

# **Official Transcript of Proceedings**

## **NUCLEAR REGULATORY COMMISSION**

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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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10 CFR 2.206 PETITION REVIEW BOARD (PRB)

CONFERENCE CALL

RE

A PETITION REQUEST SUBMITTED ON OCTOBER 13, 2020

(ML20294A388)

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TUESDAY

MARCH 9, 2021

+ + + + +

The conference call was held, Tilda Liu,  
Petition Manager, presiding.

PETITIONERS: CHARLES LANGLEY, Public Watchdogs

STUART SCOTT, FacingFuture.TV

PAUL BLANCH, expert witness on behalf  
of Public Watchdogs

PETITION REVIEW BOARD MEMBERS

KEVIN WILLIAMS, NMSS/MSST, PRB Chair

PERRY BUCKBERG, NRR/DORL/LPL2-2, Petition  
Coordinator

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DARRELL DUNN, NMSS/DFM/MSB, Senior Materials  
Engineer

LATIF HAMDAN, NMSS/DFM/MCAB, 2.206 Office  
Coordinator

TILDA LIU, NMSS/DFM/STLB, Petition Manager

ROBERT SUN, NMSS/MSST/MSEB, Enforcement  
Coordinator

NRC STAFF PRESENT

SCOTT BURNELL, OPA

ROB CARPENTER, OGC/GCHA/AGCMLE

LINDA HOWELL, R-IV/DNMS

ANDREA KOCK, NMSS/DFM

DAVE MCINTYRE, OPA

JOHN MCKIRGAN, NMSS/DFM/STLB

CHRIS REGAN, NMSS/DFM

ALISON RIVERA, NSIR/DPCP/MSB

GREG SUBER, NRR/DORL

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

2:01 P.M.

MS. LIU: Okay, it's 2:01, I think it's time for us to start our meeting. And we thank you for attending. So let me go and start.

So good afternoon, everybody, and welcome to the meeting here with the NRC. And I had put up an agenda earlier for those of you who have seen. Let me just do some introductions and welcome and all that. Again, my name is Tilda Liu and I'm a Senior Project Manager in the Division of Fuel Management in the Office of Nuclear Material Safety and Safeguards.

I'm also the Petition Manager for this petition. And thank you -- was somebody saying something? Okay, all right. Oh. So thank you, and welcome again to everyone for attending this meeting.

The purpose of today's meeting is to provide the Petitioner, Public Watchdogs, an opportunity to address the Petition Review Board, the PRB, regarding its 2.206 petition request in seeking the NRC to take -- let me pause a little bit here. I ask, for those of you who are not speaking, would you put your microphone on mute, because I hear myself echoing.

And for those members of the public who have your hands up, we will discuss your questions at

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a later time. Thank you. All right, because I'm hearing people, members of the public, calling me on this phone, I don't know who they are. So anyway, let me apologize for that.

So again, the purpose of today's meeting is to provide the Petitioner, Public Watchdogs, an opportunity to address the Petition Review Board regarding the 2.206 petition request in seeking the NRC to take enforcement action in the form of demands for information to Southern California Edison, Holtec, and all other licensees using the Holtec HI-STORM UMAX storage system.

The specific request pertains to the claim that there are no credible events that could result in the release of radioactive materials from the HI-STORM UMAX storage system. The Petition Review Board, or the PRB, typically consists of a Chairman, usually a manager at the Senior Executive Service level at the NRC. It has a Petition Manager and includes a Petition Coordinator.

Other members of the Board are determined by the NRC staff based on the content of the information in the petition request. Our Petition Review Board Chairman is Mr. Kevin Williams. He is the Director in the Division of Materials Safety,

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Security, State and Tribal Programs in the Office of Nuclear Materials Safety and Safeguards.

As I noted earlier, this is a Category 1 meeting. The public is invited to observe this meeting and will have an opportunity to communicate with the NRC after the business portion but before the meeting is adjourned.

There are three categories of NRC public meeting. The more detailed information of these meetings can be found on the NRC public website. As part of the PRB's review of this petition, the Petitioner, Public Watchdogs, has requested this opportunity to address the PRB. This meeting is scheduled to begin at 2:00 and will end at 4:00 Eastern Time.

After the introductory remarks, Public Watchdogs will have the opportunity to address the PRB, followed by a brief question-and-answer phase. This meeting, conducted by a webinar, including its visual and audio portions, will not be recorded by the NRC. The audio portion of this meeting is being captured by a court reporter who will be transcribing this session. The transcript will become a supplement to the petition and it will be made publicly available.

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At this time I want to ask, is the Court Reporter present and be able to record this meeting? Charles, are you on the line? I see a Charles Morrison.

COURT REPORTER: This the Charles, your Court Reporter.

MS. LIU: Okay, is Charles, is Court Reporter? Okay, thank you. Haile, can you make sure Charles is able to -- has the opportunity to speak, just in case there is something that needs to be clarified? Haile?

MR. LINDSAY: Got you.

MS. LIU: Okay, and Charles, for Charles Morrison, could you speak one more time that you are the Court Reporter. Can you speak for me?

COURT REPORTER: This is Charles Morrison, your Court Reporter.

MS. LIU: Thank you, thank you Charles, thank you for help. Okay, thanks for that. Now we will now proceed with introductions. To better facilitate introductions using the Webex platform and over the phone, I have a list of people registered for today's meeting. And these folks are Public Watchdogs and the NRC staff.

I will read each person's name on the

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list. When you hear your name, please acknowledge that you are on the phone or on the line and clearly state your name, your position and the office or the organization that you are working for so that we have the information for the record.

Again, my name's Tilda Liu, and I'm a Senior Project Manager in the Division of Fuel Management in the Office of Nuclear Material Safety and Safeguards. Next we have Kevin Williams. Kevin, could you --

MR. WILLIAMS: My name is Kevin Williams.

I am the Director of the Division of Materials Safety, Security, State and Tribal Programs in the Office of NMSS.

MS. LIU: Perry, are you on the line?

MR. BUCKBERG: Sorry about that delay, Tilda. Hi, my name is Perry Buckberg, I'm a Senior Project Manager in the Office of Nuclear Reactor Regulation. I'm also the Agency's 2.206 Petition Coordinator. Thanks.

MR. WILLIAMS: Tilda, you're muted.

MS. LIU: Thank you for that.

Darrell Dunn.

MR. DUNN: Hello, my name is Darrell Dunn, I am a Senior Materials Engineer in the Division of

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Fuel Management at the NRC.

MS. LIU: Next we have Latif Hamden.  
Latif?

MR. HAMDEN: Yes, this is Latif Hamden, I am a Project Manager and the 2.206 Office Coordinator for the Office of Nuclear Material Safety and Safeguards.

MS. LIU: Thank you, Latif. And the final member of the PRB is Robert Sun. Robert.

MR. SUN: Hi, everyone, my name is Robert Sun. I am an Enforcement Coordinator in the Office of Nuclear Material Safety and Safeguards.

MS. LIU: Okay, thank you. So those are the PRB members on the line. Next I will have the NRC staff introduce themselves. The first on the line here is, let's see here, Alison Rivera.

MS. RIVERA: Good afternoon, my name is Alison Rivera, I am the Chief of the Materials Security Branch in the Office of Nuclear Security and Incident Response.

MS. LIU: Thank you, Alison. Next we have Andrea Kock.

MS. KOCK: Good afternoon, I'm trying to start my video but I'm not sure if it worked. I'm Andrea Kock, I'm the Division Director for the

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Division of Fuel Management.

MS. LIU: Thank you, Andrea. We have Chris Regan.

MR. REGAN: Good afternoon, my name's Christopher Regan and I'm the Deputy Director for the Division of Fuel Management in NMSS. Thank you.

MS. LIU: Thank you, Chris. Next we have Dave McIntyre.

MR. MCINTYRE: Good afternoon, my name's Dave McIntyre. I'm a Public Affairs Officer at Headquarters, NRC.

MS. LIU: Thank you, Dave. Next we have Greg Suber.

MR. SUBER: Good afternoon, my name is Greg Suber. I am the SES Champion for the revision of the 2.206 process, and I'm a Deputy Director in the Division of Operating Reactor Licensing.

MS. LIU: Thank you, Greg. We have John McKirgan.

MR. MCKIRGAN: Hey, good afternoon, everyone, good morning. John McKirgan, I'm Chief of the Storage and Transportation Licensing Branch in the Division of Fuel Management here.

MS. LIU: Okay, then we have Linda Howell.  
Do we have Linda on the line? Okay, let's skip --

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MS. HOWELL: This is Linda Howell, I'm Division Director for the NRC's Region -- (audio interference). Yes, Tilda, I'm on.

MS. LIU: Okay, thank you, Linda, thank you. Okay, that was Linda from Region IV. And we have next, will be Rob Carpenter.

MR. CARPENTER: Hi, this is Robert Carpenter, the NRC Office of the General Counsel.

MS. LIU: Okay, thank you, Rob. And the final person on this list of NRC staff is Mr. Scott Burnell. Scott.

MR. BURNELL: Good afternoon, everyone, my name's Scott Burnell. I'm also a Public Affairs Officer at NRC Headquarters.

MS. LIU: Okay, thank you, Scott. So next we have the Petitioners from the Public Watchdogs. I will ask Mr. Blanch, Mr. Scott, and Mr. Langley each for you to introduce yourself to the NRC and to members of the public. Please go ahead.

MR. LANGLEY: Greetings, this is Charles Langley, I'm the Executive Director of Public Watchdogs.

MS. LIU: Okay, next person.

MR. SCOTT: My name is Stuart Scott, and I'm the Executive Producing of FacingFuture.tv and the

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Executive Director of FacingFuture.Earth, a project we obviously call Facing the Future.

MS. LIU: Okay, thank you, Mr. Scott. And then we have Mr. Paul Blanch. Mr. Blanch?

MR. BLANCH: Okay, can you hear me now?

MS. LIU: We hear you.

MR. BLANCH: Okay, this is Paul Branch, I am an expert witness in this particular case to Public Watchdogs. I'll be the primary presenter of the presentation.

MR. SCOTT: Can you start your video so we can see you, please?

MR. BLANCH: Can I?

MR. SCOTT: Paul, please say something and start your video. We want to test and make sure you can be seen when you're speaking.

MR. BLANCH: Yeah, this is Paul Blanch. I can't see myself and I'm not sure of how to start video here.

MS. LIU: Okay, Mr. Blanch, we hear you loud and -- oh, we see.

MR. BLANCH: Okay, there you go.

(Simultaneous speaking.)

MS. LIU: Okay, good, we're glad to see you, Mr. Blanch. So that was all the three presenters

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for Public Watchdogs. So I just want to give you a little update for Public Watchdogs' interests. So far we have 148 members of the public signed on to this Webex meeting.

And just to finish up, to ensure an accurate transcription of the meeting, when you speak, please first state your name for the record and speak clearly and loudly when presenting.

For those dialing into the meeting, please remember to mute your phones to minimize any background noise or distraction. Thank you.

The agenda for today's meeting after this introduction is for the Petitioner to provide new or additional information to the PRB for consideration in the PRB's determination of the petition's acceptability for review or final assessment. After the Petitioner's presentation, we will enter a brief question-and-answer phase where, if needed, the PRB may ask clarification questions of the Petitioners to ensure an adequate understanding of the information that the Petitioner is providing.

So at this time, I will turn the meeting over to the PRB Chairman, Mr. Kevin Williams. Kevin.

MR. WILLIAMS: Thank you, Tilda. Welcome to the -- my name is Kevin Williams, I'm the -- I am

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the Director of the Division of Materials Safety, Security, State and Tribal Programs in the Office of NMSS. Welcome to the meeting regarding the 2.206 petition that Public Watchdogs submitted on October 13 of 2020.

