an environmental impact statement.

18 We're going to make this environmental
19 assessment -- and I thank Jim again for correcting what
20 I apparently said wrong. We don't normally -- we don't
21 have to -- we're not required to make environmental
22 assessments available for public comment. We --

23 MR. ROBINSON: I understand. I'm talking
24 about --

25 MR. CAMPER: Let me finish.

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1 MR. ROBINSON: -- the image on the slide.

2 And you're not familiar --

3 MR. CAMPER: Let me finish.

4 MR. ROBINSON: -- with the slide I don't
5 think.

6 MR. CAMPER: Let me finish. I'm familiar
7 with the slide. We're going to make this particular
8 environmental assessment available for public comment
9 because of the level of public interest. Now what do
10 we not understand --

11 MR. ROBINSON: Okay.

12 MR. CAMPER: -- that you --

13 MR. ROBINSON: So on this slide it says
14 licensee environmental submittal leads to an impact
15 analysis and consultation which leads to evaluating
16 whether the EIS is required, and there's a yes or no
17 path. And based on the e-mail provided by John Buckley
18 there's a determination made to go down the no path.
19 And --

20 MR. BUCKLEY: EIS required by
21 regulation -- no.

22 MR. ROBINSON: Okay.

23 MR. BUCKLEY: We are going to prepare
24 an -- go down -- the answer is is it required? The
25 answer is no, not by regulation, which is what Larry

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1 and Bruce said. We are now at the stage where we are
2 going to prepare the EA document. That's where we are
3 now heading -- is the preparation of the environmental
4 assessment document.

5 If we can make a determination of a
6 FONSI -- if the answer to a FONSI is yes we go down to
7 the bottom of the middle of the page there on your
8 diagram. If the answer is no we go to the begin EIS
9 process. So we are at the environmental assessment
10 document preparation stage. That's where we are.

11 MR. ROBINSON: So I'm familiar with NEPA
12 regulations that provide for an EIS being required based
13 on significance of impact, cost, other kinds of
14 attributes. And so I'm assuming -- and maybe in
15 error -- that the EIS might be required based on that
16 determination of significance and federal action.

17 MR. BUCKLEY: And if you look at --

18 MR. ROBINSON: And I'm hearing you say that
19 there's no discretion, that an EIS cannot be done without
20 a FONSI for this project.

21 MR. BUCKLEY: It doesn't -- no. What it
22 says is EIS required. There is no regulation which
23 requires us to do an EIS at this point. We may get there,
24 Paul --

25 MR. ROBINSON: Okay.

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1 MR. BUCKLEY: -- which Larry just said; we
2 may get there. We don't know yet. If you look at 1748,
3 it will provide the criteria for you to understand when
4 it's required and when it is not required. We are
5 currently not required.

6 MR. ROBINSON: Okay.

7 MR. CAMERON: Paul, do you have another --

8 MR. ROBINSON: Yeah, I appreciate --

9 MR. CAMERON: -- one you want to --

10 MR. ROBINSON: I appreciate that very much.

11 So I see, John, in your slide 4 that one of the proposed
12 elements of the Revised CAP is to compile relevant
13 historical monitoring information.

14 MR. BUCKLEY: Yes.

15 MR. ROBINSON: And, as you know, the RAIs
16 on the 2006 CAP asked for that and it wasn't done in
17 the one that's revised now. The exact same language
18 which failed to do this, including failing to find the
19 AEC's own monitoring records that NRC asked for, I guess
20 assuming that it couldn't find those records from its
21 predecessor agency, and so the question was asked in
22 the RAIs in 2010. The language in the current
23 CAP, which is very extensive and provides whole new areas
24 of discussion that were not addressed in the RAIs or
25 in the previous -- it's a very extensive document.

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1 There is absolutely no response to that particular RAI.

2
3 And so I'm wondering if we're going to be,
4 as members of the public, stuck with having to provide
5 our comments and then three years later NRC is going
6 to come back with its own next set of comments because
7 it took three years to get those RAIs out.

8 And, as Bruce has made it clear, that 2006
9 document was accepted as complete without
10 having -- accepted as complete for review.

11 MR. CAMERON: Okay. Paul, let's give
12 these guys a chance --

13 MR. ROBINSON: Just a second. Let --

14 MR. CAMERON: -- to respond. Okay?

15 MR. ROBINSON: I have just had a sideways
16 wag of the head from Mr. Watson. And I --

17 MR. CAMERON: But can you give him a chance
18 to respond --

19 MR. ROBINSON: And he --

20 MR. CAMERON: -- to what you said. I mean,
21 you've --

22 MR. ROBINSON: So he is saying --

23 MR. CAMERON: -- been going on and on.

24 MR. ROBINSON: -- that --

25 MR. CAMERON: Give him a chance to respond,

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1 Paul.

2 MR. ROBINSON: -- that I misstated.

3 MR. CAMERON: Paul, give him a chance to
4 respond --

5 MR. ROBINSON: And --

6 MR. CAMERON: -- and then you can say
7 something else.

8 Bruce, go ahead.

9 MR. WATSON: Yeah, this is Bruce Watson.

10 What I said was -- is that when we receive an initial
11 request for a license amendment or other federal action,
12 we conduct an acceptance review. In other words, is
13 the document -- does the document contain enough detail
14 or sufficient detailed technical information in which
15 we can start a technical review. That's what an
16 acceptance review is.

17 Does not mean we approve the document. It
18 means we believe it has sufficient information in it
19 that we can start -- and not waste the staff's time,
20 so to speak, in doing a detailed technical review.

21 That -- after we start the acceptance
22 review then we start collecting our questions and
23 clarifications that we need of the licensee with respect
24 to the document. That's the process we follow. It is
25 not an acceptance or approval. It's an acceptance that

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1 we think you have enough -- the licensee has provided
2 us with enough information to start a technical review.

3 MR. BUCKLEY: If I can follow up --

4 MR. ROBINSON: No. Let me --

5 MR. WATSON: Your question didn't get
6 wholly answered --

7 MR. ROBINSON: -- respond to his point.

8 MR. WATSON: -- but that's okay.

9 MR. ROBINSON: Okay. I used the term
10 accepted as complete. You disagreed. You have
11 acceptance review completed. We are talking about the
12 same thing, Bruce. The document that was the revision
13 in 2006 was accepted for review.

14 MR. WATSON: Correct.

15 MR. ROBINSON: Acceptance review
16 completed. RAIs were issued --

17 MR. WATSON: Correct.

18 MR. ROBINSON: -- in 2010 --

19 MR. WATSON: Correct.

20 MR. ROBINSON: -- that identified broad
21 areas of incompleteness and lack of detail.

22 And what I would encourage the Commission
23 staff to do is to not accept this one as complete until
24 the review is adequate, because the previous RAIs have
25 not been responded to.

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1 MR. BUCKLEY: Well, if you would allow me
2 to respond, Paul.

3 MR. ROBINSON: And that's --

4 MR. CAMERON: Okay.

5 MR. BUCKLEY: Can I respond?

6 MR. ROBINSON: -- that's my point. So I
7 appreciate your letting me just get that point out.

8 MR. BUCKLEY: Okay. Now, let me clarify
9 what's happening here, Paul. An acceptance review is
10 just what Bruce said. It's an administrative review
11 that says a document is complete enough for the staff
12 to begin a
13 review. The process is we sent out a round of RAIs,
14 which we did --

15 MR. ROBINSON: Uh-huh.

16 MR. BUCKLEY: -- Homestake responded to
17 those RAIs. That doesn't mean that the staff is
18 satisfied with the responses. We now have another
19 review period. So we are now reviewing a Revised
20 CAP -- it's going through a technical review. It's
21 going through a technical review by NRC staff, by EPA
22 staff, and by NMED staff.

23 We will generate additional questions, of
24 course. We will generate another round of Requests for
25 Additional Information. Not until the staff is

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1 satisfied that Homestake has adequately addressed all
2 of the technical issues from the three agencies will
3 that document be approved.

4 MR. CAMERON: Hey, Paul --

5 MR. BUCKLEY: That's the process, Paul.
6 So nothing has been approved.

7 MR. CAMERON: Paul, we're going to have to
8 go on.

9 MR. ROBINSON: No.

10 MR. CAMERON: We're going on to other
11 people.

12 MR. ROBINSON: No. So in your --

13 MR. BUCKLEY: You also have --

14 MR. CAMERON: Paul. Paul, come on. Other
15 people want to talk. If you want to talk to them in
16 more detail about this -- okay -- and there's time later
17 we'll do it.

18 MR. ROBINSON: Okay.

19 MR. CAMERON: But we really need to go to
20 other people.

21 MS. HEAD-DYLLA: Hey. No, wait. This is
22 supposed to be a public meeting and --

23 MR. CAMERON: It is.

24 MS. HEAD-DYLLA: -- you guys have committed
25 to stay here as long as it takes. And I think -- is

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1 there anybody in the audience that doesn't want Paul
2 to finish talking?

3 MALE VOICE: Let him go on.

4 MS. HEAD-DYLLA: Yeah, let him just finish
5 his question.

6 MR. CAMERON: Do you have a question? Do
7 you have a -- you know, a comment to them? I mean --

8 MR. ROBINSON: Yeah, I do.

9 MS. HEAD-DYLLA: Yes, he does.

10 MR. CAMERON: Okay. Well, let's get it
11 done then. Okay. So we can go on --

12 MR. ROBINSON: Okay. That's what I was
13 trying to do.

14 MR. CAMERON: -- to other members of the
15 public. Okay?

16 MR. ROBINSON: Mr. Buckley and Mr. Watson
17 have a fairly detailed understanding of this situation.
18 One sentence -- phrases don't really cover the
19 substance in full detail.

20 So my concern -- the reason for asking these
21 questions is that I'm being asked to review this document
22 and I don't have the resources to review it several
23 times. So I'm concerned that the current version did
24 not address the RAIs and does not provide the technical
25 detail that the Commission has sought in the RAIs in

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1 2010.

2 It's a thick document. There's lots of
3 material there. But there are specific areas that were
4 requested. And so I'm concerned --

5 MR. BUCKLEY: Yes.

6 MR. ROBINSON: -- that this will be
7 accepted for review even though the previous round of
8 questions haven't been addressed.

9 MR. BUCKLEY: Paul. Paul --

10 MR. ROBINSON: So that's my concern.

11 MR. BUCKLEY: -- you're getting caught up
12 in details of the words. It has already been accepted
13 for review. It is an iterative process to go from a
14 first submittal to a final approved document. We are
15 in the iterative process, Paul.

16 You have to review this CAP in -- and when
17 you're reviewing that CAP look at the comments that were
18 generated by NRC in the first round and generate your
19 comments based on that.

20 We have three agencies which are now going
21 to -- we're going to do another technical review of the
22 Revised CAP that you now in front of you. The process
23 is not finished. It is already accepted for review.

