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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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1999 ORGANIZATION OF AGREEMENT  
STATES MEETING

Renaissance Hotel  
Wedgewood Room  
Austin, Texas  
Friday, September 10, 1999

The meeting convened, pursuant to notice, at 8:00 a.m.

PANEL MEMBERS:

- FRANCIS X. CAMERON, Facilitator
- ERIC WEINSTEIN
- RUTH McBURNEY
- HAMPTON NEWSOME
- GEORE BROZOWSKI
- DWIGHT CHAMBERLAIN
- KATHY ALLEN

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

[8:00 a.m.]

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2  
3 MR. CAMERON: Good morning, everybody.

4 The theme for this morning is the relationship between  
5 the states and various federal agencies, and our first topic is  
6 what's happening with FUSRAP and Ed Bailey is going to lead that off  
7 for us. We also have Hampton Newsome from the NRC's Office of  
8 General Counsel with us to address this subject, and Paul Merges  
9 from the State of New York has an abiding interest in the FUSRAP  
10 question.

11 I think we're ready to start, Ed. Do you want to just  
12 start us off? And is there someone from the Corps of Engineers  
13 here?

14 MR. BAILEY: Yes. Is there someone from the Corps here?  
15 And if there's not, part of the reason is my fault, because I didn't  
16 get in touch with them soon enough for them to plan to be here. But  
17 if there is someone, I want to share my time with them.

18 It's not fun to fight with anybody if they're not here.  
19 You know, it's hard to get an argument going with yourself, but I'm  
20 pretty good at that.

21 [Laughter.]

22 MR. BAILEY: I presume everyone in the room knows what  
23 FUSRAP is -- or fuzz rap. I mean, I've heard more variations of  
24 that. Anyway, F-U-S-R-A-P, Formerly Utilized Sites Remedial Action  
25 Program, these are the sites that were contaminated or otherwise

1 used by the Manhattan Engineering District during World War II for  
2 all kinds of work related to the construction of the atomic bombs,  
3 and those sites are scattered all over the United States but they're  
4 concentrated primarily, I guess, in the East.

5 Those of you who have read a little history of the  
6 project know that basically the Corps of Engineers and General  
7 Groves were given carte blanche to do whatever they wanted to, and  
8 General Groves went out to companies that he felt like could do the  
9 work. And when you look at things like Hanford and realize that  
10 within a year and a half after the discovery of plutonium, they had  
11 those reactors up and running; they didn't have to get an NRC  
12 license, obviously.

13 [Laughter.]

14 MR. BAILEY: But among the sites that they had were a  
15 lot of really small chemical companies and so forth, and one of  
16 those sites was the Linde Air Products which is in Paul Merges'  
17 state, and there, as I understand it, the company was into ceramics  
18 and one of the things that they did, of course, was extract uranium  
19 from ore to get some coloring for different ceramics.

20 The Department of Energy was in charge of the FUSRAP  
21 program which meant cleaning up these sites, and quite frankly, the  
22 discussion we had in Arizona a couple of years ago when that  
23 responsibility was transferred to the Army Corps of Engineers was  
24 simply sort of an intellectual, argumentative type thing for me  
25 because the only FUSRAP site in California had already been cleaned

1 up, so I thought it was interesting, you know, about how they  
2 weren't going to get licensed and all that.

3 Well, that came home to roost because the Corps chose a  
4 contractor to knock down a building at the Linde site, Building 30,  
5 and demolish the building and dispose of the debris, and this is a  
6 rather large building with an interesting history, and I think,  
7 quite frankly, the Corps only reads part of the documents about what  
8 actually went on in the building.

9 The building started out -- a rather large building --  
10 with a dirt floor in it, and they brought ore in there, Belgian  
11 Congo ore, as I understand, and processed it, removed the uranium,  
12 converted it to yellow cake U308. In a phase 2 of the project, they  
13 then took the U308, converted it to uranium dioxide; and in the  
14 third phase on the same site, they took the uranium dioxide and  
15 converted it to uranium hexafluoride. So unlike most uranium mills,  
16 they took it a few steps further.

17 Back in the fall of last year, the contract was let to  
18 dispose of this, and the company in California who got the bid is a  
19 RCRA-C facility which has in its permit a restriction on  
20 radioactivity, and the restriction on radioactivity was 2,000  
21 picocuries per gram. That is an old legacy number, as most of you  
22 recognize, related to how DOT defines something that's radioactive.

23 The site was built to accept oil and gas field waste;  
24 it's located in the California Central Valley right of Interstate 5,  
25 north of Los Angeles. It's about a half a mile from the California

1 Aqueduct. Now, the California Aqueduct takes a lot of water from  
2 northern California and sends it down south to grease the fault so  
3 that maybe L.A. will fall into the ocean.

4 [Laughter.]

5 MR. BAILEY: But anyway, it's within a half a mile of  
6 this aqueduct.

7 The company was successful in getting the bid. They  
8 competed with RCRA sites in South Carolina and South Carolina told  
9 them they weren't interested in it, and they also, as I understand  
10 it and have been told, approached Oklahoma about bringing it to a  
11 RCRA site there. The long and short of it is they basically sent us  
12 a letter saying that they had some norm material that they wanted to  
13 dispose of at their facility, and without getting any response from  
14 us, began the shipments. In fact, the shipments began very quickly  
15 after this letter.

16 In about March, I think it was, I finally woke up and so  
17 forth and sent them a letter saying that there was only one licensed  
18 radioactive waste disposal site in California and that that site was  
19 presently not open and was not operating, and therefore, there was  
20 no place to dispose of FUSRAP waste in California. And I also put  
21 in there that I felt that they had mis-characterized the waste:  
22 they called it norm. And this site, it is true, has taken oil and  
23 gas field waste which did contain norm.

24 The company responded finally and said, Well, hey, we  
25 appreciate your letter but it's already buried. And you know, sort

1 of in retrospect, I wish I had never written the letter because the  
2 trouble that has come about since then is unbelievable. Except for  
3 Paul, I don't know if any of you have ever been on front-page  
4 articles for the Wall Street Journal and the L.A. Times on the same  
5 day.

6           Needless to say, we have a new governor, have a  
7 different party, a party who was not in favor of a low level waste  
8 site, so this immediately got kicked up to the governor's level. At  
9 this point, any letter we write, I write, anybody writes that  
10 mentions one of these companies, the site, the FUSRAP, whatever,  
11 goes to the governor's office for review before I sign it or before  
12 anybody signs it. We have to give a report every day at four  
13 o'clock on what we've done during that day on this project, and  
14 sometimes you have to be real inventive to come up with something  
15 you did. You say "wrote the first preliminary draft of a response  
16 to a letter" or whatever, and the next day it's "wrote second and  
17 third and fourth preliminary draft" of the same letter.

18           Anyway, the waste that came here consisted of 83 train  
19 car loads of waste. It was brought by train from New York which is,  
20 for those of you who don't know, sort of on the East Coast all the  
21 way to California which is sort of on the West Coast. This series  
22 of shipments took place over, I don't know, three, four or five  
23 months, whatever.

24           They took them into the Los Angeles area which is a  
25 fairly large metropolitan area in southern California. They

1 off-loaded them, put them on the interstate, took them over the  
2 grapevine which there's a range of mountains that runs over north  
3 L.A. which in the wintertime can have blizzards and get shut down  
4 and all kinds of stuff, and it's sort of a winding interstate road.  
5 It's the only interstate I know where they cross lanes so that  
6 you're driving -- it's like being in England or something -- you're  
7 driving over here and I think it was typical California engineering.

8           But anyway, it's not a particularly nice highway to be  
9 hauling stuff on, but they hauled these -- which I think ended up  
10 being 200-and-something truckloads of waste -- over that, drove it  
11 up to near a little community of Button Willow, turned left, drove  
12 over the California Aqueduct to get to the site, and disposed of the  
13 waste.

14           When we asked for information about the waste, we were  
15 sent a table that showed 26 samples that were taken out of the 83  
16 train car loads. There were 13 samples of wood and there were 13  
17 samples of concrete. They took up the 26 samples, added up the  
18 concentrations in each sample, and divided by 26, and that was the  
19 average concentration of the material going there.

20           We have been now, however many months, simply trying to  
21 get a survey that shows where those samples were taken in this  
22 building. The samples were taken before the building was knocked  
23 down. We have been told that for each set of 13 samples they took  
24 three samples from hot spots, three samples from background areas,  
25 and seven random samples to come up with these numbers. As I said,

1 we don't have the survey, and as we have been told by the Corps, you  
2 have to average a concentration over some volume.

3 They have told us verbally that they originally intended  
4 to segregate the material out and after they knocked down the  
5 building they had this big huge pile of rubble, so they took a  
6 survey meter and walked over the pile of rubble and they didn't see  
7 anything that was really abnormal about the pile of rubble, so they  
8 literally took front-end loaders and started loading the material  
9 in.

10 Now, yesterday I think it was Ruth that had a very nice  
11 slide that I copied that showed how you get to .05 percent by weight  
12 source material, and it was somewhere in the neighborhood of  
13 300-and-something of natural uranium. At least one of the samples  
14 out of the 13 concrete samples was over 3,000 picocuries per gram.  
15 Now, because we don't know how they took the samples, we don't know  
16 whether this was surface contamination on a concrete plug that was  
17 one-inch thick, ten inches thick, or whatever to begin with. The  
18 wood, we have similar problems: we really don't know how the  
19 samples were taken. In our minds, if you have something that's  
20 3,000 picocuries per gram, you don't push it in a big pile with  
21 something that essentially zero picocuries per gram and average that  
22 out, even if you have equal volume.