The purpose of this meeting is for Public Watchdogs to provide additional information related to the October 13 petition. Based upon the discussions that have been held leading up to this meeting, I believe it would be helpful to spend a few moments reiterating the purpose of the 10 CFR 2.206 petition process.

The 10 CFR 2.206 petition process is intended as a means for the public to bring information to the NRC and request enforcement-related action. Perhaps some additional clarification about what that means would be helpful.

Petitioners representing Public Watchdogs have referred to the public meeting with the PRB as a hearing. The 2.206 petition process is not an adjudicatory process and the meeting with the PRB is not a hearing. The public is permitted to request a hearing on certain types of NRC actions, such as granting of licenses and certifications, but that process is different than the 2.206 process.

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As such, the 2.206 process, which is detailed in Management Directive 8.11 and associated desktop guide, specifically states that questions from the Petitioner are limited to how the 2.206 process works.

Because the nature of the 2.206 process is to allow the staff to receive information to support the requested enforcement action, the staff will not be responding to the Petitioner's questions, aside from process questions, because that would not serve the purpose of the process.

We are aware that Public Watchdogs has submitted technical questions to the staff, but in keeping with our process the staff does not intend to respond during this meeting to those questions. At all times, we strive to conduct ourselves in accordance with our core values, specifically integrity and respect, and we hope and we look forward to a fruitful exchange of information today.

As Tilda has talked through this, we do have some information that I'd like to share in regards to the 2.206 process itself. Section 2.206 of Title 10 of the Code of Federal Regulations describes the petition process the primary mechanism for the public to request enforcement action by the NRC. This

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process permits anyone to petition the NRC to take enforcement-type action related to the NRC licensees or license activities.

Depending on the result of its evaluation, the NRC could modify, suspend, or revoke an NRC-issued license or take other appropriate enforcement action.

The NRC staff's guidance for the disposition of 2.206 petition requests is in Management Directive 8.11, which is publicly available.

A couple of things that I wanted to highlight is no decisions regarding the merit of this petition will be made at this meeting. Following this meeting, the PRB will conduct its internal deliberations. The outcome of this internal meeting will be provided to Public Watchdogs in a letter.

As described in our process, the NRC staff may ask clarifying questions in order to better understand Public Watchdogs' presentation and to reach a reasoned decision on whether to accept Public Watchdogs' petition request for review under the 2.206 process.

Tilda has previously provided the background and so forth, so the part I want to focus on is on November 13 of 2020, the Petition Manager informed Public Watchdogs that the NRC staff

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concluded, in accordance with Management Directive 8.11, that the petition request does not contain urgent safety issues that require immediate action.

On January 12 of 2021, the Petition Manager contacted Public Watchdogs to inform them that the PRB's initial assessment that the petition request does not meet Management Directive 8.11 criteria.

And the criterion states, The issues raised by the Petitioner have not previously been the subject that facility-specific or generic NRC staff-review. Specifically, the concerns expressed in this petition have previously been evaluated or considered in NRC staff licensing reviews and in the evaluation of prior 2.206 petition requests submitted by Public Watchdogs.

The Petition Manager offered Public Watchdogs the opportunity to address the PRB to clarify or supplement the petition in response to its assessment and Public Watchdogs requested the PRB in this form.

As a reminder for all participants, please identify yourself if you make any remarks, as this will help us in a preparation of the meeting transcript that will be made publicly available.

Thank you. I will now turn it over to

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Public Watchdogs to provide any additional information for the PRB's consideration as part of the petition.

MR. SCOTT: Before Charles Langley gets going, I'd like to say that with all due respect, you're hiding behind your regulations, which are focused on excluding the public comment and allowing industry comment. If anyone from the industry is attending, they can ask you questions today about anything, but the public is restricted to process-only. Not a level playing field.

MS. LIU: Thank you for that comment, Mr. Scott. Just so that you are aware, for the folks who are on the line right now that are not panelists like yourself, they are members of the public, as long they are licensee members, is my understanding. Because I've had our NRC Project Manager on these projects have informed me that their licensee would be calling in as a member of the public.

MR. LANGLEY: All right, this is Charles --

MS. LIU: Go ahead, thank you.

MR. LANGLEY: This is Charles Langley. I'm not seeing the share screen option enabled. Could you enable that please for Charles Langley?

MR. WILLIAMS: It's coming momentarily.

MR. LANGLEY: Okay, can you see my screen?

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MR. WILLIAMS: Not yet. You got to share.

MR. LANGLEY: You can now, okay. I'm Charles Langley. I've been a public advocate involved in rate regulation with California investor-owned utilities, or IOUs, for the last 25 years.

We're here today because the NRC has determined that a canister breach is not credible, and we would like to see that term defined. Because in our view, did I lose my screen here? In our view --

MR. SCOTT: I'm not seeing your screen at all, Charles.

MR. LANGLEY: Thank you. Okay, here we go. In our view, not credible is a synonym for the word impossible, and so we're asking the NRC to quantify what does it mean to be not credible.

MR. LINDSAY: Excuse me, Charles, but we can't -- we still don't see your presentation.

MR. LANGLEY: Okay.

MR. LINDSAY: Remember to hit share on the bottom or in the upper left corner.

MR. LANGLEY: Okay, can you see it now?

MR. LINDSAY? Yes.

MR. LANGLEY: Okay. Can you see it now?

MS. LIU: We see them now. Thank you, Mr. Langley.

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MR. LANGLEY: Okay. So there are some specific issues we'd like the NRC to address, and those are, for example, what happens in the event there is a loss of cooling to a Holtec MPC canister and what are the odds of that event happening, specific odds. What is the risk of flooding? What is the specific risk for corrosion?

What is the risk of fuel cladding failure? What is the risk of excessive pressure, either internal or external? What is the risk of criticality? What is the risk from thermal transience? And finally, what is the evaluated risk for terrorism in a terrorist attack on the facility?

Now, the reason we're asking for that is because in American industry, there's a whole risk industry, the insurance industry, risk management is process that's standardized. And I put these two little flow charts up here because there's from two separate risk management companies that are very prominent, but essentially they outline the same process.

You identify the risk, you measure the risk, you examine it, and you identify what the likelihood of that risk occurring is. And what we're asking for today is that the NRC provide some type of

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proof that it's gone through this, well, actuarial process. So let's identify the risk and measure the risks. What are the odds?

And specifically, what are the odds of a not-credible event? What does the NRC mean by that? How risky is it? So I'd like to remind the Petition Review Board that SONGS failed due to a radiation leak that was not credible. And shortly after that radiation leak, when Edison shut down the San Onofre Nuclear Generating Station, it granted Edison massive emergency planning exemptions.

That meant that Edison could reduce its insurance liabilities. Then the burial or interment of the nuclear waste began at the Independent Spent Fuel Storage Installation, which is essentially a beachfront nuclear waste dump. But weeks before Edison actually interring or burying those canisters on the beach, they waited, because they wanted the NRC to grant onsite and offsite insurance exemptions.

These offsite insurance exemptions are extremely important because that meant Southern California Edison was no longer liable for radiation risks outside of the site perimeter. And this is important to the public because if you as a member of the public try and go and purchase radiation insurance

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or nuclear disaster insurance, it's simply not available.

Not a single private insurer will offer civilian homeowners or renters protection against nuclear waste. In fact, it's unlawful. The US Government insures us, and that is essentially the way it is. But that was a change that was lobbied for by the insurance industry because the insurance industry knew that the risks of a nuclear incident and the consequences were essentially uninsurable.

A second point I have is that I'd like to observe that the NRC has a history of ignoring flood risks. This is a letter from September 14 of 2012 from Richard H. Perkins of the Division of Risk Analysis for the NRC. And he said, The NRC has been in possession of relevant, notable, and derogatory flooding safety information for an extended period but failed to properly act on it.

He then went on to say concurrently the NRC concealed this information from the public. And then he goes on even further to say this concern involves a violation of law and is not related to a technical opinion or distinction, which is why he reported it to the Office of the Inspector General.

We're concerned that the NRC's pattern of

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ignoring flood risks may be occurring at San Onofre. One example of a significant flood risk is that San Onofre is located in the middle of a tsunami inundation zone. Now, the operators of the plant, Southern California Edison, say we've got a great system for protecting against this. It's a 25-foot sea wall.

What they don't tell you is that that wall is 15 feet on the western side that faces the water and it's 25 feet down to a drainage ditch below the wall on the other side, which faces the nuclear waste dump, the independent spent fuel storage installation, or ISFSI.

Now, if we zoom in on the center of this map, we see a zoom on the San Onofre Nuclear Generating Station. In that divot, that red notch there, it's basically in a flood plain and a tsunami inundation zone, which brings up very real risks of flooding. So for the Nuclear Regulatory Commission to say it's not credible is something that we really question.

Another issue we question is the idea what constitutes flooding, because when you have flooding with tsunami, it's kind of a different animal. Tsunamis can carry in tons of dirt and mud, rock and

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other debris. So the entire site could be covered in gravel, sand, or organic debris. And this is important because these canisters that are manufactured by Holtec that store the waste are convection cooled.

Now, another issue that recently made news just a couple of weeks ago is that the University of Copenhagen shows that sea level is going to increase faster than we thought it would, quote, Faster than previously thought because the water in the sea will expand as it gets warmer.

We all know that water expands when it gets hot, and they're predicting that the oceans are going to get warmer. So we have no reason to doubt that. But what's important is that sea level rise predictions, which are very important for San Onofre because it is in a flood area and the bottoms of those canisters are inches above sea level, could be flooded sooner than we think.

Finally, and these are my final two points, SONGS is a legitimate military target under the rules of war. And I put a hyperlink to that, for those of you who want to look at this presentation online. And the reason for that is SONGS is located on Camp Pendleton, a military base. Under the rules of war, it's perfectly legitimate to attack assets on

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a military base.

Second, nuclear waste can be used to manufacture nuclear weapons. It's tremendously valuable stuff. In a sense, it's become a very valuable asset for foreign nations.

And with that, I'd like to thank the Petition Review Board for its careful concentration on our presentation today, and I'd like to turn it over to Mr. Blanch and Mr. Stuart for the remainder of the presentation. Or wait, were we going to take a break now, Ms. Liu?

MS. LIU: Thank you, Mr. Langley, for asking that question. The break is at three o'clock.

MR. LANGLEY: Okay, okay.

MR. SCOTT: (Audio interference) video and audio before I share my video. Very familiar with Zoom but not at all familiar with Webex.

MR. LINDSAY: Stuart, you just had your screen up, so it was good to go.

MR. SCOTT: Okay. Let me try again. And here we go. Okay, is everyone seeing this now? My name is --

MR. LINDSAY: Yes.

MR. SCOTT: Stuart Scott, everyone reverses those names, they're two first names. Stuart

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Scott, and I am a consultant for Public Watchdogs in terms of communication.

And so today we're dealing with NRC's propose rejection of Public Watchdogs' petitions on the basis of 10 CFR 2.206. And I'll beg the forgiveness of the public in attendance that we will be bandying about numerical and letter acronyms which are very well known to the NRC but very opaque to the public. So we'll try to defend them -- excuse me, define them.

So we're very much concerned that those petitions were denied without even consideration on their substantive merits, that is, they were just thrown out the door without even being read, essentially, based upon what we regard as a specious argument. But we'll get into that later.

And the Nuclear Regulatory Commission, the biggest acronym which we need to get clear, is the NRC. And today's March 9. Presenters will be Paul Blanch and myself.

Paul Blanch is a registered professional engineer in California. He's had experience as a US Navy reactor operator and instructor. He spent 55 years as a nuclear engineer and has a huge amount of regulatory experience during that period. He's a

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dedicated safety advocate, and he's a frequent critic of the NRC's regulatory process. He's been on both sides of the fence, working for the nuclear industry at times, and now working as a public advocate.

Again, my name's Stuart Scott, I'm the Executive Director of the FacingFuture.Earth project.