24 It's an administrative acceptance. That doesn't mean
25 it is approved. Don't get hung up on that word, Paul.

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1 MR. CAMERON: Can you --

2 MR. BUCKLEY: It is an iterative process
3 for providing technical documents.

4 FEMALE VOICE: You are killing us with your
5 iterative process.

6 MR. CAMERON: Can you respond to
7 Paul's -- Paul's concern is he's going to have to review
8 things over and over and over again. And could you just
9 respond to that particular concern?

10 MR. BUCKLEY: Yes.

11 MR. CAMERON: Okay.

12 MR. BUCKLEY: The document in front of
13 us -- Homestake will -- as they did in this version,
14 they looked at NRC's comments and they prepared a
15 table -- a response table. It's in one of the
16 appendices. It shows NRC comment, Homestake response,
17 where is it found in the document. Review that -- of
18 course you have to. It's part of understanding what's
19 in that document.

20 I can't help you with that. If you want
21 to generate comments generate comments. But you have
22 to read the document. We are happy to entertain your
23 comments when you submit them to us.

24 MR. ROBINSON: I appreciate that.

25 MR. BUCKLEY: Okay. So that's -- it's an

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1 iterative process, Paul. Yes, you have to read it.

2 MR. ROBINSON: So is the updated CAP going
3 to be reissued to incorporate the concerns

4 MR. BUCKLEY: Of all three agencies --

5 MR. ROBINSON: -- of the other
6 agencies or --

7 MR. BUCKLEY: -- and address the public
8 comments, yes.

9 MR. ROBINSON: So --

10 MR. BUCKLEY: Are you going to have to read
11 it again? Probably.

12 MR. ROBINSON: Okay. So --

13 MR. BUCKLEY: Or you're going to look at
14 the table that Homestake provides with the next draft.

15 MR. ROBINSON: So when is that going to
16 happen?

17 MR. BUCKLEY: Well, you just asked for an
18 extension of your public comment period. So what's
19 going to happen, Paul, is we're going to get the comments
20 from NRC, EPA, NMED, and the public. It takes a long
21 time to cull through all those comments to find out which
22 ones we actually want to incorporate in the CAP. It's
23 going to take a while, yes.

24 MR. ROBINSON: So I --

25 MR. BUCKLEY: You now have till August 31

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1 to prepare your comments, as does EPA, as does NMED.

2 MR. ROBINSON: So let me see if I understood
3 your last words. So this -- there will be agency
4 comments received. Then how will the CAP be revised?

5 MR. BUCKLEY: Just as it was this time.
6 We will generate --

7 MR. ROBINSON: So the --

8 MR. BUCKLEY: -- another Request for
9 Additional Information, which will include all of the
10 outstanding technical comments --

11 MR. ROBINSON: But your --

12 MR. BUCKLEY: -- including the public
13 comments. It will then go formally back to Homestake.
14 Homestake will look at the comments which we are
15 requesting information on, and they will provide a
16 response to those comments and a Revised CAP.

17 MR. ROBINSON: So there will be another CAP
18 issued that will address those comments?

19 MR. BUCKLEY: Of course.

20 MR. ROBINSON: Okay.

21 MR. BUCKLEY: Of course. And if they have
22 adequately addressed all of the comments that we send
23 in our Requests for Additional Information, that's when,
24 and only when, that document becomes approved and
25 becomes part of a license amendment.

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1 MR. ROBINSON: And that Revised CAP, that
2 would be the one that would be subject to environmental
3 analysis, not the one we have now.

4 FEMALE VOICE: Right.

5 MR. BUCKLEY: Of course. Yes, of course.

6 MR. ROBINSON: So we're talking well out
7 into next year.

8 MR. BUCKLEY: Most likely, since you just
9 got three additional months for review, yes, it's going
10 to be a while.

11 MR. ROBINSON: I didn't get three
12 additional months.

13 FEMALE VOICE: Oh, my god.

14 MR. BUCKLEY: Well, the public comment was
15 extended. It's extended for all. But you can't expect
16 something to happen right now.

17 MR. CAMERON: Okay. I think this was made
18 clear. Thank you.

19 MR. BUCKLEY: It's going to take a while.

20 MR. CAMERON: Thank you, Paul. And we're
21 going to go Lori, we're going to Candace, we're going
22 to go to this young woman, and Laura, and then we're
23 going to go back to Kathy. Okay. That's our sequence.
24 And introduce yourself again.

25 MS. PETERKIN: Lori Peterkin. And this is

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1 very quick. I think there's a problem with the people
2 in the area getting copies of the CAP, and it's a very
3 big document. And for the health and welfare of people
4 not having to lift these, I wonder if it's possible to
5 send it on CD to some of the local libraries where people
6 can then check it out like you'd check out a book and
7 take it home for three weeks or whatever their policy
8 is to read it.

9 We talked a little bit about that with the
10 EPA briefing, but I was wondering if somebody could work
11 with one of the local libraries where maybe they
12 can -- you know, they don't have room to hold these large
13 documents, but you can send it on an electronic form
14 that people can take home and look at it on their
15 computers.

16 MR. CAMPER: Yeah. I mean, my comment was
17 to provide a copy to the libraries. I mean, clearly,
18 we'll try to use the CD approach. That's better. I
19 mean, I was kidding with Kathy up front here about the
20 van moving in here with a load of them.

21 We'll probably -- I mean, it makes much more
22 sense to do it; it's cost effective to do it with a CD.
23 That's what we'll try to do, of course. Yes?

24 FEMALE VOICE: And several so that people
25 can check them out.

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1 MR. CAMPER: That's fine.

2 MR. CAMERON: Okay. Don't worry about
3 that.

4 Candace, we're going to you next.

5 MS. HEAD-DYLLA: Okay. Candace
6 Head-Dylla, BVDA. And this is probably going to be
7 conversation-like, because I have a couple of questions.

8 What was the first cleanup date, somebody
9 who has the history of the site? When was the first
10 time -- the first date that you said this would all be
11 cleaned up and ready to go -- ready to be turned over
12 to DOE? Anybody know here?

13 MR. BUCKLEY: If you know the answer,
14 Candace, we can continue this discussion.

15 MS. HEAD-DYLLA: I don't have the answer.
16 Do you know the answer?

17 MR. BUCKLEY: No. It predates us.

18 MS. HEAD-DYLLA: Predates you.

19 MR. BUCKLEY: Right.

20 MS. HEAD-DYLLA: Okay. So -- and how many
21 dates have there been -- cleanup target dates? Do you
22 know that?

23 MR. BUCKLEY: I believe there was two
24 license amendments with dates.

25 MR. CAMERON: You're going to have

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1 to -- we're going to have to get this on the transcript.

2 MR. BUCKLEY: We don't need question and
3 answer, but if you know the answer, go ahead. What's
4 your question?

5 MS. HEAD-DYLLA: My question is what were
6 the cleanup dates? What were the original cleanup dates
7 and now what is the cleanup date?

8 MR. BUCKLEY: The cleanup date that's
9 currently in the license is 2017.

10 MS. HEAD-DYLLA: So --

11 MR. BUCKLEY: The proposed cleanup date
12 that's in the new CAP is 2022.

13 MS. HEAD-DYLLA: So it was 2017, now 2022,
14 and there were two dates prior to that.

15 MR. BUCKLEY: Those are the dates. No,
16 those are the dates. These are --

17 MS. HEAD-DYLLA: But there were two dates
18 prior to that when we told it would be cleaned up.

19 MR. BUCKLEY: No, I don't -- that predates
20 us.

21 MS. HEAD-DYLLA: Okay. Well --

22 MR. BUCKLEY: What we have is the current
23 license, which is 2017 --

24 MS. HEAD-DYLLA: -- it predates you, so let
25 me just tell you there were two.

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1 MR. BUCKLEY: That's fine.

2 MS. HEAD-DYLLA: Now, in the meantime,
3 while we're waiting on all of this, while we're waiting
4 for a communication plan, while we're waiting for the
5 environmental assessments and the possible
6 environmental impact, guess what we are doing?

7 All of us are living half a mile from a
8 100-foot high, 200-acre radioactive toxic dump. We
9 drank the water when it was contaminated, and we're
10 living with the radon now. Okay?

11 So we're got to get our acts together. I'm
12 going to ask you this question. During the EPA -- the
13 EP-3 pond process -- and maybe Jerry will answer
14 this -- was an environmental assessment done?

15 MR. SHOEPPNER: Of course it was.

16 MS. HEAD-DYLLA: Yes, it was?

17 MR. SHOEPPNER: Of course it was.

18 MS. HEAD-DYLLA: Well, guess what? Not
19 one foot touched ground in our community. Nobody came
20 out to see what the animals were, what the birds were;
21 nobody was there.

22 MR. BUCKLEY: But it's addressed, isn't it?

23 MS. HEAD-DYLLA: It was addressed --

24 MR. BUCKLEY: Okay.

25 MS. HEAD-DYLLA: -- by saying here are the

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1 possible endangered, threatened, and species of concern
2 in that area. Did anybody come out and look to see if
3 any of those animals are in or those plants? No, they
4 did not. Not one foot. That's how good your EAs were.

5 So let me ask you another question. In
6 terms of revision versus modification -- well, let me
7 ask you this question right now. Could you at this
8 moment request an environmental impact statement? If
9 you chose to as the NRC, could you ask for that now?

10 MR. CAMPER: I hope I explained the process
11 earlier thoroughly, Candace, but I'll try again.

12 MS. HEAD-DYLLA: No. Don't do that.

13 MR. CAMPER: But the answer --

14 MS. HEAD-DYLLA: If you chose --

15 MR. CAMPER: The answer -- let me -- the
16 answer is we must follow the process of conducting an
17 environmental assessment and conclude whether there is
18 a FONSI or an environmental impact statement is needed.

19
20 MS. HEAD-DYLLA: Let me ask your attorney.

21 MR. CAMPER: That's the process, and we
22 will reach that decision point.

23 MS. HEAD-DYLLA: Let me ask your attorney.

24 Is it legal?

25 MR. CAMERON: Candace, can you at least

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1 please let people respond?

2 MS. HEAD-DYLLA: Yes.

3 MR. CAMERON: Okay?

4 MS. HEAD-DYLLA: I want to ask the
5 attorney, is it legal for you to ask for an EIS right
6 now.

7 MR. CAMERON: And you're going to have to
8 explain what you mean by ask for an EIS right now. You
9 mean, ask for an EIS without them going through the EA
10 process?

11 MS. HEAD-DYLLA: Yes.

12 MR. BIGGINS: I'm not sure who you're
13 referring to regarding for us to ask for an EIS.

14 MS. HEAD-DYLLA: Could the NRC choose to
15 bypass the process and go directly to an EIS?

16 MR. BIGGINS: It is within the Commission's
17 discretion.

18 MS. HEAD-DYLLA: Thank you. So my next --

19 MR. CAMERON: Okay. Can you ask one more,
20 and then we're going to go to some other people and we'll
21 come back to you.