23 There's also, I think, some question, when you start  
24 doing picocuries per gram, about the relative density of concrete  
25 and wood, and that would have to be a heck of a lot of wood there to

1 amount for the same total weight to make those samples, even if they  
2 were representative, be able to be divided as equal samples. I hope  
3 I'm conveying my frustration with trying to get simple information.

4 I think the people from New York -- and we have now gone  
5 to New York and visited with Paul Merges' office, Bobby  
6 Youngblood -- they were very nice to us, they threw open their  
7 doors, they had the files there ready for us to look at. We  
8 identified about a thousand pages of documents. They graciously  
9 waived their Public Records Act copying fees. Copied them, sent them  
10 to us, and we appreciate their doing that.

11 We then went from Albany -- which I think has one of the  
12 nicest capital complexes I've ever seen -- to Buffalo. Now, Buffalo  
13 is not the prettiest city I've ever been to. I mean, if you want a  
14 picture sort of a rust belt -- and I'm not trying to be bad to  
15 people from New York -- but you could go there and it could be the  
16 poster child for rust belt. I don't think we saw a single new  
17 building under construction, and it's sort of red and so forth, and  
18 there are a lot of buildings with broken windows.

19 So we went there and we went to the Corps of Engineers  
20 offices after we had sent a Freedom of Information request saying  
21 send us everything you've got, and they suggested that that could  
22 take months and months and months for them to do. So we went to the  
23 Corps's districts offices and we went through about 24 linear feet  
24 of documents. Now, to the Corps's credit, they had an index to  
25 these documents. About 12 feet of them related to sites in the

1 various areas which in some cases were very telling because we had  
2 old records where they described these three phases of what happened  
3 there. As the Corps worked on, it got condensed down to simply they  
4 took ores and processed and made yellow cake, so they left off those  
5 two last conversions that occurred.

6 We were able, in about a day and a half, to go through  
7 them. We had a team of three people: a lawyer, and one of the  
8 health physicists, and myself. We went through these records and  
9 identified about 2,500 pages of material. What we didn't find were  
10 some things that we really wanted, like the contract between the  
11 Corps of Engineers and the companies that were involved in the  
12 demolition and disposal. We also did not find that survey that we  
13 wanted to tell us where they took the samples, and so we have now  
14 amended our Freedom of Information to request these contracts and  
15 also these surveys which they claim will be in something called a  
16 completion report that the contractor will give to them.

17 We have been assured that the QA/QC program, the  
18 methodology used to select the sampling points, the sampling  
19 methodology, and all of that stuff will be in the completion report.  
20 Now, this started back October, sometime in that time frame; we are  
21 now approaching a year, and they still don't have a completion  
22 report. It's my impression that the Corps, unlike DOE which would  
23 probably pester you to death with taking split samples and QC  
24 samples and all, the Corps simply -- we want to see the contract,  
25 but it appears or the impression is that the Corps said we want

1 someone to tear down Building 30 and dispose of the debris, and  
2 there appeared to be no real checking on the quality. In fact,  
3 there's a public hearing record where the Corps says that no, they  
4 took no samples, they did not split any samples, they did not  
5 compare them or anything. So we're really looking forward to this  
6 report.

7 What will happen, we don't know. It's a very political  
8 situation, as you can imagine. California, to most people, is not  
9 known as a state that's willing to take other people's waste. We  
10 sort of have the idea that if we can generate power and dispose of  
11 waste and just have to pay for it and have it done someplace else,  
12 that's the way we like to operate because California is pretty and  
13 all the other states are ugly.

14 [Laughter.]

15 MR. BAILEY: So we are waiting to see what information  
16 we get. We are under constant pressure to come out with answers to  
17 the questions, what are we going to do, and we're really tied up  
18 right now waiting on this data that we're trying to get from the  
19 Corps. So we will probably, hopefully, by this time next year be  
20 able to tell you that we have made a decision on what's going to  
21 happen.

22 There are the questions that were brought up yesterday  
23 about 11(e)(2) like material generated before 1978 that the NRC has  
24 issued some documents saying they have no jurisdiction -- which is  
25 very important -- over this material, so if they have no

1 jurisdiction, then they can't object to us having jurisdiction.  
2 However, if they do have jurisdiction -- which I think we actually  
3 believe they should -- then there's going to probably have to be  
4 some additional review.

5 As the attorney for the Corps said to us, Oh, this is  
6 just a drop in the bucket -- and that's really our concern is that  
7 when you start looking at FUSRAP waste, we got 83 train car loads.  
8 I talked to a person in Idaho, they're going to be getting 22,000  
9 train car loads of waste from FUSRAP sites going to a RCRA facility.  
10 I think we were able to -- by the letter at least -- prevent the  
11 company in California from being successful in bid attempts to get  
12 that 22,000 train loads of material.

13 To give you an idea, the Corps went out with a \$400  
14 million contract to dispose of waste, and that is very tempting to  
15 all kinds of companies.

16 I'd be happy to answer any questions, and I'm glad that  
17 the NRC has cooperated with California and put an attorney by my  
18 side. That's the way I've been for the last six months. Did I say  
19 anything that I can be sued? I can always be sued for anything.  
20 Right?

21 MR. CAMERON: Why don't we hear from Paul Merges, if he  
22 has anything to say, and then go to Hampton, and then open it up for  
23 discussion.

24 MR. MERGES: As a state representative I view the FUSRAP  
25 situation as the height of beltway arrogance, and before I get to

1 that, though, I want to point one other thing out is I don't have  
2 the Texas drawl that that guy from California did, so the best I  
3 could do was to wear a cowboy hat picked up by a former New Yorker  
4 who lived in Texas, had a tremendous Texas accent, and was  
5 originally from California and played basketball for Berkeley.

6 [Laughter.]

7 MR. MERGES: But anyway, to get back to the height of  
8 arrogance. We have a situation here where what actually happened,  
9 the big picture, is that the Department of Energy, previous  
10 administrators in this administration, played politics with the  
11 FUSRAP program, and they did things like holding press releases and  
12 conferences on letting these contracts and moving money from one  
13 state to another, and bringing in one party and not the other, even  
14 though the other party may have been more involved in the cleanup  
15 than the other side.

16 Well, this led to the Congress and the other party being  
17 very upset with those administrators, and as a result of that  
18 situation, they shifted the program from the Department of Energy,  
19 almost overnight without much consideration, to the Corps of  
20 Engineers which is really not a RAD conscious agency at all.  
21 They're good engineers, they're lousy health physicists, from my  
22 perspective.

23 We had a couple of other problems associated with this  
24 program. The Department of Energy, in the meantime, also turned  
25 over all the FUSRAP material to the Corps of Engineers without a

1 radioactive material license which, from my perspective, in our  
2 society is illegal, including greater than Class C waste at the  
3 Niagara Falls storage site in New York State which this is really  
4 hot stuff which hasn't even been excavated or touched yet by the  
5 Corps. We're talking 1,882 curies of high activity radium waste on  
6 that site alone, to let you know what's coming down the road.

7 At the same time, the NRC has taken the position they  
8 don't regulate pre-1978 11(e)(2) material, even though that's not  
9 necessarily consistent with what they have done in other areas of  
10 the UMTRCA program. Finally, the NRC has also BRC'd the equivalent  
11 of a lot of this material under their recent changes.

12 So what we have is a free release of probably greater  
13 than a million cubic yards of radioactive material on our society  
14 with no radioactive material license behind it and not a radiation  
15 safety officer on any one of these sites, nobody that's guaranteeing  
16 personal dosimetry, no one who is responsible or in charge of  
17 assuring the protection of the public health and safety.

18 Some of the problems that you run into when you talk to  
19 the Corps is the Corps didn't bother reading all the documents that  
20 were turned over to them from the Department of Energy, so when they  
21 got to New York and they told us they were going to clean up the  
22 Colonies site -- which by the way, I have to correct Ed on one  
23 thing. Not all these sites -- there's two of them in particular  
24 that Congress added to the FUSRAP program -- are non 11(e)(2) sites.  
25 11(e)(2) is a section of the Atomic Energy Act which addresses the

1 Manhattan Engineering District waste. But two sites were added to  
2 it: Maywood, New Jersey, and the Colonies site, and they were  
3 basically corporate bailouts by Congress, Corporate Welfare Program  
4 on sites that were contaminated by private industry working under  
5 federal contracts.

6 The Corps didn't bother reading the documents that the  
7 DOE turned over, took the position immediately that they were not  
8 going to clean up these sites for chemical contamination where areas  
9 where only chemically contaminated. They would clean up waste that  
10 was commingled with RAD waste or RAD waste, and we've got to show  
11 them that the DOE had taken positions for the 18 years to the  
12 contrary, and when they finally did realize that, they never admit  
13 that they made a mistake, they always change their directives. That  
14 song by Bob Dylan, is it, about a woman who -- she never -- to heck  
15 with it.

16 [Laughter.]

17 MR. MERGES: But anyway, there's no ALARA consideration  
18 on these sites, as far as I'm concerned; as I mentioned, no license  
19 for radioactive material which causes immense problems for the  
20 states as we go along. The application of RASRAD is applied, from  
21 my perspective, without professional judgement, and when we get to  
22 the TNR meeting, I'll have to talk about that with the people in  
23 that. It's very important that you apply these models with  
24 professional judgement and understand what you're doing.