I have a Master's of Science in Information Science.

I'm a university instructor or have been in math, statistics, and critical thinking, how we know what we know. I'm an active observer at the UNFCCC's climate negotiations.

And I'm the first environmentalist stockbroker on Wall Street. So my involvement in issues of public safety and environmental issues goes way back as well into the 1970s and beyond.

So as background first, the NRC's own mission statement says the following: The NRC licenses and regulates the nation's civilian use of radioactive materials to protect public health and safety, promote the common defense and security, and protect the environment. NRC --

MR. BLANCH: Stuart?

MR. SCOTT: Yes.

MR. BLANCH: May I interrupt for -- I need to, before you go on, I need to say something. It's

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absolutely vital. Mr. William's statement about the management directive process. I've been in the industry and working with the NRC before it was the NRC and it was the Atomic Energy Commission. That's how far back I go and that's how old I am.

I participated in the rulemaking of 10 CFR 2.206 when it was going through Senate hearings with Senator Lieberman, who was Chairman of the Environment and Public Works Division. And we fought very, very hard to allow an appeal process.

At the time politically we were unable to get that through. The only thing that we are bound to, and that the NRC is bound to, is what is stated in the regulation. And that regulation that we're talking about right now is 10 CFR 2.206. Anything else is immaterial, and I mean that. And that includes management directive.

This is something, the management directive itself is not law, it has no legal process or bearing. It is something that is developed by the NRC people in conjunction at the time it was NUMARC, now it's NEI, which is the Nuclear Energy Institute. They came up with these words. They are not forbidden by law. We can ask questions.

The NRC, without any rulemaking, without

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any public input, is not stating, as Mr. Williams just stated, that we, as the members of the public, that the NRC is by law chartered to protect, has written down words unsupported by law that says that we cannot ask questions, and that the NRC will not respond.

This is a totally, totally ridiculous statement, and our whole thing, our whole presentation depends on the NRC providing us information. And if we cannot get this information such as the definition of what credible is, which is not in the law, we are not going to get anywhere today.

And I, obviously you can tell by the tone of my voice, I feel very strongly that the NRC can develop a document outside of federal law and impose it on us, which they don't impose it on the utilities, to exclude us from the input to ask questions of an agency that is allegedly protecting the public but is really protecting the industry.

I apologize, Stuart, for interrupting you, but I needed to say that --

MR. SCOTT: No apology necessary. That is correct.

MR. BLANCH: I know we have people from Office of Enforcement, usually an attorney, they're welcome to comment. But I know you people have been

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directed, don't say anything. And this meeting's not going to go very far unless we can get some answers from the NRC. You work for us, we don't work for you.

Thank you. Continue, Stuart.

MR. SCOTT: Well, the only word that I would disagree with in what you just said is you called their imposition of MD 8.11 ridiculous and that it squelches public input. You called it ridiculous, I would say it's shocking. It's immoral, and it's corrupt. I don't accept the word ridiculous as a proper characterization.

Now, I have highlighted, again, Protect public health and safety and protect and protect the environment. That's in your mission statement, all of the representatives of the NRC who are here. But you don't do it. You say it, you talk the talk, but you don't walk the walk.

Let me -- so while we're on the NRC's mission statement, I'd like to point out that you use it as a tagline. You like to promote the illusion that you're protecting people and the environment. That's your own letterhead.

On slides which I found on the internet, there it is, protecting people and the environment. These are from your own internal communications. This

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was the cover slide for a presentation that your staff gave to within the organization where you're bragging about risk-informed regulation. There it is, protecting people and environment.

Well, my comment is that you may be risk-informed, but you are certainly not risk-averse. And when I say you, I'm not talking about a specific person. No one should feel offended personally. I'm talking about the organization culture, of which unfortunately you all bought into that culture.

There it is on the NRC's modern logo, protecting people and the environment. A more accurate letterhead should be protecting industry and not the environment. You can also tell by my tone that I'm quite incensed about the situation and how you expose the public to untold risk in defense of industry's prerogatives.

So here's a presentation overview. We'll basically be discussing four issues today, and Paul, would you take it away on these four points.

MR. BLANCH: I will certainly. Okay, we're going to be talking about the process, which, you know, certainly is allowed by MD 8.8. Next. We're going to be talking about the rejection of our October 13 petition, which the foundation of this

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petition is based on Holtec's and the NRC's words of not credible.

And I want to ask a direct question right now, and I want a direct answer. Will the NRC define what is meant by not credible?

MR. SCOTT: I don't know how much silence we should let go before --

MS. LIU: We are listening.

MR. SCOTT: What does not credible mean?

MS. LIU: We're going to listen to you as we have shared with you before. Thank you.

MR. SCOTT: I'm sorry, but I did not hear an answer to the definition of not credible, which is the very foundation of everything we're going to be talking about. Is there anyone within the NRC willing to tell us what not credible means?

MR. WILLIAMS: So Mr. Blanch, this is Kevin Williams, and we've talked about this before. The purpose of this meeting is for you guys to provide us additional information with regard to what you want us to consider related to your petition. It's not to go back and forth in terms of what the staff determined not to be credible. It's to focus on what additional information you would like us to listen to.

MR. BLANCH: You're quoting from a

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document produced by the industry and the NRC, not produced and approved by Congress or published in the Federal Register. We're going to get nowhere if you cannot define what is meant by not credible, which is the basis for all the safety assumptions in this entire spent fuel debacle.

And now what I hear you're saying, based on the management directive developed by you guys, and you're not allowed to respond to a direct question to the public? This is -- Scott, you probably have better words.

MR. SCOTT: Stonewalling is the polite word I'd used. But it's a (audio interference) talk about it.

MR. WILLIAMS: So if I could recharacterize what you're saying, Mr. Blanch, what you would like us to consider as we go through the 2.206 petition, is that we should define what not credible means.

PARTICIPANT: Yes, that's what --

MR. WILLIAMS: And that's what you want us to understand.

MR. BLANCH: I gave you this question more than two weeks ago, in anticipation that you would be responding to that basic question. And now all I'm

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getting from the NRC, which protects the public, is we cannot open our mouth and tell you what is meant by Holtec's words and the NRC words that determine the overall safety of spent fuel throughout the entire United States.

And you're going to sit there and just keep your mouth closed and think that we're going to ignore it. Well, I'm sorry, Mr. Williams, we are not going to ignore it.

MR. WILLIAMS: I understand that, Mr. Blanch. You know, in my opening remarks what I said is we wouldn't be addressing technical questions, but we will -- our purpose is to get -- obtain additional information from you such that it will inform our decision making as we go back. And in that vein, that is what we're doing.

So I understand that you want us to define credible, and that's the takeaway from this.

MR. SCOTT: Okay, Paul, I suggest we proceed or we're going to get nowhere. They've been instructed to not reply.

MR. BLANCH: That's a problem but --

MR. SCOTT: Let's go on.

MR. BLANCH: We can proceed but I think everyone knows my position. I hope I've made it very

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clear.

MR. SCOTT: You have, and I agree, and I think 150 in the audience understand exactly what you're saying, except for any industry participants who are in the audience. Let's go on then. The third point.

MR. BLANCH: Yeah, we're also going to briefly discuss our February 4 petition, which was rejected, not by the Director but by the PRB --

MR. SCOTT: Petition Review.

MR. BLANCH: Petition Review Board. It was rejected based upon erroneous information. Next slide, or next point. And again, going back, we gave you questions for the very purpose that we would be asking them, the questions, and we expected a response. Next slide, please.

MR. SCOTT: So our focus, we're going to go a little more specific. Our focus today is primarily on the deficiencies on Holtec's UMAX spent fuel storage system, used at San Onofre and many other locations around the United States.

So for the public in attendance, this is not just about one storage, longterm -- excuse me, short-term storage area, at San Onofre. It's about all over the United States this defective system is in

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use. And here's a diagram --

MR. BLANCH: Let me take it from here, Stuart. This is just a Holtec drawing of the system.

Well, you've got more drawings coming up. But most of this is below ground. The only, you know, top ten percent is above ground. And this is the storage system that is employed here and at Callaway, and by the way is proposed for the interim storage out in New Mexico and Texas.

So this the beginning of potential disaster. So this depicts air coming in, going down outside the shield, going through little mouse holes at the bottom that are about four inches high. And then it cools by convection going upward alongside of the canister out. And I'm not sure what the differential temperature is, but it comes out as heated air.

It works fine as long as the air can continue to flow. The problem that we're worried about here is when water comes in here for one means and blocks and fills this particular device, or VVM, as it's called, some water will boil off. But there is no way to get the water out of the bottom with the equipment that they presently have, or debris. Next slide.

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MR. SCOTT: Well, first I want to say when you showed me this diagram, I immediately asked where the drains are, because this lies 100 feet from the ocean. A king tide, an unusually large tide, you don't even need a tsunami, a kind tide would wash over these. They're not sufficiently protected. Next slide, moving right along.

I wanted to interject here that this was all done and planned prior to our understanding of climate change adequately. And in that area, which lies between Los Angeles and La Jolla, there's an 83% increased risk of severe flooding.

The odds of extreme coastal flooding by 2030, within this decade, 83% increase as opposed to the Bay Area, where they're all worried about it because there are millionaire homes around there. Well, there just happens to be a nuclear fuel spent fuel depository -- I call it a cemetery -- right here between Los Angeles and La Jolla. And if that were to go off, both Los Angeles and San Diego would be affected.

This is an aerial photo. The tents were an early phase where the cemetery, 73 Holtec thin-walled canisters would go. Let me show you another view from the nearby ocean. You can see how much of

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the coast is wet and how far this just normal tide has come from the base of that wall, and that's not a 20-foot-high, 25-foot-high wall.

If it is a ten-foot-high wall, I'd be surprised. The 25 feet, I'm told, is on the other side, the land side, where it's not protecting from very much.

And here a third view. This is that cemetery of thin-walled casks partially filled, the ones with turrets are the ones that have already had these flawed devices buried in them, and the ones without those caps have yet to have them installed.

MR. BLANCH: Yeah, Stuart, hold that picture, I just want to make a comment here. If water from a tsunami comes up a few feet and floods this area, we have a disaster. We have 73 fuel canisters containing many times the radioactive material of Chernobyl and when that occurs, we have a disaster.

We don't know the significance of the disaster, but we know there is no -- there are no provisions to ever get rid of the water out of here. And we -- it'll come up later in the slide, we've asked about the flood analysis and the Nuclear Regulatory Commission refers us to Section 4.6.2.5 of the FSAR that discusses the impact of flooding.

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And guess what? That section is deleted.

I filed a FOIA request for the information. I get back from the FOIA branch, hup, here's where it's discussed, again, redacted. And again, an agency protecting the public. Next slide, please.

MR. WILLIAMS: Just to be clear, all 73 of those canisters have been downloaded at this point. So the project, in terms of downloading all the nuclear waste canisters, has been completed. Thank you.

MR. SCOTT: But Paul, I remind you, please define your acronyms. So F-O-I-A for the public is Freedom of Information Act. You used one other earlier on, but I didn't want to interrupt you.

But I don't want to interrupt you in general, so when you use an acronym, I know you're not used to defining because of who you usually deal with.

But we have a lot of public and some journalists in the audience as well.

MR. BLANCH: Nuclear speak is my second language.

MR. SCOTT: Okay, Brooklyn speak is mine.

Okay, again, those are the four basic questions, just to return to them. And we'll turn to question one now, the petition process outlined in 10 CFR 206, Code

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of Federal Regulations, CFR, Section 2.206. These are law.

So Paul, you or me?

MR. BLANCH: Let me take it from here. People who want to change the regulations or change the interpretation of the regulations only have four means. This includes the public, the industry, and any other interested party.

And the means of changing the interpretation of the regulations, or the regulations themselves are number one. They can file a 2.206 petition, which is discussed further in management directive.