22 MS. HEAD-DYLLA: So the next questions are
23 why not ask -- well, actually, this is all the
24 same -- all related. There are three more questions
25 and it just makes sense to ask them. So unless you're

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1 going to make me sit down --

2 MR. CAMERON: Is that --

3 MS. HEAD-DYLLA: -- call the police then,
4 yeah, I'd like to ask three more questions.

5 MR. CAMERON: We're not going to call the
6 police.

7 MS. HEAD-DYLLA: Okay.

8 MR. CAMERON: But --

9 MS. HEAD-DYLLA: So why don't you ask for
10 an EIS?

11 MR. CAMPER: Jim is correct, of course.
12 It is within the Commission discretion to decide that
13 it wants to do an environmental impact statement. Yes,
14 it is within that discretion. The staff would need to
15 have a basis for asking the Commission to move to the
16 conduct of an environmental impact statement. We
17 cannot, and would not, make such a request absent an
18 analysis that led us to the conclusion that that was
19 indicated.

20 Give me a basis for asking for the EIS of
21 a technical nature that can substantiate and support
22 such a request. We would have to have a basis, based
23 upon analysis, to ask for that decision to be made.

24 MS. HEAD-DYLLA: There are a couple of
25 bases, but one is that the whole purpose is to see -- is

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1 to get a better idea of whether or not the plan is
2 protective of the health and the environment. And it's
3 never been done. And if NEPA were in effect it would
4 have been done. And so we need it. Just because we
5 became contaminated before NEPA doesn't mean we don't
6 need the EIS. We do.

7 Let me ask you this. If this were a major
8 revision instead of a quote, end quote, modification
9 would it trigger an EIS?

10 MR. CAMPER: Certain types of activities
11 in the regulation require that an environmental impact
12 statement be done. If the regulations do not require
13 that then the staff always conducts an environmental
14 assessment -- I would argue a rather thorough
15 environmental assessment -- to determine if it can reach
16 a conclusion of a FONSI or if an environmental impact
17 statement is needed.

18 But the process, Candace, is that absent
19 the regulatory requirement we always start with an
20 environmental assessment.

21 MS. HEAD-DYLLA: And I feel like I'm
22 working with a used car salesman because I'm asking if
23 we had just had the -- if we hadn't had the misfortune
24 of having to deal with this problem for like over 30
25 years would an EIS have been triggered? Yes, it would

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1 have through NEPA. So just give us the benefit of that.

2 That's all I'm saying. Whatever.

3 The Requests for Additional
4 Information -- I'd like to follow up on that because
5 it's very important in terms of our background
6 standards. We have asked -- you asked -- you asked for
7 additional information about well data that was
8 available when Homestake Berrick Gold first started
9 operation. And they haven't given it to you. I don't
10 understand why you don't have that information.

11 It was collected by the Atomic Energy
12 Commission. Why don't you have the well data? But if
13 you don't have it why can't Homestake provide that to
14 you? Has that been provided?

15 MR. CAMERON: Let's have -- let's let them
16 answer that.

17 MR. BUCKLEY: I can answer it. As you
18 know, Candace, the State was the regulatory body for
19 this site for a period of time. The NRC has an extensive
20 archives records, which are paper copies, which are
21 difficult to search at best.

22 We have asked Homestake for the
23 information. We have not determined the adequacy of
24 what they provided to us yet, as you know. We're doing
25 the best we can to find the information. The State has

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1 information, NRC has information, NRC's archives has
2 information.

3 MR. CAMERON: Okay. Let's go to this young
4 woman here.

5 MS. FLORA: Hi, I'm Toni Flora with DNA
6 People's Legal Services out in Crown Point. I am here
7 to assist and advise MASE, the Multi-cultural Alliance
8 for a Safe Environment, and assist them with the
9 comments.

10 The first thing that I would like to mention
11 is that the original notice for the comments was not
12 published in the Federal Register. And I would like
13 to know why and also request that it be published in
14 the Federal Register for the comments that are due August
15 31.

16 MR. BUCKLEY: One more time? I didn't
17 understand the first part. I'm sorry.

18 MS. FLORA: The comments -- the request for
19 comments was e-mailed to Candace in an e-mail May 2 and
20 you gave her until May 29 to submit those comments.
21 But I looked in the Federal Register and could not find
22 it published anywhere in the Federal Register. I was
23 just wondering if we could get it published in the
24 Federal Register.

25 MR. BUCKLEY: We can.

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1 MR. CAMERON: So you'd like to documented.

2 MS. FLORA: Documented, yes.

3 MR. CAMERON: The new comment period.

4 MS. FLORA: Yes.

5 MR. BUCKLEY: Yeah, we plan to do that.

6 MR. CAMERON: Okay.

7 MS. FLORA: Okay. Thank you.

8 MR. BUCKLEY: Well, if I can explain why
9 it was not --

10 MS. FLORA: Okay.

11 MR. BUCKLEY: -- that may help you. When
12 the original document came in it was published and we
13 did ask -- it was published in a Federal Register notice
14 and we did ask for comments. This is a Revised CAP that
15 came in based on comments that were already submitted.
16 So technically a Federal Register notice was not
17 required for a second review I guess is what the
18 technical answer is. Right? I mean, do you understand
19 the difference?

20 MS. FLORA: I do understand the difference.

21 MR. BUCKLEY: Okay.

22 MS. FLORA: But -- okay. Well, if you can
23 do that then that would be helpful though because I got
24 the affirmation from the gentleman here.

25 My next question is, I know we talked a

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1 little bit about health earlier. And I was just
2 wondering if -- and I only had a few days to review this
3 right before the comments were due, so I was going
4 through quite a lengthy record.

5 I'm not sure that I ran across anything that
6 said that the health of the community has been surveyed
7 and was wondering if that has been or if there are plans
8 to survey the health of the community that's directly
9 next to the pile.

10 MR. BUCKLEY: I'm questioning as to when
11 you would want that done. At what part of this process
12 do you think that should be finished?

13 MS. FLORA: That's a good question. I was
14 just wondering if one had ever been done at any point
15 in time throughout the entire process. And I imagine
16 a lot of this has been done before you've been here.

17 MR. CAMPER: None of us are aware of any
18 epidemiological study having been done around this
19 community.

20 MS. FLORA: Okay.

21 MR. CAMERON: Go ahead. Don't you have
22 more?

23 MS. FLORA: I do have more.

24 MR. CAMERON: Well, go ahead. I might just
25 mention for the community's benefit --

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1 MR. CAMPER: Certainly not part of
2 this -- certainly not -- I mean, there's been no
3 epidemiological study done as part of this licensing
4 activity under consideration. I mean, whether there's
5 been one done here or not I don't know. It's certainly
6 not been done by our agency or part of this licensing
7 action.

8 MR. CAMERON: The Agency for --

9 MR. CAMPER: But beyond that I don't know.

10 MR. CAMERON: Agency for Toxic Substances
11 and Disease Control will sometimes come out and do an
12 epidemiological study.

13 MR. CAMPER: Yeah. Please understand my
14 answer. I'm talking about with regards to licensing
15 activity. I'm not -- there's been no epidemiological
16 study done.

17 MS. FLORA: Okay. Okay.

18 MR. CAMPER: Whether there's been
19 otherwise I don't know.

20 MS. FLORA: Okay. And then my other
21 question -- and this may go outside of the CAP also,
22 but it does relate to the requirements for EISs and EAs.

23 10 CFR 51.60 requires license modifications
24 to have an EIS. And Section 2 of that cites that
25 there -- when there is a significant increase in the

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1 effluent levels -- and the gentleman from NMED -- when
2 he said that there was an increase in effluent levels
3 sometime in 2000 -- I know that there has been no EIS
4 done at any point in time for this project.

5 So I'm wondering if I'm reading something
6 wrong or this was skipped over by the agency or any -- can
7 any of you comment on why one was not done back then?

8 MR. WATSON: The -- what you're talking
9 about is the approval for the land application permits
10 I guess back in 2000. And that would be a New Mexico
11 state action, not a federal action.

12 MS. FLORA: Okay.

13 MR. CAMERON: Any more?

14 MS. FLORA: And then, just to piggyback on
15 Candace's comment about the environmental -- not the
16 environmental -- the Endangered Species Act comments,
17 I did notice that in the EA that was done for EP-3 that
18 there was a letter from you to FWS and a response from
19 them stating you can find the endangered species on this
20 website.

21 But there was no follow through as to
22 whether or not any of these species had been checked
23 or monitored. And I think the community would
24 appreciate having data to go along with that in your
25 EA. I think that's it.

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1 MR. CAMERON: Thank you. Laura, do you
2 have another?

3 MS. WATCHEMPINO: Thank you. I had a
4 couple of questions. Maybe this one is best addressed
5 to Mr. Camper. You mentioned as far as protection of
6 human health -- or the public health and safety that
7 certain standards protected that. And I wanted to ask
8 if you had taken into account the recent National Academy
9 of Sciences BER-7 report that was issued in 2011 as far
10 as the conclusion that there is no safe dose of radiation
11 to the public. That's my first question.

12 MR. CAMERON: And I guess the question is
13 is did the agency review the BER report -- BER-7 -- and
14 conclude that any changes were necessary to the
15 regulations.

16 MR. CAMPER: Any time there are changes put
17 forth by the ICRP or the NCRP that I cited later or
18 there's a BER report -- in this case you're citing
19 BER-7 -- the agency undergoes an analysis of those
20 changes. And it then goes about incorporating whatever
21 changes are indicated into its regulations.

22 I mean, obviously the BER-7 report came out
23 in 2011. You can't change a regulation between now and
24 2011. So the answer is there's been no changes to the
25 regulations yet as a result of BER-7, but BER-7 is being

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1 analyzed. Our protection standards in Part 20 are
2 currently headed toward a revision. Jim, has the
3 Commission approved the action to revise Part 20 yet,
4 or do you know?

5 MR. BIGGINS: I don't know whether they've
6 approved it or not.

7 MR. CAMPER: Okay.

8 MR. BIGGINS: But it is in the process.

9 MR. CAMPER: There is an ongoing process
10 to look at modifying our radiation protection standards
11 in Part 20. When we do that -- assuming that we do
12 that -- BER-7 -- any changes to the ICRP -- for example,
13 ICRP 103 came out recently -- that will be included as
14 well. But it takes time to change the radiation
15 protection standards once new findings are revealed.

16 But the conclusion that there's no level
17 of protection -- would you quote what you said again?
18 Would you quote what you just said again?

19 MS. WATCHEMPINO: I wasn't quoting.

20 MR. CAMPER: Oh.

21 MS. WATCHEMPINO: I was paraphrasing -- I
22 guess there's no safe level of radiation exposure would
23 be a better term.

24 MR. CAMPER: That concept is well
25 established, and that's the -- our regulations in Part

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1 20 are built around what's called a linear non-threshold
2 model, LNT. The LNT assumes that there's no level of
3 radiation that does not cause harm. And that's the way
4 the regulations are developed.

5 The regulations are based upon known
6 effects at higher levels of radiation, such as those
7 which occurred in Nagasaki and Hiroshima, and are
8 extrapolated back to what's called T-Sub-Zero, which
9 says if there's harm here there's harm here.