25

1                   That's why I mentioned yesterday we had a situation  
2 where one federal agency seeking a dose of four times less than the  
3 other federal agency ended up ten times greater cleanup criteria on  
4 the same site with the same waste.

5                   The averaging -- that's an important one. Ed mentioned  
6 averaging the cores, proposing to average the cleanup on what's left  
7 of the Linde site over three meters depth when the greatest depth  
8 that we know contaminated soils were eight feet and that was only a  
9 very small area, so they try to take credit for a lot of clean soil  
10 in the process of cleaning up these sites and trying to get them  
11 down below to assure that they're below the level that you would  
12 require a source material license. And by the way, Ed didn't  
13 mention that even when they averaged the way they did, I think they  
14 were four picocuries under what would be required for a source  
15 material license that were going to that facility out in Button  
16 Willow -- conveniently four picocuries below.

17                   You need to understand that the Corps of Engineers is  
18 very well connected with your federal and state agencies. They do a  
19 lot of work outside the RAD waste area, they're a very powerful  
20 organization, and they're connected with your governor's office and  
21 your legislators and Congressmen because they do so much, and they  
22 do a lot of good work in our society. I'm not criticizing them for  
23 that at all. As a matter of fact, in New York State's perspective,  
24 DOE moved very slowly and the Corps is moving very rapidly in  
25 cleanups in New York State.

1                   New York State has basically three major FUSRAP sites,  
2 we have several other smaller sites, and several sites that we would  
3 like to see added to the FUSRAP program. Some of them are going to  
4 be in the tune of several hundred million dollars cleanup. We're  
5 still advancing through the process through the Corps of Engineers.

6                   That's another issue: no one was able to explain to us  
7 for a year and a half, until March 17, when an MOU finally was  
8 signed between the Corps and DOE -- only because Congress had hauled  
9 them in to address this issue -- who was in charge of making  
10 decisions on future FUSRAP sites because there are still a lot of  
11 contaminated sites out there. And when you go back through the  
12 historic record on these sites, it's not clear at all and there's  
13 been mistakes made by the federal government on what wastes are on  
14 that site and whether or not they are FUSRAP sites.

15                   The Linde site has several associated sites with it. Ed  
16 just addressed Building 30 on the Linde site; there are a whole slew  
17 of buildings that are coming down on the Linde site in the next  
18 couple of years, and there's a lot more waste coming off that.

19                   The Seaway industrial site is situated between what was  
20 called Ashland 1 and 2. These were all contaminated by bringing  
21 tailings from the Linde site. And finally, the Town of Tonawanda  
22 site is a landfill that has material that ran off the Linde site and  
23 into a local creek. They had dredged the creek periodically because  
24 of the low flow situation -- the town did -- and the FUSRAP material  
25 ended up in the town landfill as well.

1                   That's just one of the sites over in western New York  
2                   with the exception of the Niagra Falls site which has 1,882 curies  
3                   that I'm quite willing to send to any other state that's willing to  
4                   take it -- including California.

5                   [Laughter.]

6                   MR. MERGES: The Colony interim storage site is a site  
7                   that was run by National Lead, and it's about a mile from our office  
8                   areas. It's in a very similar situation industrially that the Linde  
9                   site is, and Tonawanda. The Corps is cleaning up that site to the  
10                  equivalent of one-tenth of what they were proposing to clean up the  
11                  Linde site.

12                  We have sent a letter in to the Corps recently saying we  
13                  cannot concur with the cleanup of this Linde site at the proposed  
14                  level, and this is going to cause the Corps immense problems to have  
15                  their environmental regulator saying that they cannot accept the  
16                  fact that the cleanup level is so high on this particular site.  
17                  Their response to that is that they're going to average, by the time  
18                  they get done hogging and hauling, they're going to have averaged  
19                  down below what would have been the DOE cleanup criteria of 60  
20                  picocuries per gram. But DOE would have hogged and hauled and they  
21                  would have been well below that 60 picocuries per gram too. That  
22                  would have been what their goal would have been, instead of 600.

23                  The Corps takes advantage of MARSSI every time they can,  
24                  and we're not too crazy about how MARSSI does its averaging for hot  
25                  spot criteria, I can tell you that. We would like to see a much

1 simpler approach to it. It's a statistically very complicated  
2 package behind it and we are not supporting MARSSI any longer  
3 relative to these cleanups.

4 I wanted to cover one or two other items and then tell  
5 you where we're going in the FUSRAP program. I mentioned that two  
6 of these sites were non 11(e)(2) material, and that's important  
7 because this was formerly licensed radioactive material and low  
8 level radioactive waste. The whole status of what is this waste now  
9 because both licenses, the NRC and the State of New York Department  
10 of Labor license, were terminated for this site when the Department  
11 of Energy came on the site and took possession of the site.

12 By the way, when they, quote, take possession of a site,  
13 it's a very interesting issue in itself: who owns these sites any  
14 longer, whether it's the Corps of Engineers, whether it's the  
15 Department of Energy. These are the two sites in New York State  
16 that the federal government owns -- and it makes a big difference,  
17 because if it's the Department of Energy, their rules and regs  
18 should really apply to these sites and there should be an oversight  
19 by the Department of Energy on those sites; and if it's the Corps of  
20 Engineers, then it's a different situation, but at least it would be  
21 clarified.

22 Now, you need to understand that when the Corps finishes  
23 the cleanup of these sites that they're going to turn them back to  
24 the Department of Energy and there's going to be a problem down the  
25 road if these sites don't meet DOE guidance on cleanup of a

1 radiologically contaminated site, or if the state regulatory  
2 agencies or EPA stood up at some point in time and said hey, we  
3 don't agree with this cleanup criteria or how it's being cleaned up.  
4 And these are future things that are going to be coming up in this;  
5 it's not a simple little thing.

6           Sending this material to a RCRA-C facility, I mentioned  
7 yesterday, these sites are not designed to guarantee their integrity  
8 for thousands of years, at least even a thousand years. There's no  
9 guarantee that the site owners in the future aren't going to be  
10 putting residences and things on them, and what you actually have in  
11 RCRA is a 30-look-see, and Illinois has faced this with the  
12 Sheffield site in particular. They're actually hoping, I think, to  
13 find radiological contamination at Sheffield because it could extend  
14 it another 30 years. I don't know what happened, whether he ever  
15 did extend the license another 30 years for that site, but that's an  
16 example of the problems you can run into.

17           We have material that's got a very, very long half life  
18 here and it really does need to be in a perpetual care situation by  
19 federal or state agencies, or at the very least, by corporations.  
20 There's no perpetual care program, that I'm aware of, for these  
21 RCRA-C facilities, other than the one in New York State which we  
22 regulate, and we don't allow this material into it, by the way.

23           The sites, the RCRA-C facilities, the workers are not  
24 RAD-conscious workers; the sites are not designed to have a  
25 monitoring program that would necessarily pick up the materials that

1 are being sent to these sites. I think that's about all I want to  
2 say with the RCRA-C facilities.

3 I do want to correct one other thing that Ed said that  
4 the \$400 million contract the Corps let was actually a \$600 million  
5 contract. Four hundred went to EnviroSAFE in Idaho and the rest  
6 went to either WCS or Envirocare.

7 Where we're going with this. I believe there will be a  
8 Congressional investigation of what's going on in the cleanup of  
9 these sites, and I also believe that it's going to take heightened  
10 interest by the new chairman, when he comes in, and the Commission,  
11 and I hope that the Commission will change their ways in the future.

12 MR. CAMERON: Thanks, Paul.

13 Both Paul and Ed mentioned some jurisdictional issues,  
14 and Hampton Newsome from NRC's Office of General Counsel is going to  
15 say a few words for us on that.

16 MR. NEWSOME: I guess the FUSRAP program has raised a  
17 lot of issues -- or the transfer of the FUSRAP program has raised  
18 issues that weren't anticipated when the Corps received the program.  
19 I think in the first couple of years after the transfer, even DOE  
20 and the Corps had different ideas on what was happening, and some of  
21 that has been ironed out through the MOU that someone mentioned.

22 What I'd like to just do briefly is explain NRC's  
23 decisions in this area. We do not license the Corps or its FUSRAP  
24 activities, and since the program was switched, it's always been  
25 NRC's understanding that it was not the intent of Congress for NRC

1 to step in and license the Corps; we haven't been appropriated funds  
2 for that. The issue came to a head last fall when NRBC sent in a  
3 2206 petition to NRC requesting that NRC license the Corps for the  
4 FUSRAP activities, and then in February or March a director's  
5 decision was issued by MNSS that basically concluded that NRC would  
6 not regulate the Corps's FUSRAP activities, and there are three  
7 basic rationales for that decision.

8 The first is that the Corps's appropriation specifically  
9 directs it to conduct the FUSRAP program under Super Fund, and under  
10 Super Fund there's a specific exemption from all state and federal  
11 permits for on-site activity, and that's the first reason.

12 The second one is simply that Congress has not indicated  
13 that NRC should have any role. It is our understanding that there's  
14 no intent there for NRC to get involved. This program was run by  
15 DOE for years and exempt from licensing, and we saw no intent that  
16 that status quo be changed, and in fact, as I understand it, this  
17 year's report language for the Corps's appropriations specifically  
18 indicates, from the House side, at least, that NRC should not  
19 license these activities. We don't have a final legislation on that  
20 this year, but we'll see what comes out of that.