We have an allegation process that is almost as bad as the 2.206 process, but it's not incorporated into regulation, but it's another useless process and people, including myself, abuse it extensively, but that's not the purpose of the meeting. Next one.

MR. SCOTT: I want to also point out that point one is even though there's partially the law, CFR 2.206, there's also the capricious MD 8.11, which you informed us all that it's produced with the NRC in consultation with the industry. But I don't believe there was any consultation with the public in

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producing those management directives. They're basically -- they are the un-level playing field, the fox guarding the hen house.

Point three, Paul.

MR. BLANCH: Yeah, the other way that we're going to look at later is that licensees, and this includes utilities, hospitals, anyone else that the NRC regulates, you know, they can make legal changes to the regulation or interpretation or exceptions by the license amendment process, which is discussed in the law 10 CFR 50.90. Next.

And then we have rulemaking. This is how do we change the law. A long, arduous process, takes years, we have proposed rulemaking ongoing with respect to spent fuel. I don't expect any concurrence on new regulation for a long time because of such a controversial project -- yeah, project. So these are the ways we can change interpretation of the regulation or the regulations themselves. Next slide please.

MR. SCOTT: Before, I want to ask you a question, Paul. The rulemaking, is that a essentially a process you do with the federal government or with the NRC?

MR. BLANCH: It's dealt in conjunction

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with the NRC, with Congress, and you know, it's a very extensive legal process and results in new law or changes to existing law.

MR. SCOTT: Now, I'd like to take over here. I want to examine how the public gets an astonishingly unfair deal in the 10 CFR 206 petition process. From 1975 to 2012, you can count the years, that's about 37 years, 387 petitions under 10 CFR 206.

And those are only the ones that were not outright rejected by the NRC on what we regard as capricious and unsubstantive grounds.

But the 387 that made it past their first -- we already talked about this. We already talked about this, which was a specious claim.

(Simultaneous speaking.)

MR. BLANCH: Try to speed it up a little bit, sir.

MR. SCOTT: Only two were granted substantive relief, and of those two, one was from the nuclear industry itself. So in those 37 years, only one has made its way through. We estimate there were about a thousand petitions submitted by the public over this time.

So perhaps a third of them made it past that sorry-we-won't-consider-this point. Only one of

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out of a thousand has gotten even reviewed. And the supposed substantive relief was judged by the Atomic Safety --

MR. BLANCH: Safety and Licensing Board.

MR. SCOTT: Was determined, they determined that the substantive relief was not substantive relief, the judicial body essentially that oversees the NRC. So we don't know for sure how many petitions since the NRC either does not keep or does not publish the numbers that they projected outright by the Petition Review Board without any director's intervention or opinion.

And according to the PRB's interpretation, by a letter of September 2015, these rejections cannot be appealed. We can say we won't consider this, end of story, nixed on, okay. This is a misinterpretation of 10 CFR 2.206, once again excluding any public input. Boy, does that make me angry.

So in 37 years, only one public petition has been granted substantive relief. What an incredible statistics. Federal Regulation 10 CFR 206 prohibits any public appeal. Travesty.

For comparison, let's take a closer look, and Paul, I'd like you to take this one.

MR. BLANCH: Yeah.

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MS. LIU: Mr. Blanch.

MR. BLANCH: Yes.

MS. LIU: Time check. It is now 3:03, we have scheduled a break. Would it be all right if we take a ten minute break, and then we resume at 3:13?

MR. SCOTT: Fine with me.

MR. BLANCH: We've got a lot of stuff we want to cover, but I know you guys work hard and you need a break, so.

MS. LIU: Yeah, we appreciate that. Thank you, thank you, Mr. Blanch.

(Whereupon, the above-entitled matter went off the record at 3:03 p.m. and resumed at 3:13 p.m.)

MS. LIU: Okay. Thank you, everybody. Now it's 3:13. We'll begin where we left off.

So I'll turn it over to Public Watchdogs to continue your presentation. Mr. Scott, you're on mute.

MR. BLANCH: Stuart, are you with us?

MR. SCOTT: Yes. But I did not mute myself. So apparently somebody else muted me. Okay.

MR. BLANCH: Okay.

MR. SCOTT: So, again, let me start here. But I'll, I want to remind where we left off that only 1 out of 1,000 petitions have been gone through

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to not really substantive relief in that 37-year period.

And I want to compare that with industry performance by the NRC's own calculations. This table, it shows that over 800 licensing actions completed in 2016, '17, '18, and '19. And then there were an additional 600-and-some-odd -- Paul, would you explain what that indicates?

MR. BLANCH: Yeah, these numbers are actually worse than what they appear. You know, we said about maybe 1,000 2.206 petitions.

But if you add up the same time period at the same rate, this is 30,000 requests from the industry. And I have never seen one ever turned down.

And I have personally participated and gotten approval when I was working for a utility on a phone call asking for a deviation from the regulations. And it was approved within one hour.

And here we are where the NRC won't even define what they're talking about. So go ahead, Stuart.

MR. SCOTT: I just wanted to say, and if you look at the caption, this was for a congressional budget justification. So the NRC brags about how many industry petitions and licensing actions they get

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through.

But nowhere is there any mention of public input and how many of those they process, because they basically haven't processed any. They've turned most away unconsidered. But let's go on.

I suggest that this is protecting the industry year after year is a better motto for the NRC.

Again, back to how astoundingly raw deal CFR 2.206 gives petition, the process gives the public. So requests for regulatory relief by utilities are rarely questioned or rejected.

MR. BLANCH: Let me pick it up.

MR. SCOTT: Please.

MR. BLANCH: Yeah, from personal experience, requests are at times granted by a simple phone call on a Friday night saying, hey, we need to keep our diesel generators or our plant online even though we don't have another, enough diesel generators. Next line.

Well, from my -- oh, yeah, in the last ten years I have personally submitted six petitions. Next. Five have been rejected by the PRB. Next. One petition was accepted by the PRB and denied by a formal director's decision. Wow, that's a win for me.

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It got all the way to the director. Next.

One of my petitions was rejected by the PRB and investigated by the NRC's Inspector General's Office. Next. In that case, they found the NRC misrepresented information to me and identified numerous process errors, so on and so forth.

I've had many meetings with David Skeen and other people. And the process is still screwed up. And the --

MR. SCOTT: Would you say --

MR. BLANCH: -- Inspector General, obviously, is watching this one very carefully.

MR. SCOTT: Would you say that a fair translation of the word misrepresented in ordinary terms is lied?

MR. BLANCH: I'm just saying that's what the Inspector General characterized it as. Yes.

MR. SCOTT: Okay.

MR. BLANCH: Go ahead.

MR. SCOTT: However, the NRC provides a great illusion of protecting the public. 10 CFR --

MR. BLANCH: Okay. These are words, these are quotes right out of the law, out of 10 CFR 2.206.

It just basically says no one can appeal any decision we make. We're -- it's almost like regulatory

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infallibility that we've always heard similar terms being used. This is regulatory infallibility right here. Next.

MR. SCOTT: And I'd like to know where regulatory indulgences are handed out. But excuse my --

MR. BLANCH: To all the utilities.

MR. SCOTT: Yeah, yeah. Okay. No possible public appeal whatsoever.

MR. BLANCH: Self-explanatory.

MR. SCOTT: In contrast, the industry can appeal any NRC regulatory decision but infrequently needs to do that since most of them go in their favor. And they can appeal to any one of these five.

They can appeal -- okay. I'm not sure what's going on with the slide. Let's just look at them. They can appeal to the NRC branch chief, the NRC division office, the NRC office, the executive director of operations, or the NRC Commission. And that's from Attachment 5 to the NRC NEI meeting summary of November 17, 1999.

MR. BLANCH: And by the way, NEI is Nuclear Energy Institute, which is the lobbying organization for the entire nuclear industry. And they willingly exchange and have dialogues almost

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daily with their lobbyists. Next.

MR. SCOTT: Let me see if I can pick up from the next slide. Okay. So, Paul, would you?

MR. BLANCH: Yeah. Okay. According to 2.206, it can be initiated by any citizen, then the PRBCs, if it meets the criteria that is defined in both 206 and MD 8.8.

And this I agree with. If a petition presents facts constituting a basis for, it can be rejected if number one is true. Next.

If they've already been raised and fixed, they can reject it. I agree. Go ahead. If it fails to provide new information that's considered in previous review, yeah, reject the sucker. Next.

But its own guidance of 8.11, if the NRC determines an issue has been resolved, a staff must identify its supporting documentation. That is, those words are also in the law. They've got to --

MR. SCOTT: Watch out. They may redact those after we, we're finished with this presentation. I guess --

MR. BLANCH: Well, I can go through, yeah, rulemaking. Next.

MR. SCOTT: I want to get back to --

MR. BLANCH: Required documentation has

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never been supplied.

MR. SCOTT: I want to get back to that point --

MR. BLANCH: It's okay. Okay.

MR. SCOTT: Okay.

MR. BLANCH: This is important now.

MR. SCOTT: Yes.

MR. BLANCH: The PRB will give the -- this is what you guys were talking about before. The PRB will give the licensee an opportunity to ask any members questions related to any issues during this very meeting. They have the right.

Holtec can come in right now and say, hey NRC, I have a question. And the NRC will answer it. But if a member of the public, which I am, go ahead, next one --

MR. SCOTT: We are petitioners. We are members of the public.

MR. BLANCH: Yeah.

MR. SCOTT: Licensees are the industry.

MR. BLANCH: But we, as was rightfully stated by Mr. Williams before, we can only ask questions relating to the process. So, again, the public is excluded. But the industry can do whatever they want. Next slide.

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MR. SCOTT: Okay. I'm stalling out here.

So let me go on physically to the next slide. I'm not sure -- you know, it works wonderfully when it's not across Webex. Okay. Again, this is what you just said. Any industry rep --

MR. BLANCH: Yes.

MR. SCOTT: -- present today can ask a question about anything, but the public can only ask process questions. And they'll be given 15 minutes at the end, if we get done in time. Again, this is their notion of protecting people and the environment.

Going back to our overview, we're going to pass now from point one to point two. And we're going to deal with the October 13th petition that was rejected on dubious grounds based upon this undefined term, not credible. Paul.

MR. BLANCH: Yeah, the petition, our petition said the canisters containing spent fuel are not safe, and there is more than a credible risk of failure or leakage.

It's happened, guys. And NRC terms, not credible, has never been defined within either 10 CFR 50, the law, or 10 CFR 72 or anywhere that I'm aware of. And I think the NRC has an obligation to the public to define the basis of its regulatory

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authority. Next.

MR. SCOTT: Again, for the public attending, those two other CFRs, 50 and 72, I would call them a glossary or a table of contents. But they don't define not credible anywhere.

MR. BLANCH: Okay. The NRC and vendors must define, this is my position, not credible prior to the use in formal docketed licensing documents.

Just two weeks ago a document was submitted by Holtec that said we want to get rid of emergency planning because an accident is not credible.

I don't want to use the word I'm thinking. What the blank does that mean, non-credible? Here we have a 50.90 application from Holtec on Oyster Creek that say, hey guys, we want to change our offsite emergency planning because there's no credible event. What does that mean? Next.

MR. SCOTT: Changing or delete their planning. They want to -- I thought they --

MR. BLANCH: They want to delete it, yeah.

MR. SCOTT: They wanted to avoid the planning altogether because it's impossible. It's not credible that one of our canisters would ever fail. What hubris.

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And I would like to point out that there are many benefits to Holtec, Southern California Edison, all of the other nuclear power generators, and the NRC for falsely claiming that the failure of a canister is a non-credible event, forever essentially, non-credible forever.