10 There are other models that demonstrate
11 that that's not necessarily scientifically correct.
12 But our regulations are based upon the conservative
13 scientific model called the linear non-threshold model,
14 which assumes that there is no level to which there is
15 not degree of harm.

16 MR. CAMERON: And if Laura wanted to follow
17 the agency process for the evaluation and possible
18 revisions to Part 20 is there an easy way for her to
19 connect to that information if she or other people in
20 the community are interested in doing that?

21 MR. CAMPER: Sure. If -- Laura, if you can
22 give me your contact information I'll have the staff
23 that are working on the possible revision to Part 20
24 contact you and give you a much more thorough explanation
25 than time allows right now. Be happy to do that.

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1 MS. WATCHEMPINO: Well, thank you. I'd
2 actually think the public would appreciate this
3 information as well. But the reason I'm asking about
4 human health and safety or the public health and welfare
5 is that is the NRC mission -- protection of the public
6 health and welfare and protection of the environment.

7 So I'm just giving you another basis for
8 an environmental impact statement because of the human
9 health exposure by residents within half a mile of these
10 uranium mill tailings and that have wells in the area.

11 As far as we know there's no enforcement of people not
12 using their private wells, so there probably is a
13 significant impact to the public health around -- in
14 the neighborhoods around the Homestake Berrick site.

15 And we know that no epidemiology -- there's
16 no known epidemiology study in this area. It's known
17 that there has been no regional characterization of the
18 groundwater in this region, despite the fact it's a
19 complex hydrogeology with several faults in the area
20 that could impact the flow of groundwater. So I'm just
21 giving you additional basis for a complete environmental
22 impact statement.

23 MR. CAMERON: And I think we may have some
24 information on some of the issues you raised. Would
25 you like to come up and speak to that and introduce

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1 yourself to us?

2 MS. MALONE: Yes. Patrick Malone, counsel
3 for Homestake. There have been a couple of statements
4 that I think could use some clarification. But before
5 I do that I would just like to express my appreciation
6 to all the agencies for the efforts. I think that you've
7 shown a great deal of patience and poise tonight and
8 I really do appreciate the great expenditure of public
9 resources to make sure that this is done right.

10 For our own part, to date, over \$100 million
11 have been spent on this site. We've already -- there's
12 been a suggestion I believe -- or at least an implication
13 that while this process is playing out nothing is
14 happening with the site. That's far from the truth.

15
16 Over 100,000 pounds of uranium has been
17 removed from the groundwater and over 150,000 pounds
18 of uranium has been removed from the large tailings pile
19 itself. So, Bruce, I believe you said 250,000 -- that's
20 as of 2009. We're actually beyond that at this point.

21 But for the -- you know, for the benefit of the public
22 I want you to know that progress is being made and
23 continues to be made.

24 With respect to the epidemiological
25 studies, ATSDR came out in June of 2009, and I'll let

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1 their conclusions speak for themselves. It is publicly
2 available. EPA has also performed multiple I guess
3 reviews of potential exposure pathways in the
4 communities over the years. We've also done our own,
5 some of which are public, some of which have been subject
6 to lawsuits. There's an extensive public record on
7 potential public exposure and I want to make -- draw
8 the public's attention to that, that that information
9 is available.

10 And, again, I'd like to express my
11 appreciation to all of the agencies and to everyone else
12 for coming out tonight, because it is a very complex
13 site, and I understand that there are a lot of causes
14 for concern and a lot of frustration that this is taking
15 a long time. But it takes a long time to spend \$100
16 million.

17 MR. CAMERON: And if people wanted to get
18 any citation to the ASTDR epidemiological study --

19 FEMALE VOICE: It's not an epidemiological
20 study.

21 MR. CAMERON: Well, okay. So you know
22 about this though. Okay. All right. All right.
23 We're going to go back -- we'll go back to all of you.

24 Kathy had a question. Go ahead.

25 MS. HELMS: I was glad to hear from

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1 Homestake, because I really wanted to hear from them.

2 Nobody gives them a chance to talk.

3 MR. CAMERON: Well, they get a chance.

4 MS. HELMS: Okay. Yeah. Okay. So back
5 to the evacuation plan. I know this is not Fukushima.

6 I still want to know why Jaczko resigned.

7 Anyway, but I was here like a year or two
8 ago when there was a flood, and part of the wall I guess
9 washed out from the tailings pile there. You know, that
10 wasn't a really big flood, but the water, you know, still
11 brought all that out.

12 So if there was a really big flood and the
13 wall came out of the tailings pond there or tailings
14 pile and this washed into Linda Evers' house or Candace's
15 house or whatever, you know, I mean, is there -- should
16 NRC not have an evacuation plan or something in place
17 to get these people out in the event of something like
18 that? And, if not, then could they come back and sue
19 NRC because you don't require this?

20 MR. CAMERON: You may want to address
21 the -- there's the plan issue. Okay? But there's also
22 the basic issue of how are people in the community
23 protected from walls failing, things like that. In
24 other words, how does the NRC regulatory scheme or the
25 EPA regulatory scheme -- what measures are in place to

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1 protect people?

2 MR. BUCKLEY: We're struggling with how to
3 answer that question. There was a large rain event.
4 There was no release. So let's be clear about this:
5 There was no release. Okay? The State went out, EPA
6 went out, NRC went out. There was no release.

7 There is not an evacuation plan, but it was
8 a relatively large flood. I think what it showed is
9 the design of the tailings pile and the design of the
10 evaporation pond worked as designed. There was no
11 release.

12 MS. HEAD-DYLLA: What it shows is your lack
13 of understanding of our area.

14 MR. CAMERON: Pamela, Pamela -- I'm sorry.
15 Candace, we'll get to you. Okay?

16 MR. WATSON: I'd like to go back -- this
17 is Bruce Watson. I'd like to go back to the emergency
18 plan part. I answered your question before because we
19 have no credible nuclear safety issue that would require
20 us to have an emergency plan.

21 Just because the facility is a licensed
22 facility for NRC -- okay? -- it's still a local
23 jurisdiction for such things as fires and injuries and
24 whatever natural disasters -- tornadoes could happen.
25 It's the local government that would respond to that.

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1 And, I mean, if there's something else in
2 the area that would be of significance, such as a dam
3 breakage or something like that, then we may be looking
4 at something at a higher level or the State may get
5 engaged in some kind of an emergency response plan of
6 that level.

7 So I just want to make sure we're clear that
8 there should be an emergency response plan or a -- some
9 kind of local jurisdiction over how to handle certain
10 things like that. I mean, I go to a site in Oklahoma
11 which is prone to tornadoes. I've been there when the
12 tornado alarm goes off. So there's a response plan that
13 the city set up.

14 MR. CAMERON: Okay. This is spawning some
15 more questions. And what I'd like to do is just get
16 Pamela on and then come back to Candace and Laura. Is
17 your question about this same issue?

18 FEMALE VOICE: Uh --

19 MR. CAMERON: Well, we'll get to you.
20 Okay. this is Pamela.

21 MS. SCHRINER: As Laura was saying, I am
22 inquisitive and thinking of the same way about your
23 mission statement saying that you're protecting people
24 and the environment.

25 But something that I am a little confused

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1 about, in October when we had our other meeting -- and
2 what is your name, sir?

3 MR. APPAJI: Sai.

4 MS. SCHRINER: When we went to the meeting
5 with Sai, one of my questions was who was actually
6 responsible for testing the people and who was actually
7 concerned with our health problems here.

8 And at that time I'm pretty sure that he
9 told us that the EPA did not do testing on people and
10 that was not their responsibility. Whose
11 responsibility is it and if we got a petition
12 together -- all of our people in our community -- and
13 asked for this EA to be done and the other type of testing
14 will an organization pay to have all of us tested?

15 MR. CAMERON: Anybody want to -- we already
16 spent -- well, we already heard about the Agency for
17 Toxic Substances and Disease Registry study, and that's
18 who usually does these things.

19 But anything from NRC or anything from Sai
20 at EPA on this particular issue? Larry?

21 MR. CAMPER: Well, I can -- the NRC does
22 not test people. It -- that's not something we do.
23 It's not in our regulatory regime. What we do is utilize
24 regulations that have standards that are adequate to
25 protect public health and safety. And then we have

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1 exposure limits. We have effluent release limits, all
2 of which are designed to be adequate to protect public
3 health and safety. And they're based upon the criteria
4 that I cited earlier, whether it be the ICRP or the NCRP.

5 And so the approach is to ensure we're using
6 standards that are adequate to protect and that
7 licensees are implementing a program that will meet
8 those standards. That's what our agency does. But we
9 don't test people.

10 As far as who does test people, I think,
11 you know, Chip, you cited the organization that does
12 that. I mean, you could communicate with them further.

13 And typically what happens in cases like that a request
14 is made, certain criteria has to be met, and then they
15 make a decision as to whether to do that kind of testing
16 or not. But I don't profess to know their criteria.

17 MR. CAMERON: And Candace -- you wanted to
18 make a comment or ask a question about emergency
19 response. But you seem to know about the Agency for
20 Toxic Substance Disease Registry Study. Maybe that
21 would be useful information to people if you told them
22 a little bit about that.

23 MS. HEAD-DYLLA: It does no good for what
24 she's asking. Nothing has been done. We need an
25 epidemiology study. So she's absolutely right. We

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1 need an epidemiology study pure and simple. That's the
2 bottom line.

3 What I will say about your rain event, what
4 happened with the rain event is a thundercloud -- a freak
5 thunderstorm came right down on the site. It
6 washed -- and you can call it -- if it wasn't a
7 release -- I love the euphemisms. What happened was
8 all of the crap that's been blowing around on the side
9 for years and things that were off the side got washed
10 down into the community. So, I mean, we'll see what
11 the risk assessment says about all that.

12 But what you don't understand about our
13 site, because you don't take time to interact with the
14 community, is that we have flood events from way up in
15 San Mateo Creek. So we're not worried necessarily about
16 the rain clouds that hover around our site, although
17 they can be disastrous. They can flood people out.

18 But we're worried about the big rain
19 event -- the 50-year or 100-year
20 flood -- that comes -- starts up in the San Mateo area
21 up in the mountains and comes down that flood plain and
22 washes the side of the tailings pile out and into our
23 community. That's what we are concerned about.

24 MR. CAMERON: Candace, you just made a
25 remark about -- and this goes back to some of the things

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1 that Larry was talking about that the NRC doesn't come
2 out into the community. And I think that the NRC staff
3 would probably disagree with that -- say they are out
4 here in the community. But what would you recommend
5 to the NRC staff on how they could get more involved
6 with the community?

7 MS. HEAD-DYLLA: Well, let's not do this
8 we feel your pain, we'll come out and visit with you.

9 The way to get more involved is to have real meetings,
10 let us get a real communication plan together, let us
11 be part of your executive sessions.

12 Paul mentioned a really good idea, which
13 is you can have a session where people are allowed to
14 comment and then you go into executive session
15 afterwards.