21 Those were the two main reasons: the Super Fund  
22 exemption and the Congressional intent. I think there are 20 or 21  
23 sites, and when we looked at what was there specifically, there are  
24 a couple of sites, as Paul mentioned, that appear to be still owned  
25 by DOE and there's a question there of whether we could license

1 those anyway. Some of the sites involve 11(e)(2) material that  
2 predates the UMTRCA, and it's been NRC's interpretation of UMTRCA  
3 that we don't have jurisdiction over sites that were not licensed at  
4 the time of UMTRCA's passage

5 Then also there was some question about some of these  
6 sites have quantities that under at least current regulations aren't  
7 licensed, but those were ancillary to the basic Super Fund exemption  
8 and the Congressional intent.

9 Now, this pre-78 argument, I should mention this has not  
10 been popular in all circles, and we've recently received an amended  
11 White Paper from the National Mining Association. It's a 60-page  
12 document that reads like a legal brief, basically, taking issue with  
13 this pre-78 determination. And we've also received correspondence  
14 from International Uranium raising the same issues. So this issue  
15 will be reconsidered over the next couple of months in order to  
16 respond to these submittals. I don't know what's going to happen  
17 ultimately with that but it's certainly going to get a second look.

18 MR. CAMERON: Thanks, Hampton.

19 Ed, do you want to say something before we go to Aubrey?

20 MR. BAILEY: Yes, if I might.

21 One of the things that has been very detrimental, I  
22 think, to our efforts to explain to people why we're concerned about  
23 this is the letter that NRC sent which basically said we have no  
24 jurisdiction over this material, and therefore, it can't go a RCRA  
25 site as far as we're concerned. And that is not being interpreted

1 and not being pounded out there as simply you have no jurisdiction,  
2 it's being said that that letter says that this material is safe,  
3 it's been exempted, you don't want to regulate it from a health and  
4 safety standpoint because it's not a health and safety problem.

5 If nothing else, I would like NRC to take a look at some  
6 of the statements and news articles and so forth about what has been  
7 represented regarding your letter and come out and clearly say your  
8 determination is not related to health and safety issues, it's  
9 simply related to interpretation of jurisdiction. I think a flat  
10 denial that that represents that this is safe could go a long way to  
11 convincing people who may be greatly influenced by lobbyists on  
12 whether or not this material is safe or not.

13 One of the things, in getting to whether or not this is  
14 11(e)(2) material, I think we have some concerns that the waste we  
15 saw did not look like tailings. Tailings normally have a higher  
16 radium concentration than uranium concentration because golly gee,  
17 they wanted the uranium out and they didn't want the radium in the  
18 reactor fuel. The ratios of uranium to radium in the samples that  
19 we have seen are pretty consistently at least ten times more uranium  
20 than radium, indicating that at best it's yellow cake contamination,  
21 and we unfortunately don't have the material now to look at what the  
22 mineralogy is or the chemical compound, what form it's in.

23 So I would like, if we could, to address whether you  
24 have authority over source material generated before 1978 in the  
25 possession of federal agencies.

1                   MR. NEWSOME: Well, I think those are legitimate issues  
2 and hopefully we'll address that in the response to the NMA White  
3 Paper. It provides a nice opportunity to revisit these issues  
4 because I think there is a recognition that this position,  
5 especially given what's happening with the FUSRAP program, raises a  
6 lot of problems.

7                   MR. CAMERON: Paul, can you carry back Ed's message on  
8 the clarification to whoever is appropriate in the Commission to see  
9 if we will clarify that point? That would be an action item for NRC  
10 then.

11                   Aubrey.

12                   MR. GODWIN: This is the classic example of where  
13 someone walks in and says tell me is this radioactive and hands you  
14 a bunch of laboratory data or some other description. And I must  
15 say that NRC took the classic step of looking at only the surface  
16 and not going a little deeper in their response, and I would suggest  
17 in the future that NRC, in replying, should add some words along the  
18 lines: If properly characterized and assessed, because if you don't  
19 put that in there, you've just given them the whole barn as well as  
20 the horse because they're all going to go.

21                   It's very important to understand that there are real  
22 and significant questions about whether this is FUSRAP 11(e)(2) or  
23 source material because of the failure to have an adequate  
24 characterization presented yet to either California or to the  
25 Southwest Compact. We are not sure but what Compact and California

1 have jurisdiction, and I think without a doubt California has  
2 jurisdiction.

3 This is just so classic as to how you make a decision  
4 with only just looking at the very surface request and not going at  
5 the real heart of it and asking about how they determined that this  
6 is FUSRAP or how they determined that this is what they claim it is.

7 I would really urge the Commission and its staff, if  
8 you're not going to go into it -- which you probably can't do a  
9 whole lot today, as we can't either -- but take the position that if  
10 it's properly characterized, this is what the answer would be but  
11 never say that it's properly characterized just on these first  
12 preliminary requests. I realize in part you're responding to a  
13 petition, but it sure would have been nice if you had added those  
14 kind of words in your response.

15 MR. CAMERON: Thanks, Aubrey.

16 We have a couple of cards up here at the table, but  
17 Ruth, would you like to comment?

18 MS. McBURNEY: I just have a question. I'm pretty  
19 ignorant of the Super Fund laws, but I understand that if this  
20 material is not under the Atomic Energy Act, then is it also exempt  
21 from RCRA and TASCRA, and if it's being cleaned up under Super Fund,  
22 is anyone evaluating the sites to which it is going to make sure  
23 that those are not going to become Super Fund sites?

24 MR. CAMERON: Hampton, Ed has an opinion on it.

25 [Laughter.]

1                   MR. NEWSOME: It is a little bit of a jurisdictional  
2 twilight zone. I believe that the exemption in RCRA specifically  
3 exempts the Atomic Energy Act material, so if this is not, quote,  
4 unquote, Atomic Energy Act material, then I guess you could argue  
5 that, well, it's under RCRA.

6                   Ed also mentioned an interesting thing. You know, if  
7 NRC is saying it doesn't have jurisdiction, does the state have  
8 authority under its own what they call police powers to regulate it.  
9 I've heard that argument before. I'm not aware that NRC has taken  
10 any position on it either way, but it sounds like a good argument to  
11 me.

12                   MR. CAMERON: Go ahead, Ed.

13                   MR. BAILEY: You know, the NRC doesn't have any  
14 jurisdiction over California oranges and California can regulate the  
15 oranges that we grow and so forth, and our department does.

16                   MR. CAMERON: Paul, do you have something to offer on  
17 this question?

18                   MR. LOHAUS: I hope Bill Sinclair will contribute to  
19 this also.

20                   MR. CAMERON: We're going to Bill next.

21                   MR. LOHAUS: Basically you have a situation where if a  
22 state has been delegated RCRA authority, the state is making  
23 determination on whether this material is a listed or a classified  
24 hazardous waste, and material that we sent to IUC in Utah, my  
25

1 department made a determination that it was not a listed hazardous  
2 waste.

3 We're not sure we're going to be able to make that  
4 determination on some of the future material that may be sent out,  
5 and then there's another little twist on that, and that is if it's a  
6 very, very low activity listed material, it can be, quote, contained  
7 out which is basically an exit way of getting out of being a listed  
8 hazardous waste, and listing it as a hazardous waste complicates the  
9 disposal, and clearly, it has to meet the disposal requirements for  
10 hazardous waste and be manifested properly in that regard.

11 But I want to caution you on that. The contained out  
12 determination of one state does not necessarily apply in the state  
13 where the material may end up being disposed of, so a contained out  
14 determination made by the State of New York may or may not be a  
15 valid contained out determination by a state like Utah or Idaho.

16 MR. CAMERON: Thanks, Paul.

17 Let's go to Bill and then Richard and then Paul. Go  
18 ahead, Bill.

19 MR. SINCLAIR: Thank you. I've been having a deja vue  
20 listening to Ed over this FUSRAP issue because our state has been  
21 really deeply involved in receiving these kind of materials.

22 Initially I was aware that FUSRAP material was coming  
23 into the state and it was classified as 11(e)(2) material, going  
24 into a licensed 11(e)(2) facility, and that was appropriate. And  
25 then I suddenly heard that material that was pre-1978, 11(e)(2)

1 material, now unregulated, was coming into the state and going to a  
2 uranium mill where once it crossed the gate, it suddenly became  
3 11(e)(2) material again, and then it was processed as alternate feed  
4 material to extract uranium and disposed of as 11(e)(2) material.

5 Well, we had similar concerns as California has as to  
6 the characterization of this waste, and we went through quite a  
7 process, as Paul described, in trying to determine if it was  
8 hazardous, whether it had sufficient uranium content, and actually  
9 we are still in the litigation process with the NRC which has been  
10 appealed all the way to the Commission and the Commission has a  
11 decision pending on our appeal at this point. This has been going  
12 on for over a year.

13 And actually the end result of all this was certainly a  
14 uranium mill now taking material that a commercial disposal facility  
15 was taking before, we started what I've termed as "Waste Wars I" in  
16 the state. Well, they awarded the big FUSRAP contract which was  
17 alluded that occurred this summer, and the end result was we have  
18 two RCRA facilities that are able to receive the unregulated  
19 pre-1978 material and a low level waste facility that can receive  
20 the regulated 11(e)(2) material.  
21 Now, how they make these determinations of what is and what is not  
22 pre-1978 is beyond me at some point.