Okay. Let me get back here. There's no need to manage the aging of canisters. You don't have to worry about how old they are, even though they're only licensed for 20 years. What's inside them is hot, nuclear hot for a quarter of a million. There's no emergency planning required, would be no emergency planning required if --

MR. BLANCH: Offsite, offsite emergency planning.

MR. SCOTT: Okay. There's, they can reduce the Price-Anderson offsite liability insurance requirements. There's no needed accident analysis, no inspection or repair requirements, no monitoring for loss of integrity. And we're talking about the canister, not the NRC here.

There's no protection from floods, earthquakes, tsunamis, or terrorists. There's no need for a spent fuel pool. My gosh, throw them right in the canister. They're impossible to breach.

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There's no need for long-term spent fuel repository. Forget about Yucca Mountain. Who needs it when these canisters are indestructible forever?

There's no need for 10 CFR 72.236, which I don't know the contents of. You do, Paul.

MR. BLANCH: Yeah, it just is a requirement for redundant sealing of confinement systems that, again, the NRC has ignored because the loss of a single system is not credible.

MR. SCOTT: But the NRC still needs to convince us that they are protecting the people and protecting the environment. I'm not at all convinced. It's more like they're protecting the U.S. nuclear industry.

Okay. We maintain that there is a significant risk that cannot be ignored. Not credible is --

MR. BLANCH: Yeah.

MR. SCOTT: -- bullshit, excuse me.

MR. BLANCH: You know, I could postulate, yeah, we're going to, you know, release, you know, radioactive material 50 miles out. I really don't know what the risk is. I know there is a risk of radioactive contamination. But it's never been analyzed that I am aware of.

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MR. SCOTT: And I want to add that if this was asserted, that it's not credible that one of these could ever fail, we would -- if it was asserted by a private corporation and it was part of its business model, we would call it a lie. But if it's asserted by the NRC, then it has to be regarded as malfeasance.

A footnote, each of these canisters contains more radioactive cesium than was released at Chernobyl, each one of those 73. And if look around the --

MR. BLANCH: And --

MR. SCOTT: -- country there are over 3,000 of them.

MR. BLANCH: Yeah. This is somewhat debatable. There's different information. But I can tell you, it's close to the amount of radioactive material in each canister than was released in, at Chernobyl. So let's go on.

MR. SCOTT: Okay. Risk assessment from canister failure, earthquakes, tsunami, terrorism, et cetera must recognize that most of the radiation potential is still in the spent fuel.

Spent fuel is a misnomer. It's partially spent fuel. About 20 percent of the energy, 20, 30 percent of the energy perhaps is used in the boiling

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of water to make steam to generate power. The rest of it is still in those spent fuel rods.

But it's cheaper to get new ones in there and bury the old ones in these indestructible canisters. Excuse me for the sarcasm I resort to.

MR. BLANCH: I use it too.

MR. SCOTT: The NRC, by its own mission statement again, licenses and regulates the nation's civilian use of radioactive materials to protect public health and safety, promote the common defense and security, and protect the environment.

And I want to highlight those two key phrases, which we feel that they are completely abrogating their mission.

MR. BLANCH: Does anyone know how to spell BS?

MR. SCOTT: Gee, I'll have to look that one up in the regs.

MR. BLANCH: It's not defined.

MR. SCOTT: Or redacted. Okay. Going back to the petition now?

MR. BLANCH: Yeah, go ahead.

MR. SCOTT: I seem to get about six slides going, and then it hangs up.

MR. BLANCH: Yeah, that's Webex. We've

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gone over this a dozen times like this.

Okay. The Holtec's final safety analysis report admits that the canister must be kept full of helium gas. It means that it's got to maintain its integrity to prevent spent nuclear fuel and canister from exceeding design limits. This is true for all Holtec canisters.

When they're talking about design limits, there's no guarantee that if you lose integrity that the fuel doesn't exceed its design limits, does not melt, does not do anything.

Now, what we're seeing here is a Holtec canister in the manufacturing phase --

MR. SCOTT: What? That's what's protecting us between nuclear safety and a Chernobyl-sized release of radiation?

MR. BLANCH: That's it. That half or five-eighths of an inch, whatever it is, that's all that's between Chernobyl and the environment.

MR. SCOTT: And it's welded shut. So it can never be examined on the inside for cracks, leaks, anything, welded shut.

MR. BLANCH: It doesn't, it's not even monitored for temperature, pressure, or radiation. Next slide.

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MR. SCOTT: So this insubstantial, thin-walled canister is all that lies between the public and about 3,200 Chernobyl-sized radiation releases. But don't worry. Failure is not credible according to Holtec and the NRC.

And I'd like to point out a few other not credible events that Paul and I have looked up on the Internet, a bridge that fell in the wind because it struck a resident frequency, a San Bruno gas line explosion, all non-credible events, Three Mile Island reactor core meltdown, the Hindenburg disaster. Who would have believed, not credible?

Chernobyl itself and Fukushima, not credible. What, tsunamis? One of the many, many dam failures and the --

(Simultaneous speaking.)

MR. SCOTT: -- reactor vessel corrosion, which I'm --

MR. BLANCH: And for those of you outside the nuclear business, this one on the right, Davis-Besse reactor head corrosion, this is boric acid corrosion.

This is the very reactor top, which is six inches thick of carbon steel. And over a 6-month or a 12-month period, it corroded all the way through the 6

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inches. The only thing that saved it from a major, major accident was one-eighth inch of stainless steel liner which was not affected by the boric acid, another nuclear incredible or not credible event that's never been defined. Next, please.

MR. SCOTT: Again, we think a better motto would be protecting the industry and not the public. We're offering the NRC all of this, these ideas free of charge.

Now, this is one of those implementations close up.

MR. BLANCH: Yeah, what you're seeing here is the circular thing and the top is the air outlet, and the air inlet is along the sides.

But, you know, in a reasonable flood, these get flooded. And I'll be the first to admit, as long as they're flooded and remain flooded, the fuel is cooled. But once it boils off, you're SOL, ladies and gentlemen. You don't know what to do. And there are no provisions to correct from, or to recover from this event.

MR. SCOTT: And I will not ask you to define your acronym, SOL.

MR. BLANCH: Right. Don't.

MR. SCOTT: There's that diagram again.

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And again, I'll say where are the drains, guys. If a wave, a King Tide wave, doesn't even have to be a tsunami, if a King Tide wave comes across because of the 83 percent higher probability of extreme flooding events by 2030, there's no provision for water that would wash into these 73 canister emplacements for it to drain out the bottom.

MR. BLANCH: Yeah, but in defense of the industry, if you had a drain, you'd have to drain it to the Pacific Ocean. And if the ocean came up, it would come, you know, up the drain and flood it that way. So, you know, six of one, half a dozen of the other.

MR. SCOTT: Yeah, both spell screwed.

MR. BLANCH: Yeah.

MR. SCOTT: Again, about every half dozen slides, I have to go back and restart my presentation, but a small price to pay for being heard.

There are no drains in the design for flooding. Now here is an FSAR. I'll head you off, final --

MR. BLANCH: Let me go through this.

MR. SCOTT: Yes.

MR. BLANCH: Okay. Next slide, please.

MR. SCOTT: This is available --

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MR. BLANCH: Next slide. Okay. Holtec's own FSAR admits the canister must be kept full of helium gas to prevent the spent nuclear fuel in canister from exceeding their design limits.

It doesn't happen. They don't mention what happens if it exceeds it. But this is true for all Holtec canisters buried and above ground. Next slide, please.

Introduction of moist air or salt has never been considered or analyzed.

MR. SCOTT: As far as we know. If it has been, we haven't been shown where or it's been redacted.

MR. BLANCH: Right. Proprietary. Now, yeah. These are -- I know I'm going to confuse people. But part of the license or part of the legal documents, by law, every one must have tech specs that specifies the limit of operation.

This happens to be the basis within the FSAR. And it says the confinement of radioactivity during the storage of the spent fuel and the canister is to ensure the boundary, next one, continues.

MR. SCOTT: We've got to step up the pace here. We have 20 minutes.

MR. BLANCH: Yeah, yeah, long -- it says

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in there long-term integrity of the fuel and cladding depends on storage in an inert atmosphere. Go ahead.

MR. SCOTT: And that's from page 944 of the FSAR. And note, the need for --

MR. BLANCH: Yeah, the need for an inert atmosphere is required for both storage and for transport forever.

Again, part of the tech specs, it says you have to determine the quantity of helium, and you have to have an action plan if the helium pressure or if the helium pressure is lost or increases or decreases, and that the actions -- and again, this is the legal requirement not some BS NRC document, that actions must be developed and implemented in a timely manner.

Next slide.

MR. SCOTT: Well, but if the canisters are leakproof, then why bother? I think that's Holtec's attitude.

MR. BLANCH: Yeah, that's right.

MR. SCOTT: Yeah, yeah. And you --

MR. BLANCH: So I filed a FOIA last week for a copy of the action plan. The NRC has a great way of hiding these documents so they don't have to be supplied by FOIA. But I want to see the action plan.

Next.

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MR. SCOTT: So, if one needed to refill it with helium to prevent further damage, one would have to do so in a spent fuel pool. That's the only way possible to open it up and pump in more helium.

But decommission plants don't have spent fuel pools. They've been taken down as part of the decommissioning process.

This is huge, unresolved problem. And the NRC refuses to address it. There is no possible recovery from the not credible need to refill canisters with pressurized helium.

MR. BLANCH: Next. Okay. It's contended that, by Holtec that the canisters are safe and that failure is incredible. There's 73 canisters. Next. Each of the -- next. Repetitive.

MR. SCOTT: Yep.

MR. BLANCH: Decommissioned plant and its cemetery nuclear waste is counterfeit. Next.

(Simultaneous speaking.)

MR. BLANCH: Even if one canister is breached by an earthquake -- yeah, we've covered that. Next.

MR. SCOTT: -- this. But the footnotes, San Onofre plant lies where? In an inundation zone on tsunami maps, which is something that Charles pointed

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out to us in his presentation. And it's also within Camp Pendleton, making it a legitimate enemy target for a missile lobbed over the Pacific by some foreign enemy.

MR. BLANCH: Or terrorist.

MR. SCOTT: We regard the NRC's preliminary decision to reject the petition as irresponsible and wrong. And it places millions of people in southern California at risk that is unquantifiable.

Now, the rejection was made -- Paul, would you pick this up?

MR. BLANCH: Yeah. It says here, again, these are legal, that is federal law, that it must be evaluated by appropriate tests or other means acceptable to the NRC to demonstrate. That hasn't been provided. Next, please.

MR. SCOTT: And that's federal law.

MR. BLANCH: Go ahead. Yeah, compliance must be demonstrated or everyone's breaking the law. But no one seems to care. Keep going.

This is the response rejecting the acceptance where Tilda says has been previously analyzed or considered. Again, maybe it has, but they have not provided the information.

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MR. SCOTT: Well, I want to, on Tilda's behalf, say that she was instructed to express this to us.

MR. BLANCH: Okay. Next.

MR. SCOTT: Again, my slide is hanging up. So we'll have to read it this way.

So the PRB failed to comply with requirements of its own MD 8.11 that the staff should require as supporting, should supply as supporting documentation. And without the supporting documentation, we regard it as stonewalling. And back into the presentation.

This is not the first time. Time after time the NRC refuses to even consider petitions based upon the specious argument that the issues have been previously addressed. But they, in violation of the law, do not furnish any proof that they've been previously addressed except perhaps to a document that has been redacted. I believe --

MR. BLANCH: Again, this is somewhat repetitive. Go to the next one.

MR. SCOTT: Let's move on to the --

MR. BLANCH: Next.

MR. SCOTT: This is shorter. We're actually close to the end. So our February 4th

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petition.

MR. BLANCH: Okay. This was the flooding petition. Next.

Okay. This petition identified the fact that 73 canisters would be flooded terminating all long term cooling, and this event would likely result in fuel canister exceeding design limits, whatever that means. Next.