16 But remember that we have full-time jobs.
17 We've got -- you've got to do some accommodation for
18 a working class community. So there may need to be
19 teleconferences, phone conferences -- those sorts of
20 communications.

21 We have good communication right now with
22 the EPA, and I'm sure that they could give you some advice
23 into how to have a decent dialogue with the community.
24 So talk to your partners there.

25 We just got a call from Phyllis Bustamante,

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1 new person at NMED. We had a conversation. It's those
2 kinds of things that make the process better. And the
3 defensiveness that we've witnessed here tonight is not
4 helpful.

5 MR. CAMERON: Okay. That was a good
6 summary. And, Laura?

7 MS. WATCHEMPINO: Thank you. I don't
8 think Candace's question was answered about the possible
9 flood event -- 100-year flood event. But I'll just add
10 to that because that's part of my question is we're
11 coming up close on the anniversary of the Church Rock
12 Uranium Mill Tailing Spill on July 16, 1979.

13 So I'm pretty sure that the NRC is fully
14 aware of the type of breach that could occur due to a
15 flood event. And, you know, the question gets back to
16 what sort of evacuation plan for the residents, for the
17 communities downstream -- is this being addressed?

18 MR. CAMERON: I think Bruce tried to
19 address that in terms of the local government
20 responsibility. And I don't know if there's anybody
21 who can speak more to that. Or, Bruce, do you want to
22 say anything more about that?

23 MS. WATCHEMPINO: Well, I could either ask
24 Homestake or I could ask all the regulatory agencies.

25 MR. CAMERON: Anybody from the Department

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1 or EPA want to talk about local government emergency
2 response for situations that may affect a facility like
3 this?

4 MS. HEAD-DYLLA: Well, the local
5 government can't move that tailings pile out of a flood
6 plain district, can they?

7 MR. CAMERON: Does anybody want to talk to
8 that? (Pause.) Well, that's got to be an open item
9 that the community needs some answers on. And, yes,
10 please introduce yourself.

11 MS. HEAD: My name is Jonnie Head. I live
12 about a half-a-mile from the tailings pile, and I've
13 been there since 1975. And I've gone to a multitude
14 of these meetings and my mind kind of drifts around
15 because I hear these figures thrown out here.

16 And I've heard over and over that Homestake
17 has removed 250,000 pounds of uranium. And I'd like
18 to know where it went.

19 MR. CAMERON: NRC, answer on where the
20 uranium goes. Or should I -- okay.

21 MALE VOICE: Go ahead and answer it.

22 MR. CAMERON: Let's go to Al. Come on, Al.
23 I don't have a long leash here. All right. And please
24 introduce yourself.

25 MR. COX: Yes, I'm Al Cox. I'm the project

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1 manager at the Homestake site. To answer your question
2 in regard to where the pounds or mass of uranium has
3 gone that we've removed out of the aquifer -- or out
4 of the tailings pile, it's quite simple. Our waste
5 management system is a set of evaporation ponds, and
6 that's where it's at.

7 MS. HEAD: So it really hasn't gone
8 anywhere. We've just now got it in another pile.

9 MR. COX: We have removed the mass
10 from -- and this is ongoing -- moved it out of the
11 aquifers. We're removing mass out of the tailings pile,
12 and that mass of uranium is then placed in our
13 evaporative ponds that we have there -- the three
14 evaporation ponds that we have. That is the
15 wastewater management system. You can't make uranium
16 mass disappear and go away. You can move it, you can
17 change the concentration of it. But you can't make it
18 disappear. So at this site that is effectively what
19 is the end point to where the uranium contamination is
20 repositored there in the process of our cleanup
21 program.

22 MS. HEAD-DYLLA: How much is left?

23 MR. COX: I don't have a number off of the
24 top of my head in regard to that. But --

25 MS. HEAD-DYLLA: But we know how much was

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1 milled, so you should have a number.

2 MR. COX: Yeah, we know how many tons we've
3 milled there, obviously. We know the percent recovery
4 that we had and therefore the percent that remains in
5 some form.

6 Is it soluble? Is it insoluble? There's
7 a myriad of questions that enter into that. And we've
8 looked at that quite extensively, but I can't right off
9 the top of my head tell you how many pounds we're
10 anticipating that will be removed.

11 MR. CAMERON: Okay. Thank you. Thank
12 you.

13 FEMALE VOICE: I have a question for Mr.
14 Cox.

15 MR. CAMERON: We're trying to keep this to
16 an NRC public meeting, and they're going --

17 FEMALE VOICE: Okay. I have it for the
18 understanding --

19 MR. CAMERON: They're going to be here
20 afterwards and I'm sure they'll glad to talk to you.

21 MS. WATCHEMPINO: I don't want to ask
22 anything too detailed, but what percentage of uranium
23 remains to be moved?

24 MR. WATSON: Let me answer that in this way.

25 I believe that Homestake has reduced the amount of

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1 dissolved uranium in the large tailings pile from about
2 40 micrograms per liter down to about 10 at this point.

3 MS. HEAD-DYLLA: Percentages -- stick with
4 percentages. That's the question.

5 MALE VOICE: What percentages, Candace?

6 MR. WATSON: So approximately 75 percent
7 of the dissolved uranium has been removed from the --

8 MR. ROBINSON: Total.

9 MR. WATSON: I can't answer that. I can
10 only give it to you in a concentration. But I could
11 tell what the concentration is, which means it's being
12 cleaned up. There's been a significant reduction in
13 the concentration of the dissolved uranium in the large
14 tailings pile.

15 MS. HEAD-DYLLA: Paul, please.

16 MR. CAMERON: Do you have --

17 MR. ROBINSON: We'll see if I get the
18 microphone again.

19 MS. HEAD-DYLLA: Yes.

20 MR. CAMERON: Come on up then. We'll get
21 it to you. Okay?

22 MR. ROBINSON: When?

23 MR. CAMERON: We're not going to hold
24 anything against you. But, Kathy, we're going to let
25 Paul talk so that we can continue on this part and then

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1 we'll go to you. Okay? Paul.

2 MR. ROBINSON: So one area that I think is
3 worth commenting on is that there hasn't been a mass
4 balance type of calculation prepared to verify the
5 conceptual analysis that Al Cox just provided. And
6 there's been no measurement of the amount of uranium
7 in the solids or liquids in the ponds. And there's been
8 no evaluation of the amount of uranium in the tailings
9 in either the dissolved or non-dissolved fraction for
10 the slimes or the sands.

11 And it's that lack of rigorous quantitative
12 analysis that's been a real barrier to addressing
13 whether removing a quarter-million pounds of uranium
14 is significant or not. It's nice that the NRC and
15 council for the company agree on the amount that's been
16 removed. But there is no estimate of the amount that's
17 there.

18 MR. BUCKLEY: Can I address this?

19 MR. ROBINSON: And this has been a question
20 that's been raised several times. If there's only a
21 million or two pounds left then there's a significant
22 fraction removed. But if there's closer to 10 million
23 pounds, as a 95 percent recovery, a very efficient mill
24 recovery would have provided, then there's only a very
25 small fraction that's been moved.

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1 And when the concentration of uranium in
2 the tailings goes down and the tailings are flushed with
3 clean water, well, it's diluting the concentration.
4 So whether the calculation that you're making, Bruce,
5 is accurate or is a measurement of dilution hasn't been
6 addressed in a vigorous way.

7 And those are some of the things that
8 community people have asked me, we've asked other
9 agencies. I think we ought to see in the CAP before
10 it's accepted as complete for technical review because
11 these are very fundamental questions. The company's
12 very proud of what it's removed, but what ratio of what's
13 left is very important. And as people now who've looked
14 at the back of the CAP, there is a rebound shown for
15 all of the different scenarios.

16 So those levels are going to rise back up
17 in the wells that have been diluted. And that's the
18 concern that's been raised many times and hopefully be
19 addressed thoroughly.

20 MR. CAMERON: And --

21 MR. BUCKLEY: Can I provide a response?

22 MR. CAMERON: Yeah, I'll give you full time
23 for response. But this is the type of comment that might
24 be appropriate from people on the revised CAP.

25 But, go ahead, John.

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1 MR. BUCKLEY: Yeah, but that was my point.

2 So your comment is based on your review of the current
3 CAP that we have in front of us or your comment is based
4 on past comments that we've heard before? What I would
5 encourage you to do --

6 MR. ROBINSON: No.

7 MR. BUCKLEY: Wait just a minute. I would
8 encourage you -- if you've already finished your review,
9 then I would accept your comments. If you've finished
10 your review of the CAP, then I'll accept those as your
11 comments and you're welcome to send those on for
12 consideration.

13 If you have not finished your review of the
14 Revised CAP, then I encourage to do that. And if you
15 have questions or comments regarding the mass balance
16 that's provided in the CAP, then please provide that.

17 So if it's based on current knowledge of
18 what's in the CAP, I accept your comments and we can
19 work with that. If you have not reviewed that section
20 then I encourage you to do so.

21 MR. ROBINSON: So the comment is based on
22 the review of the CAP that identifies mass removal --

23 MR. BUCKLEY: Okay. So the current --

24 MR. ROBINSON: -- and doesn't --

25 MR. BUCKLEY: -- CPA in front of us you have

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1 removed and that is your comment.

2 MR. ROBINSON: That's my comment at this
3 time based on my review at this time.

4 MR. BUCKLEY: That's what I'm asking you.

5 Okay. Please. Okay. That's what I wanted. So pass
6 that on and we will consider that. Sure.

7 MR. CAMERON: Okay.

8 MR. ROBINSON: The other point I want to
9 make is that the counsel mentioned a figure of a 100
10 million. And I don't know where that figure came from.

11 I've never seen that kind of estimate. I think the
12 actual cost would be valuable.

13 I do know that the federal government's
14 paying the lion's share -- paying 51 percent -- the cost
15 of the uranium mill tailings radiation control act
16 amendments that require federal coverage of their
17 weapon's share of the co-mingled tailings piles, of
18 which this is.

19 So that \$50 million of federal money, as
20 well as whatever would be spent in the future, that's
21 yet another significant federal impact of this facility.

22 MR. BUCKLEY: I'll address that also.
23 Each and every year Homestake provides an updated
24 financial insurance cost estimate for decommissioning.

25 It is available. It's in the license. And each year

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1 they update that number. So you have had access to that
2 number all along and the number is perfectly public.

3
4 MR. ROBINSON: Cost -- the activity is
5 different than the decommissioning cost. Right?

6 MR. BUCKLEY: It is a decommissioning cost
7 estimate for activities to occur between here and the
8 future.

9 MR. ROBINSON: Spent -- what's been spent
10 is what the gentleman said. And so that's different
11 than what the decommissioning would be.

12 MR. BUCKLEY: If it makes a difference to
13 you I'll go back and look at all the license amendments
14 we've had to date and I can provide that number for you
15 if it makes a difference. If you want to look at the
16 number that's currently available and look at the
17 decommissioning cost funds estimated for cleanup from
18 here till closure it's already available in the new
19 license amendment.