23 Well, my commercial low level waste facility comes to me  
24 and says, Well, you know, these guys aren't playing fair, and so  
25 what I want to do, I want to take the material, pre-1978 unregulated

1 material, and put it in my low level waste cell instead of putting  
2 it into my licensed 11(e)(2) cell. And so I said, Well, that's a  
3 very interesting twist to all of this, so I'm going to have to write  
4 the NRC and have them explain to me why if it's unregulated 11(e)(2)  
5 and goes to the uranium mill's process, it becomes 11(e)(2) before,  
6 but if it goes to a disposal facility, pre-1978, and it enters the  
7 gate, is it then 11(e)(2) again, or is it not 11(e)(2).

8                   So these are some of the issues that have come up and  
9 the confusion that has been generated by this decision over pre- or  
10 post-1978, and it has got to be settled because it is just creating  
11 a nightmare for us as regulators.

12                   MR. CAMERON: So what gets everybody out of this thicket  
13 that you've all been describing: is it going to be NRC's response  
14 to the National Mining Association? I mean, what's going to  
15 simplify this for everybody? Paul talked about Congressional  
16 investigations. Just a thought.

17                   Roland, do you want to add to the complications here?

18                   MR. FLETCHER: Well, as surprising as it may sound, even  
19 in a state that has no real obvious FUSRAP connections does have  
20 FUSRAP problems. We had a DOD enrichment stopover location in  
21 Maryland which was supposedly cleaned up pre-1978. We received a  
22 visit from the Army Corps of Engineers to let us know that they were  
23 taking it over. And of course, this came as something of a  
24 surprise, because as Ed outlined, all of the political  
25

1 maneuvering -- or Paul, perhaps -- to get the Army involved happened  
2 without much state input or knowledge.

3           Initially there was no acknowledgement of any Agreement  
4 State involvement whatever. The facility where the property was  
5 still under the federal government was also a licensee of ours for  
6 other things, and the thought of them not having to clean up to  
7 Agreement States' release standards -- you know, when we terminate a  
8 license or we release a facility, we have a certain standard as  
9 everybody does, and initially it took several months for them to  
10 acknowledge that they needed to meet that standard. In fact, there  
11 was even some discussion if DOD turning the facility over to the  
12 licensee totally that it might exceed release standards before we  
13 would get it.

14           I guess I'm just saying this so that states that don't  
15 feel a connection with what's going on in California and Utah and  
16 New York, perhaps they had better look very closely at things that  
17 are going on in their own state because these things can creep up on  
18 you. In our state, our hazardous materials people think that they  
19 understand radiation well enough to deal with these situations until  
20 some serious questions come up and we're called in, but be on the  
21 alert.

22           My other question, I want to ask the NRC that if it is a  
23 cloudy area as to jurisdiction over certain other federal agencies,  
24 can there be a definitive document worldwide to say, "These are  
25 radiations we do not have jurisdiction over and we recommend that

1 you recognize state jurisdiction," sent to all of these federal  
2 agencies? Because whenever I try to deal with them, regardless of  
3 what the source of radiation is, the federal agencies always allude  
4 to their sovereign immunity and they're regulated by some other  
5 federal entity, and what we're finding out in more and more  
6 instances that this just isn't true; so if it's not true, can we get  
7 some kind of definitive statement: "This is what we regulate, this  
8 is what we don't." It would make it a lot easier for the states.

9 MR. CAMERON: Okay. Thanks, Roland, for that alert to  
10 other states. And we'll go to Richard, and then we're going to  
11 finish up with Hampton. And, Hampton, you can address Roland's  
12 question with whatever else you were going to say.

13 MR. RATLIFF: Just a couple of points. You know, as  
14 we've been through various state meetings in the last five years,  
15 we've heard about the national program, and it doesn't include  
16 [indiscernible], but I think actually that includes lasers. Now  
17 there's no category the national program doesn't include. I think  
18 at some point federal agencies and states will have to work, as  
19 well, with Congress to take care of this issue because it's still,  
20 like my mother says, a ram is a ram is a ram.

21 And it appears that if this is the case, too, where EPA  
22 is not doing their job -- because if you have this amount of  
23 material going into RCRA sites, the EPA should be stepping in and  
24 doing something -- I really think that there's a real disconnect,  
25 and that needs to be resolved.

1                   MR. CAMERON: Okay, Hampton, and then we'll hear a final  
2 comment from Paul.

3                   MR. NEWSOME: I guess unfortunately I'm not going to be  
4 able to resolve it here. I do think it's important to kind of put  
5 these issues in bins because there are some cross-cutting issues and  
6 they're related and separate at the same time.

7                   The issue of whether we regulate the Corps, I think  
8 that's the most clear one. I don't think that's going to change  
9 unless we get something from Congress saying go and license these  
10 sites. So there's that issue and that position was laid out in the  
11 Director's position in response to the NRBC petition.

12                   On the pre-78 interpretation, that raises problems when  
13 the material leaves these sites and starts going to different places  
14 around the county, and that, hopefully, a finer point will be put on  
15 that interpretation or reconsidered, or whatever, in response to  
16 this NMA White Paper that's coming.

17                   And that pre-78 interpretation, someone mentioned a  
18 letter. I believe you're referring to the letter from Bob Bonner to  
19 Ann Wright of the Corps, and that was issued about a year or two  
20 years ago. But my understanding is that this interpretation has  
21 been in place essentially since the passage of UMTRCA, although it  
22 just hasn't come up very much because until the FUSRAP program was  
23 transferred to the Corps, you didn't have a lot of situations where  
24 it arose. Dennis [indiscernible] has been involved in that program  
25 a lot and he can correct me if I'm wrong.

1 I guess we'll have to stay tuned, and there's a  
2 realization at NRC that there are problems out there that stem from  
3 FUSRAP and perhaps stem from NRC's interpretation of what we think  
4 our jurisdiction is.

5 MR. CAMERON: Okay, Paul.

6 MR. MERGES: Paul, my response to you would have been  
7 that that definitive document would have been a court decision by  
8 federal district court, or what-have-you, on this issue, and  
9 unfortunately, we already had one court decision and apparently the  
10 NRC is ignoring that decision, and that was the decision in the  
11 Kerr-McGee West Chicago case in 1990 -- Phil Clemons is probably a  
12 lot more familiar with it than I am.

13 But I was very discouraged that this was every going to  
14 get resolved positively until August 6 when President Clinton  
15 announced the appointment of a new chairman of the Nuclear  
16 Regulatory Commission, who happened to be the attorney who won that  
17 case for Kerr-McGee, and when we see Dr. Meserve show up as the new  
18 chairman, if he's appointed by the Congress or approved by Congress,  
19 we should have somebody at the very top of the agency who is very  
20 familiar with this issue, has litigated from the perspective of  
21 their responsibilities under it, and hopefully we'll see a change.

22 MR. CAMERON: Thanks, Paul.

23 Ed, did you have one quick thing?

24 MR. BAILEY: I still have the problem with the pre-1978.  
25 I don't have a lot of experience with uranium mills, but I know the

1 Title II side, Exxon Ray Point had pre-1978 materials in it. In  
2 fact, the mill was shut down in 1978 when the act was passed. It's  
3 still a Title II site because Exxon refused to be named as a Title I  
4 site; they said they're a responsible corporation and they would pay  
5 to clean it up.

6 The Conoco Conquista project contains pre-1978 11(e)(2)  
7 material; it's current under reclamation, as I understand it, and  
8 will be regulated by NRC. The Chevron Pana Maria project has  
9 pre-1978 tailings in it, and I understand it's under closure now and  
10 will be regulated by NRC.

11 So I'm having problems with sort of picking and choosing  
12 which pre-1978 material you will regulate, and the question about  
13 the mixing of the materials, it hasn't seemed to be a problem at the  
14 conventional uranium mills that were in operation.

15 MR. CAMERON: All right. Well, I guess this a  
16 stay-tuned, and it's unclear when and how all of this is going to be  
17 resolved.

18 The next presentation is going to focus on the FBI, and  
19 we have Eric Weinstein from the NRC, who is going to talk about  
20 interface with the FBI on weapons of mass destruction.

21 MR. WEINSTEIN: It's a mass exodus. What's happening?  
22 I promise not to mess with FUSRAP.

23 [Laughter.]

24

25

1 MR. WEINSTEIN: Actually, when my boss asked me to do  
2 this presentation, little did I realize that I would be getting on  
3 an airplane on a very significant day.

4 Everybody know what yesterday was?

5 AUDIENCE: 9/9/99.

6 MR. WEINSTEIN: So I'm not sure if I'm actually here or  
7 I'm dead. Is this heaven or hell?

8 MR. CAMERON: We'll let you know in a few minutes.

9 [Laughter.]

10 MR. WEINSTEIN: Is there anybody from the FBI in the  
11 audience? Okay. Well, is there anybody with a gun in the audience?

12 [Laughter.]

13 MR. WEINSTEIN: I'm Eric Weinstein. I know I've run  
14 into a bunch of you over the years. I run the Incident Response  
15 Program, State and Local Response Program, where we talk about  
16 communicating federal resources for radiological events, and I work  
17 for Frank Cardwell, who is the director of Incident Response  
18 Operations. We have our 24-hour operations center in Washington and  
19 Rockwell, Maryland, and for those of you who don't know the number  
20 there, it's 301-816-5100 if there is an event to be reported.  
21 There's my phone number and e-mail address if you want to contact  
22 me.