MR. SCOTT: It's not credible.

MR. BLANCH: The NRC has successfully claimed that this credible event is discussed in Section umpty-ump of the FSAR. Go ahead. Next.

However, this section of the FSAR has been redacted and withheld from the public and claimed by Holtec as being proprietary.

MR. SCOTT: They don't want us to know the diameter of the pipe that they're going to snake down there and suck --

MR. BLANCH: Well, the thing is I have inside sources, and they've actually looked at this Section 4.6.2.5. And believe it or not, San Onofre is not even mentioned within that section, so, again, more BS that the NRC is swallowing. Next.

MR. SCOTT: Okay. And that just reiterates the point that they lead us to a discussion

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that's been redacted. Is that your idea of protecting the public?

MR. BLANCH: Yeah, yeah. Go ahead. Next slide. I want to get through this.

MR. SCOTT: Yeah, I'm going as fast as we can. Freedom of Information Act requests. Okay.

MR. BLANCH: Yeah, I --

(Simultaneous speaking.)

MR. BLANCH: I filed a FOIA request. And, you know, that just referred me back to a proprietary, redacted document. Next slide.

MR. SCOTT: Yeah, this petition was also denied as not, based upon the not credible event that would have a significant impact on the nuclear industry if it had been granted. And we regard that as the real motivation behind the Petition Review Board's denial.

And I want to just remind everyone that there are plenty of good reasons why the industry and the NRC would want to reject public petitions and would want to accept this not credible premise, because everybody on that side of the fence wins out.

MR. BLANCH: Okay. Next.

MR. SCOTT: We'll move on to the last point, the questions which were submitted. And, Paul,

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we already know they're not going to answer --

MR. BLANCH: Well, let's go to the next slide, please. I want the --

MR. SCOTT: The new material.

MR. BLANCH: Yeah. Can you go to the next one?

MR. SCOTT: I'm skipping right along.

MR. BLANCH: Oh.

MR. SCOTT: Okay. This is the new question that you wanted to ask. Has any Holtec related not credible --

MR. BLANCH: I can't see it for some reason.

MR. SCOTT: Oh, okay. Well, you've also stopped moving. I wonder whether someone --

MR. BLANCH: -- Webex program I think.

MR. SCOTT: Okay. Can you see that now, Paul?

MR. BLANCH: No, not -- well, I can see something. At the bottom is a blue line, and it starts out like the not credible October 13th petition. But I can't see the next one.

MR. SCOTT: Okay. So you're hung up. Charles, can you unmute and tell us whether you see anything? Is it just Paul?

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MR. LANGLEY: I'm seeing the same frame that Paul is describing.

MR. BLANCH: So everyone is seeing the same --

MR. LANGLEY: We're all hung up. For some reason your image isn't broadcasting.

MR. SCOTT: Well, I'm going to --

MR. BLANCH: Webex is hung up again.

MR. SCOTT: I'm getting the wheel of death on my screen. I'm trying to unshare and then reshare. But, well --

MS. LIU: Are we having trouble with the Webex? If so, I can drop off the video so you have better bandwidth.

MR. SCOTT: If you drop off the video, then -- but I think it's on my computer. I think the problem is on my computer.

MS. LIU: Okay.

MR. SCOTT: Let me --

MR. BLANCH: Close it and relaunch it.

MR. SCOTT: It says Cisco Webex events is not responding. I would have to log out and log back in.

Okay. Paul, can you just read on this information, the new information? And I'll try to get

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back in.

MR. BLANCH: Yeah, try to get back in because it's very important. But --

MR. SCOTT: Okay.

MR. BLANCH: -- you know, I understand --

MR. SCOTT: Try to move on if they can still hear you.

MR. BLANCH: Yeah. But, you know, while (audio interference) in Webex yesterday and today at the Regulatory Information Conference. They had similar problems. And they were using, I believe it was Zoom. But it was reported that, again, they were having all kinds of problems with the software at the Reg Information Conference. But there they had 1,500 participants observing a session.

MS. LIU: We'll hold on until Mr. Scott gets on the line.

(Pause.)

MR. BLANCH: Well, here comes Stuart. Stuart, can you hear me? Obviously not.

MR. SCOTT: Yes, I can. I'd like to be given permission to share again. Okay. Very good.

I'll go back to my slides. And you can tell me, Paul, how far you've gotten. But let me get back into my slide set. Can you see that now?

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MR. BLANCH: I can't see anything but your ugly face.

MR. SCOTT: Oh my god. Okay. So share, share screen. Let me share keynote.

MR. BLANCH: Here we go.

MR. SCOTT: Okay. Then we're off and running, day at the races. And you can see my presentation now?

MR. BLANCH: Yep, I can see it.

MS. LIU: We see it. Thank you.

MR. BLANCH: Okay. You can go back up before this if you can possibly. Prior to this, we might have gotten a little out of order. Okay.

These are the questions that Mr. Williams said we don't care about the public. We aren't going to answer them anyway. We don't care how valid. We want to know the definition when a licensing says it's not credible.

You know, it's like me going to the auto inspection. It's not credible that I'll need my brakes, so don't worry about it. Well, what does not credible mean? You know, it's a circle, something. But they don't, the NRC doesn't even have a process to determine if it's non-credible.

Let's go on to this new question I've got.

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I think I sent it. It says, has any Holtec-related non-credible event ever occurred or been reported to the NRC? Does the NRC want to answer that?

(Simultaneous speaking.)

MR. BLANCH: Any response? Has a non-credible event ever occurred with a Holtec canister? I hear --

(Simultaneous speaking.)

MS. LIU: Mr. Blanch, we are listening to you.

MR. BLANCH: Oh, you're listening to me, but you decided you're not going to answer.

MR. SCOTT: They've already told us they're not going to answer. They --

MR. BLANCH: Yeah, well --

(Simultaneous speaking.)

MS. LIU: What I'll do is this. I'm going to ask Mr. Scott for now, he's our public affairs officer, to give a couple minutes of his time. Scott, would you go ahead and speak up?

MR. BURNELL: Thank you, Tilda. I believe they're very close to the end of their presentation. So, if they can conclude, then we can go ahead and move on in the rest of the meeting.

MR. BLANCH: Okay. Well, I asked the

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question. I'll give you the answer, not the total answer.

But I can tell you that Holtec in the past has claimed an event couldn't happen and was non-credible and that the NRC observed the event's occurrence. And the NRC was not pleased, because Holtec said it was not a credible event.

It occurred. And guess what? The NRC slapped them on the hand with a green finding saying you shouldn't do that anymore, guys.

And I feel as though we just happen to, upon that. But it's just proof of the NRC not being open with the public. They know not credible is a meaningless term.

MR. SCOTT: Let's continue, Paul.

MR. BLANCH: Yeah, go ahead.

MR. SCOTT: We're precipitously close to the end. Okay.

And Holtec is still at it. This was a letter that was sent to the Nuclear Regulatory Commission just a few weeks ago.

And in it they are asking for, to avoid the safety planning based upon the assertion that the leakage of fission products from a canister is not considered to be a credible event. So they want to

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forget about any emergency planning based on that specious assertion. Did I get it right, Paul?

MR. BLANCH: You got it right. Continue.  
We're going to give you a nuclear --

MR. SCOTT: Don't give me anything.

MR. BLANCH: These are Holtec's words.  
There is no credible accident resulting in a radioactive release. That would make me comfortable if it were true. Next.

MR. SCOTT: Once again, Holtec wants the NRC to eliminate offsite emergency planning based upon an assertion that failure of the canisters is not a credible event.

MR. BLANCH: An undefined not credible event.

MR. SCOTT: And I'm stalled out again.  
Let's see if I can come back. So --

MR. BLANCH: And again, here it says, you know, from the tech specs, if it's, you know, in the tech specs, which any nuclear utility is legally bound to comply with and the NRC is legally bound to enforce, they got a tech spec that talks about helium, that they have got no way of measuring it. Next slide.

MR. SCOTT: Well, it's the next point on

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the same slide. And I'm going to --

MR. BLANCH: Yeah.

MR. SCOTT: I'm going to just show this slide without presenting it.

MR. BLANCH: Okay. It's never been reported to the public or the NRC that they're lying in their tech specs. You know, this is a --

MR. SCOTT: And the question --

MR. BLANCH: This is a question I don't expect an answer. Has a leak ever been occurred in a canister? And if we don't have the capability, if it's not credible, why do we have inspections and repair provisions? I --

MR. SCOTT: So we're making some conclusions now.

MR. BLANCH: Conclusions, the NRC refuses to consider most petitions without providing any meaningful reasons other than we don't like it. Next.

Petitions can be rejected by an unspecified number of PRB members. We don't know whether it's one member, a minority, a majority, whatever it is.

MR. SCOTT: Flip a coin.

MR. BLANCH: It's not covered. Again, the NRC doesn't provide any logical reasons other than we

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reviewed, and it's been previously addressed without supplying the information. Next please.

NRC refuses always to provide the supporting documentation, which is a requirement also of 10 CFR 2.206.

MR. SCOTT: The wall.

MR. BLANCH: Yeah.

MR. SCOTT: So we're making, we're going to be bold and make some --

MR. BLANCH: Okay. Let's -- I can go through these recommendations. Okay. Go ahead. Next.

If it -- yeah, you can go through these quickly. They can look at them later.

MR. SCOTT: Again, stalled out. I can't even --

MR. BLANCH: Well --

MR. SCOTT: -- show the slide that way.

MR. BLANCH: Don't cut it out. We're going to be sending them to them. But --

MR. SCOTT: Yeah.

MR. BLANCH: -- what I really want to do is, these petitions are so intertwined I want them, if the NRC will consider it and they're allowed to, combining these two petitions, because they basically

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overlap one another very significantly.

And the MD 8 is all screwed up. And we've outlined here how it is. So go to the next slide.

MR. SCOTT: That's what you just said.

MR. BLANCH: Reconsider the two petitions and consolidate them into one for the following reasons. Go ahead.

MR. SCOTT: Okay. And this next one I'm going to play, if it will play, because we believe that the NRC is in effect brought to you by the industry.

MR. BLANCH: Oh, you forgot Pacific Gas and Electric.

MR. SCOTT: Oh, it's there. Can't you see it?

MR. BLANCH: Oh, okay. You had Southern Cal in there. But don't forget NEI. It's there in a prominent position.

MR. SCOTT: Now, we'd like to switch. At the end, we want to lighten up a little bit.

And Paul and I decided that it was very, very appropriate to express our profound sorrow for the horror and suffering that was experienced by the Japanese people on March 11, 2011.

And this is the tenth year anniversary of

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the Fukushima disaster, a tsunami, the incredible event, non-credible event, a sad remembrance of the lives lost and the spread of radioactive contamination all around the world.

MR. BLANCH: And then there's a final slide. I want -- I'll read this. We appreciate -- this is conclusion.

We appreciate the opportunity to share our thoughts and thank the Petition Review Board of the NRC for protecting the public and the environment. And that is the end of our slides. And back to the NRC.

MS. LIU: Okay. Thank you everyone from Public Watchdogs for sharing your perspectives.

I want to do a time check and a court reporter check. So the time is right now at 4:00, actually 4:01. And the meeting was supposed to be concluding at 4:00. But because we need a little extra time, so we will proceed the next phase of the meeting, which is the public comments.

But before I do that, I want to double-check something. I see Charles Morrison, our court reporter, has his hands up on the Webex. Charles, have I been ignoring you? Is there a question from you?

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COURT REPORTER: No question. I raised my hand prior to the start of the meeting.

MS. LIU: Okay. Thank you, Charles. Okay. So, at this time, again I want to thank Mr. Blanch and Mr. Scott and Mr. Langley for sharing your thoughts and perspectives.

And at this time, we are entering the public comments period. And I want to turn it over to Kevin Williams for anything before we have members of the public to speak.