20 MR. CAMERON: Okay.

21 MR. ROBINSON: I'm looking at --

22 MR. CAMERON: Okay.

23 MR. ROBINSON: -- cumulative cost.

24 MR. BUCKLEY: I said if you want me to do
25 it I'll do it for you. If it makes a difference to you

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1 actually I'll prepare that for you.

2 MR. CAMERON: Okay.

3 MR. ROBINSON: Yes.

4 MR. CAMERON: Thank you. That was a yes
5 to that. And, Kathy, did you have something else?

6 MS. HELMS: Just something simple. I'm
7 just a little simple hillbilly. Okay? So I don't
8 understand some of this. But -- okay. So if these are
9 in a -- if the uranium's in an evaporation pond is it
10 always covered with water? And also because it is
11 uranium could it be -- could Homestake sell it and
12 recover some of their cost for cleanup? And then, too,
13 if it's in a pond and it's covered with water how do
14 you know -- how do you estimate how much you've captured?
15 Do you know?

16 MR. BUCKLEY: Al, can I get you to respond
17 to that please?

18 MR. CAMERON: And these are all questions
19 about the nature of evaporation ponds. I mean, is this
20 something that the NRC can talk about?

21 MR. BUCKLEY: We can address the comments
22 but I think for --

23 MR. CAMERON: I think the public might want
24 to know that the NRC knows about the evaporation pond.
25 So, Matthew?

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1 MR. MEYER: Your question about the
2 evaporation pond -- concentration -- they know the
3 concentrations that are going into the evaporation
4 ponds. And they also know the volume of which is going
5 into there. So by that they can calculate the actual
6 amounts that is in the evaporation ponds today.

7 That's how they get these numbers that the
8 present in the CAP as to the volume of uranium,
9 selenium -- any of the constituents you could -- that
10 are, you know, of concern. That's how much are in those
11 evaporation ponds. So, I mean, it's known amounts.

12 MS. HELMS: Is it covered with water all
13 the time?

14 MR. MEYER: Covered with water.

15 MS. HELMS: The whole time.

16 MR. MEYER: I'm not quite understanding
17 why --

18 MS. HELMS: Like if --

19 MR. MEYER: -- you're concerned about that.

20 MS. HELMS: Well, since you're saying
21 evaporation it seems like the water would be evaporating
22 off, in which case then --

23 MR. MEYER: The evaporation is part of the
24 remediation process. They put that water in there so
25 that those constituents can precipitate out instead of

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1 to the bottom. And there is also the problem that you
2 have to remove a lot of water. To get rid of that water,
3 this evaporation process is one of those technologies
4 that you have. So slow radiation, you know, is allowing
5 the water to evaporate and to reduce the amount of water
6 to be treated.

7 MS. HELMS: What about the sale of --

8 MR. CAMERON: And if you want to find out
9 more about this --

10 MR. MEYER: Well, the sale of -- let me real
11 quick. I mean, the sale of -- I mean, that's a
12 consideration of a technical merit, if it could even
13 be extracted at this point -- at these volumes. But,
14 I mean, that's, you know, for Homestake to decide if
15 that's even feasible. Not our purview.

16 MR. CAMERON: And you can talk to -- you
17 can talk offline with Matthew if you want to find out
18 more about that.

19 We'll be back to you, Candace, because we
20 have Pamela. Pamela?

21 MS. SCHRINER: One question.

22 MR. CAMERON: Go ahead.

23 MS. SCHRINER: Hi, I'm Pamela. My
24 question is, okay, once again it says in our document
25 that Homestake is conducting a feasibility study for

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1 relocating the large tailing pile. I didn't hear him
2 say relocating. I heard him saying using evaporative
3 control type of thing instead of -- it's not the same
4 as relocating. Are they moving it? Are they just
5 wetting it? You know, by wetting it are they still
6 leaving it in the ground? You know, eventually does
7 it still make it through the environment?

8 MR. CAMERON: Let's see. Can you clarify
9 for Pamela what the difference between those two
10 concepts are?

11 MR. BUCKLEY: There are two different
12 things I think you're asking about. The first one is
13 the feasibility study that EPA that requested Homestake
14 to do for moving the pile. Now, that is different than
15 evaporation. Right? I mean, I'm not sure -- I guess
16 I don't -- I'm not understanding the connection between
17 the first part, the feasibility study for moving the
18 pile, and the evaporation part of the question.

19 MS. SCHRINER: Either/or.

20 MR. CAMERON: She's confused about that.
21 Go ahead.

22 MR. BUCKLEY: Okay. One of the current
23 five complements of the reclamation activities at the
24 site is evaporation. Right? I went -- my slides -- I
25 got -- they have source control, plume control, reverse

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1 osmosis, and then they also have evaporation. So that
2 is one of the components that they're -- that they use
3 in their reclamation program right now.

4 MS. HEAD-DYLLA: They're only studying
5 whether they should move it or not. Right?

6 MS. SCHRINER: Right. Like EPA said in --

7 MS. HEAD-DYLLA: Yeah.

8 MS. SCHRINER: -- October they weren't
9 going to move it.

10 MS. HEAD-DYLLA: Yeah.

11 MR. BUCKLEY: Right.

12 MS. SCHRINER: But now you all are
13 saying --

14 MR. CAMERON: Okay.

15 MS. SCHRINER: -- maybe. Right?

16 MR. CAMERON: All right.

17 MR. CAMPER: Let me try to be clear. Twice
18 before the feasibility of moving the impoundment
19 tailings was reviewed. In both cases the determination
20 was, no, that it wasn't feasible for the reasons I cited
21 earlier, which mainly the number of accidents with
22 moving vehicles, greenhouse gases from exhaust, and so
23 forth.

24 The EPA has requested that the feasibility
25 be examined yet one more time. That's going on right

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1 now. It's finished in June.

2 But aside from that the -- as John said,
3 there are five components of the remediation of the site
4 that has been ongoing and is ongoing and will continue
5 to be ongoing. The question of whether or not the
6 material can be moved or not the feasibility study is
7 to address.

8 So one is ongoing remediation. Another is
9 the feasibility of moving the pile.

10 MR. CAMERON: Okay. Good. Does that --

11 MALE VOICE: Yeah, I got.

12 MR. CAMERON: -- got it? Okay. Thanks.

13 Candace.

14 MS. HAND-DYLLA: I'm going to -- it's
15 partly a -- there's a question and then a comment. The
16 question is, I think a dandy way -- if you really want
17 to have dialogue with the community a really great way
18 to do that would be to let the regulatory agencies
19 provide their comments and let us read the comments of
20 the regulatory agencies and then we'll have 30 days after
21 that to comment, because it's very helpful to us as a
22 community to see what other regulators have said -- what
23 NMED says, what EPA says -- that would be very helpful.

24 So when those are finalized and you've responded to
25 those comments, then for us to be allowed to comment,

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1 that would be a really great way to start a good dialogue.

2 The other thing is I think Mr. Harmiel will
3 be particularly interested in knowing that one of the
4 reasons they could not -- they considered it not
5 feasible to move the tailings pile was because of the
6 truck traffic and the carbon footprint. Am I right
7 about that? Right.

8 So that's going to pose a real problem.
9 If truck traffic and carbon footprint is a problem, then
10 I expect there could be no more licenses issued for
11 uranium mining in this area ever again, because we can't
12 have trucks and we can't have a carbon footprint.

13 So if we can't have that to move a legacy
14 contamination site, I can't imagine how we'd ever mine
15 here again.

16 MR. CAMERON: Thank you, Candace.

17 I'm sorry. I forgot your name. And then
18 we'll go to Laura.

19 MS. FLORA: Okay. Toni Flora from DNA
20 again. And bear with me while I try to fumble through
21 this. The question that I asked previously about the
22 license modification -- I guess I -- I wasn't asking
23 about the groundwater application. I -- from my
24 understanding once -- the method was different of
25 cleaning up the pile. And then somewhere around 2000

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1 they started doing a flushing process.

2 There was -- from my understanding there
3 was no license modification. I haven't been through
4 all 44 license modifications yet, but from what I
5 understand there was never a license modification issued
6 for the change from drying out the pile to flushing the
7 pile. And that seems like it's a huge change and needs
8 some kind of an assessment done.

9 And I would like to use that to argue -- I
10 know Laura gave some comments earlier stating that an
11 EIS was required for all these different reasons. And
12 this is yet another reason -- because the method had
13 changed.

14 MR. CAMERON: Do you understand what
15 Toni's -- Toni's concerns?

16 MR. BUCKLEY: I do understand what she's
17 saying, yes.

18 MR. CAMERON: And if you could use the
19 microphone, John.

20 MR. BUCKLEY: Flushing of the tailings pile
21 did start in 2000, roughly about there. If I'm wrong,
22 Sai, let me know, but I think it was about 2000.

23 It was approved -- it was an approved
24 activity. It -- let's see. I don't know that -- well,
25 it did not go through the license amendment process.

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1 As I mentioned earlier the CAP as provided in 2000 was
2 a constantly changing program -- right? The CAP
3 was -- the reclamation activities at the Homestake site
4 was constantly changing -- was evolving.

5 So it was reviewed and approved by the three
6 agencies. A license amendment -- I'm going to have to
7 look at that. I'll get back with you. I don't want
8 to give you the wrong answer, but I will get back with
9 you.

10 MR. CAMERON: Okay. Thank you. Thank you
11 both. Laura?

12 MS. WATCHEMPINO: I had a request for
13 clarification on my earlier comment about breach of the
14 mill tailings pile from a 100-year flood or even a
15 50-year flood and the risk to the communities that reside
16 downstream.

17 So I wasn't sure -- now I'm thinking what
18 was your response. And would you agree that this is
19 a significant environmental impact that requires a
20 complete environmental impact statement?

21 MR. BUCKLEY: Does it require a complete
22 environmental impact statement? No. We've already
23 been through that, Laura. Currently it doesn't meet
24 our requirement for requiring an environmental impact
25 statement.

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1 There were designs -- when the design was
2 approved for the large tailings pile and for the
3 evaporation ponds there were environmental assessments
4 completed for those activities. The designs were
5 reviewed and approved -- environmental assessments
6 finished.

7 MR. CAMERON: Okay. We're past the close
8 of the meeting, but I wanted to give everybody who has
9 been contributing so much to this meeting and asking
10 questions a chance to ask another question. And I'm
11 looking at Paul because Paul, Toni, Candace, Kathy, and
12 here's someone we haven't heard from. So let's do a
13 final -- let's do a round here. Okay? And let's start
14 with this gentleman. And just please introduce
15 yourself to us.

16 MR. GILBERT: Thank you for all of the
17 information and for the patience coming from both sides.
18 My question is the area of extent being studied by the
19 CAP --

20 MR. CAMERON: Please give your name.

21 MR. GILBERT: Petuuche Gilbert. I'm an
22 Acoma resident downstream. And I've always
23 been -- we've always been very concerned about
24 groundwater resources and, of course, surface too. And
25 we see that so much water is being withdrawn to deal

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1 with the CAP action process.