23 What I'm going to talk about today really is derived  
24 from a presentation that was made to the Commission on this issue  
25 back in July, and there's been a significant amount of effort put

1 into this program over the years which I'm going to address, and I  
2 think a significant amount of work to be done as well. So we're  
3 going to be talking about published plan, directives and plans, and  
4 soon-to-be-published concepts of operations with the FBI, and these  
5 things will have some impact on you as well.

6 Many of you probably already have had some interface  
7 with the FBI -- I know in some events we have had opportunity to  
8 deal with them -- but this is an evolving program and it's a very  
9 large program, and that's what I wanted to give you an idea about.

10 Everybody knows what happened in 1979, and there was a  
11 directive to develop a unified plan for the federal agencies to  
12 respond to radiological events. That plan was revised most recently  
13 in 1996 and is the Federal Radiological Emergency Response Plan.  
14 That's mainly what we're educating people on in our outreach  
15 sessions, and during our exercise plan that I'll be going through  
16 with you all.

17 That is significant in that that is not a mandated plan.  
18 Basically what it is is an agreement in principle among responding  
19 federal agencies with statutory authorities that overlap on  
20 radiological materials, and there are 17 of those and they've all  
21 signed this plan on how, basically, we will work with each other in  
22 the event of a radiological emergency.

23 Now, it's important in two ways. The first way is that  
24 there is no trigger mechanism that turns this thing on. Basically,  
25 if there is a radiological event and it's significant enough where

1 more than one federal agency has to respond, we will refer to this  
2 plan for how we will work with each other or state and local  
3 governments. The other part of it is there are other plans, as  
4 well, that come into place -- potentially, anyway -- when there may  
5 be a radiological event.

6           It does identify the federal agency, and for any  
7 NRC-licensed material, the federal agency would be the NRC. There  
8 are a potential five federal agencies that could be the federal  
9 agency. We are the federal agency for federal radiological response  
10 to all NRC-licensed materials; but the Department of Energy, if the  
11 event happened in a Department of Energy facility, would be the  
12 federal agency and we would work and support them.

13           Now, this is a little sleepy old project that's been  
14 around for a long time, and the FBI, in its role, is identified in  
15 the Atomic Energy Act, identified in the memorandum of understanding  
16 that we have with them, and it is identified in the Federal  
17 Radiologic Emergency Response Plan. As I said, it was a sleepy  
18 little project until April of 1995 when the event occurred, the  
19 explosion in Oklahoma City, and then a series of things occurred --  
20 downtown Washington -- which have worked to make our lives a little  
21 bit more complicated, but I think we're working toward resolving the  
22 potentially problematic areas.

23           The other significant plan is the Federal Response Plan.  
24 Now, most of you are probably familiar with this as it regards some  
25 natural hazard response. It's the one where you hear the president

1 has declared an emergency or a major disaster under the Stafford  
2 Act. Basically we've come to some resolution about how that would  
3 work, vis-a-vis the Federal Radiological Plan, that when this act  
4 were to be invoked -- and it never has for a radiological event, to  
5 my knowledge, and frankly, I think the criteria indicates that in  
6 all likelihood, a major radiological event, even from a nuclear  
7 power plant, would not qualify for a major disaster declaration  
8 under the Stafford Act; however, that's not to say we would reject  
9 one, because that would probably be the last major event we would  
10 have in any nuclear power plant in this country -- significant event  
11 for sure, from a public perspective, if nothing else.

12           Anyway, that plan designates a FEMA official as the  
13 federal coordinating officer, and in that case, the person would be  
14 principal NRC federal lead for responding to that event, and he has  
15 the role of responsibility through the resources.

16           Now, what came down after April 1995, and has continued  
17 since that point, are a series of apparently disconnected from the  
18 plans pronouncements from the White House, and those are called  
19 Presidential Decision Directives, PDDs. PDD-39 was the first one,  
20 and that was about two months -- June 1995 -- following the Oklahoma  
21 City bombing. What it was to do is to identify a lead agency with  
22 resources and other responsibilities to combat terrorism in this  
23 country. I don't think anybody really considered terrorism, at  
24 least a potential for a serious terrorist act that common a  
25 potential occurrence in this country, but I think it's gotten a lot

1 more attention, not only from the planners but also from the money  
2 people, as we'll see as we get into this.

3 Basically they identified two areas of concern. One was  
4 crisis management, and then in that case, the FBI would be the  
5 principal responder, but with no real radiological expertise, they  
6 would be looking for, for sure, the state and local responding  
7 organizations, but also that lead federal agency under the Federal  
8 Radiological Plan to assist in determining what the real  
9 radiological potential was.

10 The other part is consequence management, and for that  
11 they have identified FEMA as the principal agency. In this  
12 particular presidential decision directive, it was written, with no  
13 apparent intention, through the existing plans and agreements that  
14 exist in the response community now, so we've been struggling over  
15 the years since then to try and make it all work together, and I  
16 think we're making some progress there.

17 So the terrorist response phases with crisis management,  
18 and really crisis management in order to preserve the chain of  
19 evidence, if nothing else, and to get the bad guy, if you will. But  
20 we're mainly concerned with public health and safety, and I think as  
21 we should be, and ultimately I think the decision has been agreed  
22 to, regardless of what the plans say, in the public health and  
23 safety issues, we'll take precedence over the others. However, as  
24 in the Federal Radiological Plan, there is an agreement principle  
25

1 about how we will share responsibility when responding to an event  
2 that has terrorist or safeguards, security overtones.

3 The response mechanism would be bifurcated, if you will,  
4 in that we would deal with the public health and safety concerns;  
5 the federal radiological response community would try and  
6 characterize the radiological threat. The FBI would have the  
7 overall lead, but ultimately they would be not concerned with  
8 radiological issues but concerned with law enforcement issues.

9 Now, PDD-39 was only the first of a series; there have  
10 been other qualifying PDDs, Presidential Decision Directives, as  
11 well. PDD-62 is sort of an add-on to PDD-39 which sort of just  
12 further defines the responsibilities the FBI would have as --  
13 unfortunately they used the term -- lead federal agency which is  
14 another source of concern, because they borrowed a lot of  
15 terminology from the existing plans but they didn't use the plan  
16 mechanisms for interface, so it's a matter of working the whole  
17 process to make sure everybody is clear as far as whose role is  
18 whose.

19 There's also PDD-63, which deals with infrastructure  
20 concerns; and then we have Presidential Decision Directive 67 which  
21 deals with continuity of operations which we're working on now, as  
22 well.

23 So this has become, from a small, basically no-nevermind  
24 program to a very large program which, unfortunately, the NRC has  
25 gotten in a little bit too late on. I'm not saying too late in

1 order to be effective, but too late to benefit from the large  
2 amounts of money that are out there which allow some of these  
3 agencies to push their agendas to the point where you are going to  
4 see some -- over the next few years, I believe -- some significant  
5 presence by those other agencies in your states.

6 So the Concept of Operations -- which is a document that  
7 we are now finalizing with the FBI -- really tries to work through  
8 some of these issues. Protection of public health and safety is  
9 paramount, as I indicated before. The criminal investigation  
10 process must be preserved, however, because one of the principles of  
11 the Presidential Decision Directives is that terrorists, any  
12 potential terrorist, would be made to pay significantly for the  
13 consequences of their act.

14 So the NRC, therefore, in any radiological event  
15 involving an NRC-licensed material, would lead the Federal  
16 Radiological Response; advice and assistance to all site officials  
17 and licensees would be one of our principal roles; and the  
18 coordination of federal radiological assistance, which is a  
19 principal role of any lead federal agency in an event.

20 The FBI would lead crisis management and that would  
21 include response to actual potential criminal aspects; they would  
22 have principal contact with the responding local law enforcement  
23 agencies as well and resolve conflicts concerning response  
24 priorities and resources. They would rely on the NRC for matters  
25 concerning public health and safety.

1                   And then the NRC and FBI will coordinate all information  
2                   provided to the media, Congress and the White House. And this is  
3                   significant, as well, as we ran into at a recent real event in San  
4                   Onofre where they thought there was a potential bomb located in the  
5                   plant, and the FBI was very concerned that there were other agencies  
6                   out there, including the state, including the licensee, that were  
7                   issuing press releases without their concurrence. They believe they  
8                   should have the final say on any issue, and that includes any  
9                   federal agency, as well, when issuing statements to the public  
10                  regarding the event.

11                  And that's just to keep in mind when you run into some  
12                  of the field agents; that's the position from which they're going to  
13                  be coming from.

14                  NRC responsibilities within our house, the Incident  
15                  Response Operations in our organization is really responsible for  
16                  NRC response policy, and we've developed our Incident Response Plan  
17                  and we have basically been the principal agency behind the Federal  
18                  Radiological Plan, Emergency Response Plan and others. We would  
19                  coordinate our NRC response with other federal agencies, and as  
20                  those of you who attended our outreach sessions know, we have now  
21                  incorporated all of our federal partners -- or at least the major  
22                  ones for a radiological event into those outreach sessions as well,  
23                  and they've committed their resources to continue that operation.