Now, just for members of the public, if you want to speak, you can go ahead and raise your hand. In the attendees list, I see many hands listed already.

MR. WILLIAMS: Hey, Tilda, Scott was going to say something before we got into that part.

MS. LIU: Okay. Thank you. Scott Burnell from OPA, please go ahead.

MR. BURNELL: Thank you, Tilda. I just want to note that the petitioners did ask for this meeting. As part of the 2.206 process, they could provide us additional information regarding their concerns. Excuse me.

They used that opportunity to make a great deal of statements and opinions. And if any members

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of the public have questions about the statements and the opinions that the petitioner has offered, they can certainly email me at [scott.burnell@nrc.gov](mailto:scott.burnell@nrc.gov). And they can also copy our general public affairs email address, which is [opa.resource@nrc.gov](mailto:opa.resource@nrc.gov). We'll certainly be happy to answer your questions.

We do have a great deal of information on our public website that addresses many of the issues that the petitioner has raised today. That information is publicly available.

It does include our previous answers to the petitions, to the petitioners. And I'll be more than happy to provide you links to that information if you email me. Thank you.

MS. LIU: Thank you, Scott. Let me see here. I need to probably stop sharing the screen so you can see all the participants.

Kevin, since I'm sharing my screen, I'm not able to see all the participants. Can you, would you facilitate the discussion with public members? They are on the attendees list and with their hands raised.

MR. WILLIAMS: Yes. I think before we do that, I know we talked about the technical questions. But from a process perspective, does Public Watchdogs

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have any questions about the 2.206 process itself?

Okay. So, members of the public, now I can't actually see who has their hands raised. I think maybe Haile can address that and go through systematically, because there, you know, there are opportunities for people and members of the public to be able to ask us questions about the, regarding the 2.206 process itself.

And I would like to remind everyone that is in this meeting, you know, to please state your name before you speak and ask your question. Haile, can you assist in that regard?

MR. LINDSAY: I got you. Okay. First question is from Diane Turco.

MS. TURCO: Yes. Hi. Oh, I didn't actually have a question. I had a comment.

I am Diane Turco. I am Director of Cape Downwinders. And we have been watching the Pilgrim nuclear power reactor for these years.

And I want to let you know Holtec came to Plymouth and told us that they had an impeccable safety record. At the same time, the NRC was issuing their report about the near miss at San Onofre and also called that there was mismanagement, poor training, lack of oversight. It took a whistleblower

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to show this crime.

But I want to let you know what's happening at Pilgrim. We asked, what happens if there's a problem with a Holtec canister? What are you going to do?

And Holtec said they were going to do that Russian doll thing. They were going to have a larger concrete canister cask going over a canister cask.

And I said, has that been approved by the NRC? And they said no. And I said, and do you happen to have one of those larger canister casks onsite? And they said no.

So right now we know there was no plan to protect the public in the event of a problem with a cask at Pilgrim. And that threatens all of our communities. What's the NRC going to do about that?

MS. LIU: Okay. Thank you for commenting, Diane. We have six other members of the public on the line who wishes to express comment and questions. So we will go to the next person. Haile, can you call the next public --

MR. WILLIAMS: Yeah, so one thing to, before people speak, and we do want to give everybody an opportunity to speak, we might have to put a time limit on this of two minutes. But I'd like to give

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people an opportunity to speak.

And one of the things I'm hearing, there's a lot of feedback. So, Haile, if you can kind of control the person who's asking the question and mute everybody else I think that --

MR. LINDSAY: Will do. The next question is coming from Jacquelyn Drechsler. You are now on --

MS. DRECHSLER: Can you hear me? Hello? I'm Jacquelyn Drechsler. I live in Valley Cottage, New York across the bay from Indian Point. Indian Point is possibly going to be decommissioned by Holtec. We have these same issues about casks and flooding and climate change that many other places have.

And I personally have to say having been involved for years of going to NRC hearings that the process is totally unwieldy. It's not possible that you could have say 400 people in a room who want to make comments at a public hearing, when we used to be allowed to gather in person, and then not ever answer anyone's question. You are to serve us.

I live in New York. And there are 20 million people at risk. Forget about property damage. We are the highest taxed county and state and with the highest property values.

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And the decommissioning of Indian Point with this terrible company, Holtec, that already has a string of criminal issues surrounding them to begin with, is putting, is going to be putting 20 million people at risk.

And I understand this is happening all over the country. They use, they build their own thin-walled casks. They're making their own profit at the expense of the public.

But I understand this is about the process of how people actually try to work with you all. And you know what, it doesn't work. Mr. Blanch is 100 percent correct that all you have done is stonewall people on their questions. Thank you very much.

MS. LIU: Thank you, Ms. Jacquelyn. I had mentioned at the beginning of this meeting that this is a Category 1 meeting. In that case, in that term, it's a meeting between the NRC and an entity. And the entity in this case is Public Watchdogs.

We have something called Category 3 public meeting. That is where we actually solicit public comments into the licensing process.

This is an opportunity to have public members to observe our meeting and to ask policy or to question the 2.206 process. So it's not really about

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the technical merit of the questions. So I want to clarify that.

Haile, can we have the next public member?

Keep in mind, we have scheduled only ten minutes for public comments. We have already exceeded our time here.

So I ask the members of the public to keep your questions succinct and brief if possible so that we may allow all the members to ask a question or make comments.

Haile, would you give me the next public member?

MR. LINDSAY: Okay. Next speaking, Michael Ravenwood, you are now unmuted.

MR. RAVENWOOD: Thank you so much. I'm from Encinitas, California, nearby SONGS. And, you know, I have one question about the process, since I am allowed to ask about the process itself.

But I just want to make a little bit of comment, you know, that I find it exceedingly frustrating that, you know, this, that we are not able to get questions answered nor is Public Watchdogs able to get their questions answered.

And it just seems the entire thing is kind of lip service that we're experiencing here. And it's

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intensely frustrating when so many millions of people's lives are at risk at this time.

And I do intend definitely to send emails to Scott Burnell and, you know, the other NRC, you know, email that he provided to hopefully get some substantive responses to the concerns raised by Public Watchdogs.

I think anybody who witnesses this is just going to be horrified. And I intend to do as much as I can to bring as much public attention to it as possible.

So the question regarding the process is, is it indeed the case, as Paul Blanch stated, that the management directive that is being cited allowing you to not respond to any of the, you know, questions or information that's been provided by Public Watchdogs, is that, you know, in fact as Paul Blanch said, an internal document and you just decided within yourselves that you cannot answer anybody's questions?

Or is there some sort of legal basis, because the legal process as I understand it is that you do have to answer people's questions or the questions of the petitioners?

And to just be able to say, hey, we're just not going to answer any questions, that seems

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like a direct violation of the legal responsibility that the NRC has. Can you comment on that, please?

MS. LIU: Thank you, Michael. But let me say something really quick, just on the process side.

At the end of this meeting, Mr. Kevin Williams, (audio interference) making a closing remark and will be discussing, you know, to address some of the aspects of the question you have just raised. So thank you for raising that. Haile --

MR. WILLIAMS: Hey, Tilda, I'm sorry.

MS. LIU: Go ahead, Kevin.

MR. WILLIAMS: I would like either Rob Carpenter or Perry Buckberg actually to speak to that right now.

MR. BUCKBERG: I appreciate the question. My name is Perry Buckberg. I'm the 2.206 process coordinator for the Agency.

On the management directive, how do I start? 10 CFR 2.206 is about three paragraphs long. It's a very brief description. And by law we allow members of the public to bring safety issues to our attention. There is no process in 10 CFR 2.206.

Management directive 8.11, the first version from prior to 2000, and I forget the years and how many revisions there's been, but that is the

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detailed process of how we engage 10 CFR 2.206.

I became involved in 2018. And we were dealing with public comments and internal NRC comments on the process. I attended a meeting with the Commission that invited members of the public to address the Commission directly. They sat up at the big table with the Commission.

So this process is a process for the public. And the public has been involved with the revisions to the management directive and especially the last one, which came out in 2019, if that answers the question.

This process is for members of the public to bring safety information issues we may not be aware of to our attention. It's not a process of back and forth where there's questions.

We dedicate a Petition Review Board with several members of the NRC, technical people, division directors, executives, in other words, to review each of these submittals from the members of the public.

So there is time spent and dedicated to each submittal. And there is public involvement with each submittal. But it is not a back and forth question type process.

MR. RAVENWOOD: Okay. Well, thank you so

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much for that. I very much look forward to the opportunity that we have to see these questions answered. Thank you.

MR. BUCKBERG: Thanks for your question.

MR. WILLIAMS: Okay. Back to you, Tilda.

MS. LIU: Okay. Thank you. Thank you, Kevin. And thank you for that question from the member of the public.

Haile, may we have the next person on the members (audio interference)?

MR. LINDSAY: Sure. Next is Dietmar Detering. You're now unmuted.

MR. DETERING: Okay. Thank you very much. Thank you to the Commission and all your staff.

I'm an environmentalist living in Queens, New York. And I'm actually in favor of nuclear energy. The difficult work of the Commission is to balance different environmental needs, protecting the public of radiation and accidents.

But the question is also if there is not nuclear, something else will take its place that could cause air pollution, that could cause climate change.

So not every environmentally friendly answer means no to nuclear and yes to anything that restricts nuclear energy expansion or requests from the industry.

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And you have to keep that in mind. That's a difficult balance. Thank you for that.

I have a question for the petitioner. To my understanding, no harm has ever arisen from spent nuclear fuel to the public or actually workers handling these. The dangerous material inside these containers is contained inside fuel rods.

And you have made the comparison to Chernobyl. How does that even --

MR. WILLIAMS: Hey, hey, hey, I'm sorry. I'm sorry. This is Kevin Williams.

We're getting beyond the scope of this. This is, the purpose is not to question Public Watchdogs in terms of what they've asserted and things of that nature. It's for Public Watchdogs to have the opportunity to ask us about process and the public to ask about the process. You know, that's beyond the scope of this.

MR. BLANCH: On behalf of --

MR. DETERING: The one thing that triggered my hand to be raised is actually something else.

Day after tomorrow is the anniversary of the Tohoku earthquake that then triggered the Fukushima accident. And Public Watchdogs made the

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reference to that. It did not clarify that 20,000 people have died in drowning and accidents.

And I think this is insulting to the victims of the Tohoku earthquake. And it's conflating these deaths with the radiation accident that has killed no one or maybe one. And the image that was finally shown there is a fake. It shows --

MR. WILLIAMS: Hey, I'm sorry. I'm going to have to cut you off. I apologize. But this is not the place for --

MR. DETERING: Well, I just want you to get better information, better material in the next meeting maybe. Thank you, everyone.

MS. LIU: Thank you for that. Haile, may we have the next person, please?

MR. LINDSAY: Yes. Next is Susan Hito Shapiro. You are now unmuted.

MS. HITO SHAPIRO: Yes. Thank you for holding this and allowing me to speak.

I would -- I believe what has been raised here is that the process of the petitions by the public is totally a failed process. And we're asking that the NRC stop being complicit in malfeasance by not properly addressing and answering the questions.

So going to the specifics of what is being

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asked here today is the definition of what does that, what are, what is it that you're saying is not credible. What does not credible mean?

And I want to point out, because I'm sure many of you were not around at the time that it occurred and maybe have forgotten, but there was a period of time where the NRC accepted a fire insulation protection called HEMC or HEMIC, which was advertised by the manufacturer, as Holtec is the manufacturer of these casks, that it would withstand three hours of fire.

And it was installed because the NRC accepted the manufacturer's sheet and what their representations were. However, it turned out it took an act of Congress to actually get the NRC to finally test this HEMC. And when they actually tested it, it turned out to only last for 24 minutes.