2 And to what extent is this CAP action
3 and -- covering in terms of, for example, like radius?

4 And also with all this water that has been removed and
5 groundwater coming in are there groundwater analyses
6 being done on any environmental contamination that I
7 hear of a radioactive plume coming in from the Old
8 Anaconda site? So I'm just concerned about downstream
9 impacts and how this is going to be evaluated.

10 MR. CAMERON: Okay. Thank you. Thank
11 you, sir.

12 John or Bruce? Matthew?

13 MR. MEYER: You're concerned for
14 groundwater contamination. You know, that's -- that
15 has been all of our concerns. I mean, we have been
16 dealing with that since the year 1977 I believe is when
17 the first concerns became aware of -- at least -- well,
18 '60s, I believe.

19 But the problem -- we have to -- every year
20 the Homestake submits a annual report. That annual
21 report provides NRC with a updated plume maps, currents
22 remediation position that goes to the NRC, to the EPA,
23 to the State. We all assess that, we review it, we talk
24 to each other, we provide comments.

25 And that is how we, you know, have gone

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1 through the process of evaluating each year, you know,
2 Homestake's plume reduction so that the extent of the
3 plume does not impact any more than it already has.

4 So your question towards down-gradient
5 locations, I mean, that is all of our concerns. They
6 do the extraction program. They do the injection
7 program of the clean water which goes to the RO plant
8 that -- you know, where they take the dirty water, put
9 it through the RO plant, reinject it to control the
10 plume. That plume gets pushed back towards the
11 extraction wells at the site.

12 So there's kind of a process here of how
13 clean water -- you know, the dirty water contains
14 uranium, selenium, gets cleaned, and then reinjected.

15 So there is some water loss, obviously, through the
16 evaporation ponds. We can't have a zero loss. That's
17 just not possible. It is not a feasible option -- the
18 sheer amount of water that needs to be processed.

19 MR. WATSON: Can I piggyback?

20 MR. CAMERON: Do you want to -- yeah, we're
21 going to hear from Bruce.

22 Go ahead, Bruce.

23 MR. WATSON: I just want to make sure -- you
24 mentioned the Old Anaconda site. And it's right up the
25 road here. I've been on it.

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1 The purpose of my comment is that once these
2 sites are cleaned up, remediated, then they go to a
3 general license for -- under the Department of Energy.

4 The Department of Energy has a long-term surveillance
5 plan which includes continuous groundwater monitoring,
6 monitoring of the cover to make sure it stays in shape
7 and all that.

8 So the impacts from the Blue Water or Old
9 Anaconda site are being monitored by DOE. We have
10 oversight of their program. We keep -- I guess trend
11 their analysis and work with them on issues.

12 So right now the Blue Water site is the Blue
13 Water site. Right now it's not an impact on the --

14 MR. BUCKLEY: If I can add --

15 MR. WATSON: Yeah.

16 MR. BUCKLEY: But let me just add a little
17 bit to that. There's the Grants Mineral Belt five-year
18 plan group, and -- which is looking at the regional
19 contamination issue all the way from Ambrosia Lake;
20 includes any contamination from the Blue Water site.

21
22 And currently there is some discussion
23 about whether or not there is contamination leaving the
24 Blue Water site. DOE is currently in the
25 process -- they've drilled several wells within the last

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1 year and they have several more monitoring wells I think
2 planned for this coming year.

3 We just heard the numbers, Sai. Can you
4 remember off the top of your head?

5 (Pause.)

6 MR. BUCKLEY: Well, you weren't at
7 the -- there was a Grants Mineral Belt five-year plan
8 meeting actually on Tuesday. So -- three new
9 wells? -- three new wells being planned?

10 MALE VOICE: Uh-huh.

11 MR. BUCKLEY: So they drilled two wells
12 last year, and they have three more monitoring wells
13 planned for either this year or next. But they do have
14 the funding. And, you're right, it is a concern and
15 it is being evaluated currently.

16 MR. CAMERON: Okay. Let's go to Senator
17 Udall's staff.

18 MR. CURLEY: Good evening everyone. My
19 name's Cal Curley. I'm with Senator Udall's office.

20 I appreciate the dialogue tonight with the NRC,
21 Homestake, and the community. Thank you for coming out.

22 Of course, this issue is very important to the Senator.

23
24 There's a number of things that came out
25 that I just wanted to say -- and I appreciate EPA

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1 Congressional briefing today. And there was a -- we
2 tried to share a lot of the concerns from BVDA, and I've
3 heard a comment made earlier about a house survey. And
4 today I learned about various five-year plans that
5 Region 9 is doing for the Navaho area, Region 6 in this
6 area.

7 And what came out out of the Waxman hearing
8 a while -- a few years back when Senator Udall was in
9 the House, the five-year plan kind of was -- I guess
10 came out of that hearing for Navaho nation.

11 And I'm not really sure who advocated for
12 an epidemiological study or house study. I know DHHS
13 through IHS was involved in that five-year plan. Maybe
14 a recommendation from EPA or NRC or local -- the local
15 governments to request for a study like that or to be
16 part of the five-year plan.

17 That's -- I'm just thinking out loud. I'll
18 share this with our office and see where this could go.

19 But I just wanted to mention that and I appreciate the
20 time to say a few words. Thank you.

21 MR. CAMERON: Okay. Thank you very much,
22 Cal. Paul, Toni, and we'll come back up this way. And,
23 of course, Pamela. Paul?

24 MR. ROBINSON: Just one last thought. The
25 State and EPA both have websites that provide some

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1 material on the Homestake site, but neither are
2 comprehensive and -- I try hard to search in ADAMS.
3 It's a real challenge.

4 But I just request that the presentations
5 that were made today be posted on those websites and
6 the responses that people have offered to comments -- if
7 those could be posted those are good indicators of a
8 responsiveness.

9 I was -- I heard you, Matt, say that there
10 are agency comments on the annual reports -- annual
11 monitoring reports. And I've never seen those and I
12 was trying to figure out how to search for it on ADAMS.

13 Because you have to have the name of the document to
14 find it. And certainly those comments would be very
15 valuable and -- so I don't know if those are documents
16 that you could make available or identify in a Homestake
17 bibliography.

18 John, you did a good bibliography on
19 Homestake, but it's now a year and a half or so old or
20 something like that. So those would be very valuable
21 tools.

22 MR. CAMERON: Great.

23 MR. ROBINSON: Thank you.

24 MR. CAMERON: Thank you, Paul.

25 MR. BUCKLEY: And, Paul, if I could say,

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1 the new ADAMS P8 is even more difficult than the other
2 ones. So we are also struggling with this and we're
3 going to have to learn together. Everything is there,
4 and what I can do is I will provide you a new record
5 of all the documents that have been provided over the
6 past six months. I can easily run a record. I can
7 provide that if that helps.

8 MR. ROBINSON: Thank you.

9 MR. CAMERON: And, you know, I just might
10 say something here at this point on that exchange. And
11 we've heard a lot about communication and coming out
12 to the community. There's a lot to be said for personal
13 conversations between people rather than conversations
14 in the crucible of a public meeting. Because there's
15 always a lot of emotion and concern and there's not
16 really a good chance for a conversation.

17 But I think -- and I'm saying this with all
18 humility also because, you know, I don't know what you
19 all are doing or have done. But, Candace or Paul or
20 Laura, contacting John Buckley or Bruce or Matthew and
21 just saying I just want to talk about this -- and trying
22 to take it out of a sort of a adversary context might
23 be helpful.

24 And I'm saying that not just to Candace,
25 but also to the NRC. There might be some value in doing

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1 that. And that was a nice exchange. It just reminded
2 me nice exchange between Paul and John that sort of
3 illustrates that.

4 Toni, do you have anything?

5 MS. FLORA: No, thanks.

6 MR. CAMERON: Pamela?

7 MS. SCHRINER: Yeah, I do.

8 MR. CAMERON: I thought so.

9 MS. SCHRINER: It's pretty simple. It's
10 nothing major.

11 MR. CAMERON: Okay.

12 MS. SCHRINER: Not brain science. Okay.

13 The only thing that I have to say is like on page 7
14 it's -- one of the criticisms, of course, is that NRC
15 might assume that the public has no confidence in NRC
16 and we do not trust their process.

17 We're not saying -- and I'm saying
18 specifically, or I don't think anyone thinks this
19 way -- but we're not saying that we don't trust you all.

20 But, you know, time has went on for a very long time,
21 and I can personally say my brother's here and I'm here
22 and we have no family members left in our family. I
23 know that you all might not care, or if you do care it
24 doesn't really matter because it's not going to change
25 anything.

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1 But we would like to see people that do have
2 family members and have children and things grow up in
3 this community where that won't be happening in our
4 family. Our father died in his 50s. I don't even want
5 to go into detail why everybody died and what they died
6 from because it doesn't matter.

7 But the point is that in order to get trust
8 you have to earn it. And if you tell us that you're
9 going to clean it up in five years and you don't do it,
10 or if you tell us that you're going to do it in ten years
11 and you don't do it, I can't really see how you possibly
12 could think that we would trust you.

13 One last thing is that if we ask for help,
14 whatever agency that we need the help from as other
15 agencies that you all are combined, with you should find
16 the help that we need. We shouldn't always be told
17 different things like, Oh, that's not our job or that's
18 not part of our thing or like you all are saying, That's
19 not in regulations.

20 We as the community don't care about
21 regulations. What we need is answers, and we want our
22 community taken care of. And we have that right, you
23 know. I mean, Homestake has rights, regulations have
24 rights. You know, the governments have rights and we
25 in the community have rights.

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1 Accountability -- and this is the key
2 thing -- someone is accountable for what they did to
3 our community. And it better happen eventually for the
4 people's sake.

5 MR. CAMERON: Okay. Thank you, Pamela.

6 Laura, final comment, question?

7 MS. WATCHEMPINO: Yeah. I -- the EPA
8 five-year plan for the Grants mining district was
9 mentioned. Is the NRC a part of this?

10 MR. BUCKLEY: We are.

11 MS. WATCHEMPINO: Okay.

12 MR. BUCKLEY: I attend those meetings.

13 MS. WATCHEMPINO: So you were at the
14 meeting on Tuesday?

15 MR. BUCKLEY: Correct.

16 MS. WATCHEMPINO: Okay. Well, I'm just
17 telling you that we would like to be involved in those
18 meetings. I know you're not the regulatory agency.
19 But is the CAP review going to take into account findings
20 from the EPA on the five-year plan -- the assessments
21 that were done?

22 MR. BUCKLEY: Let me just answer. I have
23 been a member of the five-year plan group. It includes
24 I think all of the different agencies.

25 Is Jerry Schoeppner still here? Jerry?

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1 MR. CAMERON: Jerry's gone.