24                  Implementation of our response program: we have our  
25                  24-hour operations center, we have headquarters operations officers,

1 procedures training, and NRC participation exercises. And for those  
2 of you who don't know, we are now participating with every post full  
3 phase exercise during the course of the year. Of course, that's  
4 only on a six-year cycle, those exercises.

5 Nuclear material safety and safeguard responsibility  
6 includes threat policy; Information Assessment Team which does  
7 threat credibility analysis early on if we get some indication that  
8 there is a reported threat to a power plant or some other facility  
9 or some other issue regarding a threat involving radiological  
10 materials; and issuing a threat advisory.

11 The information Assessment Team, this is a process we go  
12 through which is part of our decision-making process at the NRC  
13 which, fortunately for us, is not tied directly to any one  
14 classification of event or anything else; it's really our perception  
15 of the actual problems at hand as reported by the licensee or rumors  
16 notifying us of the event.

17 IF there are some safeguards or security overtones,  
18 threat potential, we would activate the Information Assessment Team,  
19 and that is composed of nuclear materials safeguards, folks who  
20 chair it, FBI/DOE headquarters folks, intelligence community  
21 interface, fuel-cycle material transportation expertise they bring  
22 to the table.

23 If it happens to be a reactor problem and the threat is  
24 directed toward a reactor or a number of reactors, we also have  
25 nuclear reactor regulation folks who have reactor expertise for

1 those safeguard programs involved in that discussion. The regions  
2 are involved, the FBI field offices -- and there are a number of  
3 field offices out there. In addition, the FBI has now identified  
4 weapons of mass destruction coordinators -- 56 of them, I believe,  
5 nationally -- which have a significant role in this as well.

6 Local law enforcement and licensee interface is  
7 involved, and they bring site-specific expertise. All this is done  
8 typically through our 24-hour recorded operations center. And that  
9 is another issue that we've had to resolve with the FBI: they don't  
10 like to conduct discussions over recorded lines unless they're  
11 recording them. So that's another issue that we're working through.

12 So threat assessment -- the report can come from a  
13 variety of resources: often we'll get reports of licensees  
14 receiving threat letters or those letters, at least, that are  
15 interpreted as such; the intelligence community can advise us of  
16 some national threat that might involve power plants or some  
17 radiological material -- weapons of mass destruction typically are  
18 associated with chemical, biological, or nuclear threat, and nuclear  
19 is considered probably the least because it's probably the best  
20 protected; law enforcement community; endeavors of the public.

21 The Information Assessment Team provides the initial  
22 timely assessment of any reported threat and formally awaits an  
23 operational response. They will make recommendations to the NRC  
24 management for follow-up actions. Basically these people are savvy  
25 in being able to interpret either written or otherwise communicated

1 information as to the credibility of a given threat, and they have  
2 resources they can draw on at the Department of Energy or other  
3 areas that have expertise in this as well.

4 A threat advisory comes when there is a credible threat,  
5 it's received and there's a heightened threat environment  
6 nationally, and obviously that would occur if the United States were  
7 at war or there was some sort of international incident, possibly,  
8 that would have the potential to generate some sort of domestic  
9 problem.

10 Then they coordinate the advisory with the FBI idea.  
11 The IAT issues an advisory -- I'll show you the process of how that  
12 works -- and follows up with the executive director for operations  
13 approval. A threat advisory can either be general or specific in  
14 nature -- that is, if it happens to be general, it might apply to  
15 all of our licensees, power plants and others, or just power plants,  
16 or just a specific licensee.

17 So after we get the initial call, this Information  
18 Assessment Team is activated; they perform the assessment; they then  
19 draft a threat advisory; they coordinate that with the Department of  
20 Energy and the FBI; and then it goes to the executive director for  
21 operations at the NRC for concurrence; and then ultimately, the  
22 advisory is issued.

23 We have had a number of events recently, relatively  
24 recently, regarding events where there was suspicion that a material  
25 was either stolen, where there was someone with a nefarious purpose

1 in mind, and we responded to those events with, I would have to say,  
2 different -- not easily predictable responses from the FBI field  
3 office that we were dealing with. I think one of the issues that  
4 we've got to work is that there are a large number of field offices  
5 and the FBI communication about this particular subject with those  
6 field offices has been slower than we probably would have liked.

7 For instance, we've had very successful working with the  
8 FBI on a stolen source that we had in North Carolina because, I  
9 think, basically we utilized the Federal Radiological Emergency  
10 Response Plan early on, and we followed the plan, activated a joint  
11 operations center, we all worked in the same facility, we all  
12 communicated on whatever was being issued to the public. We  
13 actually dispatched aerial monitoring capabilities from the  
14 Department of Energy to try to locate the material. And the FBI was  
15 clearly interested in catching the bad guys in this case.

16 Now, my understanding -- this is a few years ago -- that  
17 was never resolved; I think it's still an open case. They never did  
18 find the material.

19 There was another event. The monitoring indicates our  
20 lowest level of response at the NRC where we following the event,  
21 particularly with communicating with state and locals there.

22 We had another event in Montana in 1997 where there was  
23 a stolen radiography camera that happened to be attached to a  
24 generator -- physically attached to a generator, and the interesting  
25 thing is that it was going on at the same time as the Timothy McVey

1 trial in Colorado, as well as the Freeman trial in Montana. So  
2 everybody's sensitivities were heightened at that point, and they  
3 thought, well, maybe they just happened to get the generator because  
4 they really wanted the camera -- on the other hand, it could have  
5 been the other way around, nobody really knew.

6 We dispatched the aerial measuring folks up there too.  
7 Apparently, just the presence of that aircraft from the Department  
8 of Energy yielded the material. Somebody all of a sudden turned it  
9 up. It's amazing what the federal government, in force, the amount  
10 of fear it can strike to both friends and foe. But I think the  
11 point here is that there is a useful component that we can provide  
12 just by being there, and I think that worked in that event.

13 And of course, we had another stolen source problem in  
14 Florida in 1999 where the FBI was maybe a little bit more pro-active  
15 than we would have preferred, and they started basically taking over  
16 the event response and were ordering the dispatch of federal  
17 resources without even letting the governor know. The governor got  
18 a little bit upset about that one. The FBI, I don't think, has that  
19 much experience in this radiological event response, so they were  
20 basically defaulted to any kind of criminal response activity that  
21 they had done in the past.

22 So I think the effort on us is to get the word out to  
23 them and to probably do some training as well as exercises. The  
24 response that we've seen so far, as I've indicated, is in accordance  
25 with the plans and procedures, but I think that's probably more by

1 accident than anything because of the existence of the Presidential  
2 Decision Directives, and that's where we have to bring it all  
3 together.

4           So the course of action we are taking, we have developed  
5 a concept of operation which draws upon the principal documents that  
6 we have agreed upon: the Federal Radiological Plan, the Federal  
7 Response Plan -- which, by the way, was issued most recently this  
8 year in 1999, April or May -- and that has a terrorist annex in it.  
9 It also, for the first time, acknowledges the existence of a  
10 radiological response as well, so those are healthy to know on this.

11           We are revising our response procedures, as we speak,  
12 and we are preparing a Commission paper which the Commission  
13 instructed us to look for certain options in order to solidify this  
14 relationship with the FBI, and that will include some degree of  
15 exercise participation as well as the identification of some funding  
16 resources. We're looking at those now.

17           Part of our process will be to inform licensees, states  
18 and FBI field offices, wherever the developments are here, and  
19 you'll be getting communications from us in the various states. We  
20 will be conducting raining of NRC responders, typically using a  
21 table top, at least initially, as well as other training tools, and  
22 then we will eventually migrate into larger exercises -- how large,  
23 we're not even quite sure right now; it really depends on what the  
24 Commission decides.

25

1                   Now, the FBI has created federal resources at various  
2 centers as well. The Department of Justice directed them to  
3 establish interagency centers and they're staffed by various  
4 agencies, typically the FBI, EPA, Health and Human Services,  
5 Department of Energy. It's a central point for federal, state and  
6 local coordination of weapons of mass destruction training,  
7 exercises and response planning. And that includes the response to  
8 events involving NRC licensees, but probably not in a strong enough  
9 language that makes the NRC comfortable; it's almost as an  
10 afterthought, and I think partly that is due to the large amounts of  
11 money that are available to federal government agencies, except for  
12 the NRC, I might add. That is to coordinate many fragmented federal  
13 programs initiated under various legislation.

14                   I'm going to show you a slide a little bit later that's  
15 going to show you the amount of money we're talking about, but  
16 realistically, there is a bell curve here, and that money is going  
17 up considerably higher over the last few years, beginning in 1995,  
18 but now I think Congress is taking a greater look at how that money  
19 is being spent, because I believe that there is some overlap there  
20 and some areas that probably could be tightened up.

21                   There's an FBI counterterrorism center, as well, and  
22 that's an interagency center established to better coordinate and  
23 respond to domestic terrorism; there is also an international  
24 center, as well, for any international terrorist events, too; and  
25

1 they will enhance NRC's capabilities for a timely interface with the  
2 FBI to resolve this information.

3 FBI has requested our support and we are, with limited  
4 resources, now talking about a portion of one FTE or trying to do  
5 the best we can in order to work this through.

6 So the schedule for NRC's significant actions in regard  
7 to this is we're finalizing the concept of operations with the FBI.  
8 My understanding is, at least initially, the FBI had no serious  
9 problems with the concept that we developed for them, but we should  
10 finalize that by December.