And so many reactors, including Indian Point, which still is using only 24 minutes of protection, because of this failure of the NRC to actually make a determination of what is credible protection of the public.

Your job, as has been reiterated here, is not to protect the industry. That is why the Atomic Energy Commission was disband and the NRC was set up,

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to protect the public, not the nuclear industry. You've lost your way.

And we're asking you to get back on track and do your job and do not accept Holtec's statements that they are going to take care of everything and that they don't have, as explained here, they don't have a system if there's failure.

There will be failure. It's human failure. We are human beings. There is failure. You have, with a nuclear industry, you have to plan for failure. You can't accept that it's, an accident is not credible.

That's a ludicrous position to take. And it's insulting to us as the public (audio interference) and us as the insurers. We are the actual insurers of the nuclear industry. And your job is to do the research to make sure that we insure properly. We're --

MS. LIU: Okay.

MS. HITO SHAPIRO: Thank you.

MS. LIU: Thank you. Thank you for your comments. We are way behind schedule here. So can we go to the next public member to allow an opportunity for every public members who wish to speak to speak? Haile, the next person please.

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MR. LINDSAY: Yes, Tilda. Next on the line is Catherine Skopic. You are unmuted.

MS. SKOPIC: Thank you for this opportunity to speak. And I would like to thank Stuart Scott and Paul Blanch for the most excellent presentation and for speaking of the thousands of us who are not able to say all that you have said.

I think it's quite clear if one looks in the dictionary and looks up the word not and the word credible, it's very clear what those words mean. So, unless there's some great exception or unique interpretation of those words, we can assume what those words actually mean.

It has been shown again and again and again in various written articles, publicity, that Holtec is not a reliable company. There was an accidents where a canister almost slipped and fell. There was another accident where there was a violation of NRC rules itself in the shims that almost caused an accident. So it is all very questionable.

Holtec is also the company that has put forth the CISF in New Mexico, the Consolidated Interim Storage Facility, that is located in a majority minority state, meaning the indigenous people there.

The Juaneno or Navajo, the Hispanics, and

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so many other minority groups, people of color have been already inundated with the mining of uranium that's caused this whole problem. And now again they have to endure the possible accidents of the storage of these materials.

We know that safe casks are about three feet thick. The ones that withstood in Germany, they put their casks by the war, before the war, casks that were three foot thick, and they worked. Compare that with one-half to five-eighths inch thick.

So it's only common sense. You don't have to be a nuclear engineer to know that these are not safe. And if we don't speak up, who will? And if you don't serve us and keep us safe, who will?

MS. LIU: Thank you. Kevin, I have a question. And I want to ask this. We are running behind schedule. It's 4:24. We are running almost 30 minutes past schedule. We still have --

MR. WILLIAMS: Yeah, so, Tilda, there's about nine more people that want to speak. If they can, I'd like to get through the nine if they can limit their comments to, you know, 30 seconds or less.

MS. LIU: Okay. Thank you. So that -- and another thing I'd like to offer is if you would keep yours very brief, because we do want to end the

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meeting on time if possible. We need to give Kevin ten minutes to do a closing remark.

And for those of you who have questions and comments, feel free to submit it to Scott Burnell, who was on the screen earlier. You can send that to him. And then he can follow through that through us. Okay. Thank you.

MR. BLANCH: Most of us are at home, so we're in no hurry to get home to the wife and kids. So --

MS. LIU: Haile, please put the next public member online, please.

MR. LINDSAY: Sure. So next we have Jean Stevens. Jean, you're unmuted.

MS. STEVENS: Thank you. I am a third generation Californian. And I left. I lived in Laguna Beach. And my mother lived in Fallbrook. And there were bombings going on in 1990.

And I left, and I moved to New Mexico because I was fearful of living next to San Onofre. And now I live downwind from Los Alamos National Laboratory, which was the site of the canister that they apparently put cat litter in and sent it to WIPP.

And WIPP was closed for a few years, as we all know, and an unbelievable amount of money.

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So, unfortunately, now Los Alamos National Laboratory is building plutonium nuke warheads of mass destruction. And they've had major fires there. And I am probably going to have to move again.

I really want you to make sure that the American public is safe. I am terrified of living in the United States quite frankly. Everywhere I go I feel threatened. And Holtec is everywhere. So I hope that you will address this. Thank you for your time.

MS. LIU: Thank you for that. Haile, the next public member.

MR. LINDSAY: So next we have Kalene Walker. Kalene, you are unmuted.

MS. WALKER: Hello. Thank you. My concern is regarding defense in depth. Defense in depth means you have backup systems, more than one system. And we're talking about potential canister failure. We're not even discussing the fuel failure, damaged fuel.

But I'm, as far as process, NRC process and regulations, all certificate of compliances require the ability to return the fuel to the pool.

And in the recent meetings I've been attending, even NRC Commissioners meetings, it's been made clear by technical staff that it is not feasible,

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possible, or advisable to try and return hot fuel to a spent fuel pool. The only other system would be a hot cell facility, of which there is none in that United States capable of handling canister fuel.

10 CFR 72.122 and it's either L or I, I can't tell by the letter, storage systems must be designed to allow ready retrieval of spent fuel. This is not enforced.

ISG-2, Revision 2, your interim staff guidance, allows the option to redefine retrievability to mean retrieving a canister rather than the fuel.

At this point, we don't even know if we can retrieve a canister, especially if it's, if there's a weld problem, if we could pull a canister out of one of those holes, never mind retrieve the fuel out of it.

So, overall, I realize there's a RIC conference happening right now, that the NRC and the industry is promoting advanced reactors, advanced fuels, which would be burnup, higher enrichment, creating more dangerous fuel.

So, in closing, I'd like to refer you to ML document 18269A037, which discusses the hazards of spent fuel, high burnup fuel, and storage and transport.

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And what the NRC is basically doing to our community and to 72 communities across the country by allowing these canisters is to sabotage us and booby trap us with canisters that are not inspectable for cracks, no ability really. The repair system that's being recommended is not approved by the NRC and would not deal with cracks. And the canisters are susceptible to cracking.

And I apologize for going over. But this is extremely serious. And we are opening dialogue today. And we would like it to be dialogue with someone besides the public relations man, that the technical staff needs to be looking at these issues. And we need a two-way street. And you can start by responding to NUREG 2.224 comment that I just referenced.

Thank you so much. And I really DO look forward to a resolution of this serious problem because it's getting worse with every canister that's being loaded.

MS. LIU: Okay. Thank you, Ms. Walker. We appreciate your comments.

Now the time is 4:29. Since we have gone beyond our scheduled time, I'm asking that we will, I'm going to ask Haile to go to one more members

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public on the line to make a comment.

This is to ask process questions related to 2.206, not necessarily the technical merits as we have stated before.

And for those members of the public who will not be having a chance to ask a question or comment today, feel free to reach out to Scott Burnell in our Office of Public Affairs. He will be answering your questions, addressing the questions, or forward them to us. So feel free to contact Scott, as he had offered earlier.

And I'm going to ask Haile to give me one more member of the public. And then we will turn it over to Kevin for the final remarks. Haile, can you -  
-

MR. LINDSAY: Okay.

MS. LIU: -- member of the public?

MR. LINDSAY: Yes. Last member of the public is Keith Schue. You are now unmuted.

MR. SCHUE: Hello. Yes, my name is Keith Schue. And I want to thank the NRC for allowing me to comment. You've been very polite with a lot of unfair allegations being thrown at you about malfeasance and things like that.

I'm an engineer. The nuclear industry I

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understand is held to regulatory standards that far exceed any other form of energy. Nuclear power is the only industry that is actually required to contain its waste. The fossil fuel industry and the renewable industry don't contain their waste.

The fossil fuel industry pumps its waste into the atmosphere. Air pollution actually does result in millions of deaths each year. Nuclear power doesn't do that.

Frankly, if all energy suppliers were held to the very same high standards as nuclear, as the nuclear power industry is then the rest of, the rest would fail, and nuclear would probably be the only form of energy we use.

Today I heard a presenter say look at that thin-walled canister. That's the only thing separating the public from a Chernobyl disaster. That's incredibly misleading.

So what does happen when a canister drops? Does it create a Chernobyl disaster? No, it doesn't. You would have to intentionally pulverize the contents and scatter it across the countryside to create widespread exposure.

There are a lot of things that are dangerous if you're standing right next to it.

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Comparisons --

MR. SCOTT: You're incorrect. If moisture gets into the canister, you'll have a zirconium --

MR. SCHUE: If I can finish, no form of energy is absolutely, completely accident free. But objective comparisons of different forms of energies demonstrate that nuclear power is far safer than fossil fuels with respect to public health and worker safety. In fact, it's as safe as renewables. Thank you.

MS. LIU: Okay. Thank you for that. That was our final public comments. I want to acknowledge the following folks on the line that I see.

We have Ms. Debbie Kinsinger, Ms. Linda Lewison, so apologize if I'm not pronouncing correctly. We also have Elaine Dickinson, Dana Gaye (phonetic), Daniel Franco (phonetic), and Paul Schumann.

So I ask those of you, the ones I have just called, to reach out to Scott Burnell. And again, my name is Tilda Liu. And you can send it to me if my name is more familiar since my name was on the meeting notice. I'd be happy to forward to Scott Burnell for him to address the questions.

And we have a wealth of information on the

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NRC public website, on the (audio interference) transportation, the storage safety. We have a lot of information there for members of the public to read about.

So, at this time, I'm going to turn it over to Mr. Kevin Williams, our PRB chair, to make a closing remark.

MR. WILLIAMS: So my question right now to the court reporter is, do you have everything that you need? Do you need anything right now?

COURT REPORTER: No, sir. Thank you for asking.

MR. WILLIAMS: All right. So, in closing, you know, the purpose of this meeting was to really provide additional information to the NRC. And in the process here there's been a lot of exchange of information.

And I think that one of the things that Scott Burnell talked about is the fact that there are information, there is information on the NRC website to provide a balanced feel for the information that has been shared today so that people that, you know, that are on the call that want to, you know, understand the other half of the story or the other discussion that's surrounding this issue, because

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there is a lot of energy surrounding this issue.

You know, Public Watchdogs would not bring these things to us if they didn't feel, you know, feel compelled to. And we need to balance that and make sure that we are addressing these issues on a number of fronts.

We will continue to engage on, you know, these types of activities as we go forward. But one of the things that I wanted to reiterate is that we do have the OPA resource, which is at [opa.resource.gov](http://opa.resource.gov). We also have Scott Burnell, who said he would funnel a lot of things, you know, through us and through this process.

I do want to reiterate that this is a process to obtain additional information as we navigate through this 2.206 petition.

We will review the transcript of all the information that was provided to us today, the things that will inform that process. And then we will make a decision in regard to that process.

Scott Burnell, did you want to have anything else to say before we close out?

MR. BURNELL: I just would like to clarify the email addresses. They are [scott.burnell@nrc.gov](mailto:scott.burnell@nrc.gov). And the alternate email is [opa.resource@nrc.gov](mailto:opa.resource@nrc.gov).

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Thank you.

MR. WILLIAMS: All right. Thanks, Scott.

So I think this concludes our meeting today. And we will, the PRB itself will review the transcript. And then we will meet again. And we will make a decision in terms of whether to accept this petition or not accept the petition. And then we will communicate accordingly.

Tilda, I'll turn it back to you unless you have anything else, or we'll close out the meeting.

MS. LIU: Okay. Thank you, Kevin. I want to thank everybody, Public Watchdogs, NRC staff, and especially members of the public for joining and observing our meeting today.

Currently on my screen I show more than 130 people participating in this meeting. At a point, we had over 170 people on the line observing this meeting.

So we appreciate your interest in joining and observing the NRC process today. And we thank you. And (audio interference) again later. Thank you, everybody.

(Whereupon, the above-entitled matter went off the record at 4:37 p.m.)

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