2 MS. BUSTAMANTE: He left, but I'm here.

3 MR. BUCKLEY: He left. Okay. Sorry.

4 Yeah. Thank you, Phyllis. If -- can you -- do you have
5 a list of all the agencies in your head who attend?

6 MS. BUSTAMANTE: Forest Service, BLM --

7 MR. CAMERON: Phyllis, we should get you
8 on here, and introduce yourself to us, please.

9 MS. BUSTAMANTE: Phyllis Bustamante with
10 New Mexico Environment Department. I can't list every
11 single one, but the ones I can list are Forest Service,
12 BLM, Mining Minerals Division of Natural Resources and
13 Engineering -- Mineral, Minerals Department -- I think
14 I skipped a letter -- but MMD, EPA.

15 And I do have -- I did take a note to contact
16 EPA to let them know that you're interested in being
17 involved in those meetings. I don't know how often
18 those meetings have been held. I think this past
19 one -- David, are you familiar with the last --

20 MR. BUCKLEY: Generally I think they're
21 about one year apart, Phyllis.

22 MS. BUSTAMANTE: It's been -- okay,
23 about --

24 MR. BUCKLEY: I think the last one was about
25 a year ago.

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1 MS. BUSTAMANTE: Okay. And they are
2 transitioning lead at EPA, but I will contact them and
3 let you know -- let them know that you are interested
4 in attending. Other participants, USGS -- and who else
5 was there?

6 MR. BUCKLEY: Phyllis, so far your memory
7 is way better than mine. I think you've got most of
8 them.

9 MS. BUSTAMANTE: Okay. I think those --

10 MR. BUCKLEY: But what I would like to say
11 in addition --

12 MR. CAMERON: Thank you. Thank you,
13 Phyllis.

14 MR. BUCKLEY: -- Laura, is that the
15 agencies -- this is the group that looks at the overall
16 regional contamination issue. And, of course,
17 Homestake, Blue Water, and the other mines and mills
18 in the Grants Mineral Belt are all part of that regional
19 look, yes.

20 MR. CAMERON: Okay. Kathy?

21 MS. HELMS: Yes, I've got one more thing.

22 MR. CAMERON: Okay. Good.

23 MS. HELMS: Well, to make this friendlier
24 next time, you know, maybe you guys could come down and
25 have a picnic instead of a night meeting, and I'll

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1 make -- I'll get some water from Candace's and make some
2 potato salad and stuff. That would be really cool.
3 We'd have everybody loose and talking. Yeah.

4 But I wanted to -- a question for Mr.
5 Buckley there. When the design was done for the
6 tailings pile to withstand the 50- or 100-year flood,
7 whatever, was that before the process was changed in
8 2000 and the flushing was started? And then would the
9 moisture from that affect the integrity of the tailings
10 pile?

11 MR. BUCKLEY: The large tailings pile
12 design was done before the tailings pile was actually
13 constructed. So it was way before my time and probably
14 way before any time you're interested in.

15 MS. HELMS: Okay. So did it take into
16 account the change in process? Like now, you know, the
17 flushing -- I mean, it wasn't being done before 2000.

18 MR. BUCKLEY: The flushing was not being
19 done then, no. So it did not -- that original design
20 for the large tailings pile probably did not -- well,
21 definitely did not include flushing, yes.

22 MS. HELMS: Okay. So would it change the
23 integrity -- I mean, would it still withstand all this
24 water from all these years of flushing?

25 MR. MEYER: The tailings pile was

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1 originally saturated. So when you say change the
2 integrity, you're changing it from the desaturated state
3 that it was in after they desaturated, so it went from
4 saturated when they put tailings in; they desaturated
5 it. Right? Then they took the injection wells and
6 resaturated it again. So there's nothing that has
7 actually been changed from the initial. Right?

8 MR. BUCKLEY: I mean, flushing was
9 envisioned when the design was done. But, as Matthew
10 says, it was -- the design was done with -- full of
11 water.

12 MR. CAMERON: All right. And, Candace.

13 MS. HEAD-DYLLA: So, in other words, the
14 U.S. Army Corps of Engineer who worked on the EPA's third
15 five-year report is just kind of nutty about the
16 stabilization being in question at this point?

17 MR. MEYER: The RSE report didn't come up
18 with any conclusions.

19 MS. HEAD-DYLLA: Not the RSE, but the third
20 five-year.

21 MR. MEYER: Third five-year report, which
22 is to summarize the RSE. They --

23 MALE VOICE: Findings --

24 MR. MEYER: Yeah, the five-year review was
25 not an independent new evaluation. They took the

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1 findings from the RSE and then put them into the
2 five-year review.

3 MS. HEAD-DYLLA: So when he says there's
4 a question about the stability --

5 MR. MEYER: The stability was not
6 unquestioned within the RSE report. They had
7 conflicting -- there was no definitive --

8 MALE VOICE: The five-year report.

9 MR. MEYER: There was no definitive answer
10 provided with that statement.

11 MS. HEAD-DYLLA: So there is a question in
12 your third five-year review?

13 MALE VOICE: It will be --

14 MR. CAMERON: Candace, final?

15 MS. HEAD-DYLLA: The final is that I'm very
16 sorry to tell everybody but I have about eleven more
17 questions, so this isn't enough time. What we going
18 to do about that particular issue?

19 MR. CAMERON: Well, I would suggest that
20 you submit the questions and that --

21 MS. HEAD-DYLLA: We should have personal
22 conversations, but I will submit my questions.

23 MR. CAMERON: -- we will answer. And the
24 picnic. And -- okay. Larry, can you close us
25 out -- final comment from Larry?

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1 MR. CAMPER: Well, about the picnic. It's
2 a great idea. I just don't know if we can do it or not.
3 It's a great idea.

4 No, I would just thank everybody for your
5 comments. I recognize the level of concern -- the level
6 of genuine concern that you have. We share that
7 concern. You may not think so, but we do, and we'll
8 continue to provide an in-depth review of this Revised
9 CAP.

10 I apologize the fact that the CAP is that
11 thick (indicating). But if it wasn't that thick and
12 we weren't asking many questions, and if there weren't
13 multiple reviews of it, you would probably feel even
14 more so than you do that we're not doing our job.

15 I apologize for the size of it and the fact
16 that there will be additional questions that will have
17 to be reviewed. But it's a complex document and it's
18 a complex review process. So I can only say I'm sorry.

19 As far as any further comments, we certainly
20 would accept further comments. Candace wants face
21 time; I understand that. We can take that under
22 consideration. But certainly don't hesitate to provide
23 comments.

24 And, as Chip said, don't hesitate to pick
25 up the phone call -- I mean, pick up the phone and call.

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1 I mean, we certainly can schedule a conference call
2 with you. You may ask your questions in a conference
3 call. You don't have face time, but at least you'll
4 have voice time. And so we can make ourselves available
5 to do that.

6 But, again, I genuinely appreciate the
7 opportunity to hear your concerns. And hopefully we
8 have heard everything you had to say. We have a
9 transcript. We'll go back and look at things. We have
10 some IOUs that came along the way, and we'll provide
11 those. And I've got to get that moving van out here
12 with the books real quick. No, we'll use CDS; we use
13 CDS. Thank you.

14 MR. CAMERON: Okay. And there is final
15 comment. Thank you, Larry.

16 In your blue folders there is a -- what's
17 called a meeting feedback form. If you want to note
18 any comments or observations about the meeting -- and
19 it's already franked; you don't have to put a stamp on
20 it -- you can just throw it right in the mail. Okay?
21 So thank you.

22 MR. CAMPER: I do have one more thing.

23 MR. CAMERON: Go ahead.

24 MR. CAMPER: No, I did want to remind
25 everybody -- I said this much earlier in the evening,

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1 but remember that I said that when the RAIs are
2 prepared -- the Requests for Additional Information are
3 prepared, and before the Homestake site responds to
4 those RAIs, we will do a noticed public meeting.

5 That noticed public meeting can be attended
6 or it can be listened to. We make telephone coverage
7 available. So we will notice that public meeting in
8 the Federal Register when the time comes. So
9 that's an opportunity to hear exchange between the
10 regulators and the Homestake site as they prepare to
11 answer those questions that we're all asking them. So
12 that's another opportunity.

13 MR. CAMERON: Okay. Thank you.

14 MS. HEAD-DYLLA: Wait.

15 MR. CAMERON: Thank you all.

16 MS. HEAD-DYLLA: We can submit our comments
17 after the regulators comment?

18 MALE VOICE: Yeah, I was just going to -- I
19 want a clarification of what you actually want, Candace.

20 MS. HEAD-DYLLA: I want to do that, too.
21 We want to see all -- we would like to see all of the
22 regulators' comments -- from NMED, from EPA -- and then
23 after they've commented back, then we'll submit our
24 comments.

25 MR. BUCKLEY: So after we -- after I

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1 personally receive EPA's, NMED's comments --

2 MS. HEAD-DYLLA: Right.

3 MR. BUCKLEY: -- make them publicly
4 available, you want 30 days past that for your public
5 comment period.

6 MS. HEAD-DYLLA: Exactly.

7 MR. BUCKLEY: Is that what you're asking?

8 MS. HEAD-DYLLA: Yeah.

9 MR. BUCKLEY: Okay. So the discussion we
10 had before and the agreement we had that you'll have
11 until August 31 is out. You're requesting that that
12 not be included.

13 MS. HEAD-DYLLA: Well, whatever is the
14 later date, one or the other. So if their comments
15 aren't ready or whatever --

16 MR. BUCKLEY: Well, we were extending
17 their --

18 MS. HEAD-DYLLA: -- we have at least until
19 August 31.

20 MR. BUCKLEY: Okay. But we were extending
21 their period to make sure that you had enough time to
22 review. If you don't need until August 31, then perhaps
23 NMED and EPA don't need until August 31 for their review.

24 MS. HEAD-DYLLA: Well, we'll take till
25 August 31 for their reviews and then we'll take another

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1 30 days after that to respond to their comments. That
2 would be awesome.

3 MR. BUCKLEY: But you're just adding 30
4 days onto the process. We already gave you 30 days.

5 How about if we go back one month to July -- the end
6 of July for EPA and NMED, and then you have 30 days past
7 that?

8 Candace, I really hesitate to keep
9 stretching this thing out. You're always going to have
10 comments. This is a very, very large document. If you
11 have 30 days after you see NRC's comments, EPA's
12 comments, and NMED's comments, isn't that enough?

13 MS. HEAD-DYLLA: You know what? I find
14 this conversation interesting because we've had a
15 pending CAP since 2006. I mean, come on -- so another
16 30 days is hardly a problem I don't think.

17 MR. CAMERON: Okay. I think that NRC is
18 going to have to take that back and think about --

19 MS. HEAD-DYLLA: Think about it.

20 MR. CAMERON: -- how that's coordinated.

21 And there may be another way to accomplish what Candace
22 is doing. And if all of you want to continue an informal
23 conversation with the staff -- and, Toni, whatever the
24 result is in terms of when the comment period is going
25 to close, they'll put it in the Federal Register notice.

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1 MR. CAMPER: Chip, there's no time for
2 informal comments. We have to go.

3 MR. CAMERON: Okay. Thank you all.

4 (Whereupon, at 9:33 p.m., the hearing was
5 concluded.)
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