11 We will develop information packages for the state on  
12 how this will work and differ from what you're familiar with, and we  
13 should get that out roughly the same time period. We will revise  
14 operational procedures for interagency response teams, both at our  
15 headquarters, our regions, and those folks who are dispatched to the  
16 site.

17 We will conduct a tabletop exercise with a state and the  
18 FBI in probably April -- we're not sure where yet -- and there's  
19 been some preliminary interest on the part of the FBI to conduct a  
20 full-scale exercise, yet to be determined, with nuclear terrorism as  
21 a focus, and we're not sure when that will be, although we've made  
22 some preliminary overtures to Arizona about the potential for doing  
23 one out there, because that's where the FBI thought it would like to  
24 conduct it, and we want to be as supportive as possible.

25

1                   I don't know -- Mike Bolt, is he still here? Well, he  
2                   witnessed what this sort of thing is like in an exercise they had  
3                   last year at Oakridge, and we're talking about 300 FBI agents  
4                   wandering around a nuclear power plant.

5                   And I also have to say that, unbeknownst to us, the FBI  
6                   has been making informal contacts directly with NRC licensees,  
7                   principally power plants, with the intent to exercise to some  
8                   degree -- I'm not sure if it's the 300-agent way -- with every  
9                   commercial power plant in the country. Now, we don't know how  
10                  they're going to do that or whether they're going to do that yet;  
11                  we're still trying to work that issue as well.

12                  But if that's what they're what they're talking about in  
13                  2001, or whatever it is, then what we're looking at is at least a  
14                  relatively good sized federal field exercise, and the last one we  
15                  had of those really was in 1987. Preparation-wise, we went through  
16                  one with Susquehanna in 1991 and 1992, but it's a significant effort  
17                  without a whole lot of funding and support.

18                  As my final thought, I just wanted to show you what the  
19                  budget is here for the federal agencies. Now, this is in millions  
20                  of dollars. Okay? The national security community in it's total is  
21                  about \$5 billion. If you look at the energy department, it is only  
22                  1-1/2 times the entire NRC budget just for this Weapons of Mass  
23                  Destruction Program.

24                  Now, as I said, the money was there early and is being  
25                  scrutinized fairly heavily now, so these numbers may come down, but

1 the 42,000 budget, those are all the numbers that exist. So you can  
2 see people are looking for very creative ways in order to spend  
3 money, and we're playing catch-up, essentially, at this point. I  
4 think we're spending significantly greater amount of resources  
5 within the NRC to address these kinds of issues, at least in the  
6 programmatic phase.

7 That's about all I have. Any questions, issues,  
8 comments?

9 MR. FLETCHER: I notice that you had the State  
10 Department, I imagine you have U.S. Customs, but when you talked  
11 about the exercise, you only talked about nuclear power plants. My  
12 concern is that and I'm really hoping and praying that our borders  
13 are a lot more impermeable to outside weapons of mass destruction  
14 than they are to drugs. And there is a lot of material in countries  
15 that don't have the level of security that we have, particularly  
16 right now Eastern Europe. What kind of preparations are in place,  
17 to your knowledge, to monitor what's happening in those countries  
18 and keep track of the potential -- you know, you can carry some of  
19 these devices in a backpack -- the potential for bringing those  
20 kinds of materials in?

21 MR. WEINSTEIN: I'm not qualified to say, to be  
22 perfectly honest. I can tell you this, the FBI is domestic and  
23 we've been dealing with generally domestic issues. I can speculate,  
24 much like you can, but I have no direct knowledge about what's being  
25 done.

1 MR. CAMERON: I wanted to make sure that everybody knows  
2 that George Brozowski from the EPA Region VI is also with us.

3 MR. BROZOWSKI: Good morning. With regard to your  
4 question on customs and passing through on through on the borders  
5 here, EPA headquarters is working with the Canadian government and  
6 the Mexican government, along with customs agencies, to kind of come  
7 up with better plans and procedures to handling things that are  
8 coming across here.

9 The problem that I've been told about here with regards  
10 to this issue is that customs right now has the realization right  
11 now that their main concern here is drugs and drugs only. Customs  
12 needs the heavy re-emphasis here that there's more to life than to  
13 drugs here. We're working with that and we'll try to keep you  
14 informed.

15 MR. MERGES: Paul Merges from New York.

16 Recently we've seen a significant increase in the number  
17 of incidents of Canadian radioactive waste coming into New York  
18 State and setting off radiation detection alarms, sometimes at as  
19 high as 40 MR per hour on the outside of trucks; it just goes right  
20 through our border crossings. And I don't believe they're being  
21 monitored at all; if they are, definitely the state officials are  
22 not being informed of what's going across their borders.

23 MR. WEINSTEIN: That's more of a routine response. If  
24 we are notified of a significant problem regarding some material  
25 that they just picked up, we would enter the incident response mode

1 and then basically we would respond as we have to a number of issues  
2 regarding the transportation of radiological materials over borders.  
3 We've had table legs coming up from Mexico that had radiological  
4 materials in them and other types of things, but ultimately that's  
5 not routine. It sounds to me like what you're talking about is  
6 routine.

7 MR. MERGES: Well, since you said that, it hasn't been  
8 routine, it was only after Vermont shut down a regulated medical  
9 waste autoclave incinerator that it shifted over to New York, so  
10 that we're seeing a significant increase as a result of it. But  
11 this is days later after it entered New York State we're seeing  
12 those levels of activity.

13 MR. WEINSTEIN: When material into states like that,  
14 under the Federal Radiological Plan the Environmental Protection  
15 Agency would be that lead agency and we would have them involved in  
16 the response and decision-making process.

17 MR. CAMERON: Maybe what we should do is --George  
18 Brozowski from EPA was nice enough to join us -- is just let him  
19 give a brief summary of what the EPA does and then go back to Eric  
20 and George for remaining questions, because it sounds like there may  
21 be some overlap or common interest.

22 MR. BROZOWSKI: Thank you. Again, I'm George Brozowski  
23 with the Environmental Protection Agency, Region VI here in Dallas,  
24 Texas. You pick up a very hard Texas accent here; it's a little bit  
25 on the hay fever side, plus also I spent 40 years in New York. Glad

1 to see Paul and Barbara here; I feel like I'm home again. Had I  
2 known you were coming here, I would have said, Bring bagels,  
3 pepperoni.

4 [Laughter.]

5 MR. BROZOWSKI: Other follow-up on what Eric had talked  
6 about here on counterterrorism. EPA is playing an important role  
7 within the field of counterterrorism and this is something that  
8 we're looking forward to doing here and working with you folks out  
9 here in the near future as far as some of the items that will be  
10 coming up here.

11 I am just going to touch on a couple of little things  
12 here; Eric has talked about the majority of things here that I'm  
13 cutting my slides down dramatically here.

14 Two things that struck me very hard here that I want to  
15 bring to the attention of everyone who is here is key definitions  
16 here. The first one here is what is a terrorist incident, and as  
17 defined by the FBI, the Department of Justice here, the terrorist  
18 incident is a violent act or an act dangerous to human life in  
19 violation of the criminal laws of the United States or any state to  
20 intimidate or coerce a government or civilian population or any  
21 segment thereof, in reference to political or social objectives.

22 What is a weapon of mass destruction? A weapon or a  
23 device that is intended or has the capability to cause death or  
24 serious bodily injury to a significant number of people through the  
25 release, dissemination or impact of a toxic or poisonous chemical or

1 the precursors, a disease organism, or radiation or radioactivity.  
2 And that was out of the '96 Weapons of Mass Destruction Act here.

3 When I saw this at a conference about a month ago, this  
4 really hit me really hard here, and I've spent 10, 15 years in the  
5 emergency response field, and this is something that just really  
6 kind of hit me very hard to the fact that this is kind of real.

7 Those states out there that have got and states nearby  
8 that cover all of the power plants here, we know what we've done  
9 with our power plant exercises, we know how we've spent many, many  
10 times and many, many years exercising. This is something here that  
11 could just catch us any day just totally blind here.

12 Why is counterterrorism preparation and response of  
13 urgent interest to the United States government? Well, a couple of  
14 points here is that terrorist threats, hoaxes and actual incidents  
15 are increasing in the United States; terrorist groups are increased  
16 interest in chemical, biological, radiological and nuclear materials  
17 as potential weapons of mass destruction here. They've basically  
18 started to move beyond the guns, the bullets, and the bombs.

19 Small quantities of chemical and biological agents are  
20 relatively easy to manufacture and radiological materials are  
21 readily available. The stealing of the camera up in Montana could  
22 have been a source for setting up something of this nature. CBRN  
23 materials are difficult to prepare for and are likely to overwhelm  
24 the HAZMAT capabilities of most local governments, and the threat or  
25 the actual use of chemical, biological, radiological or nuclear

1 material will get lots of media attention that will make page of any  
2 paper or any local paper in a day.

3 The psychological impacts extend far beyond their actual  
4 effects here. I mean, this is going to linger on and on and on.  
5 Everybody still talks about Oklahoma City to this day. My wife, in  
6 particular, was really grateful that I moved out of 26 Federal Plaza  
7 in New York City to another federal building which was right next  
8 door to 26 Federal, because she always felt that that was a prime  
9 target if we were ever being bombed here, and she did not want to be  
10 a widow with two kids -- nor did I want to be dead either.

11 [Laughter.]

12 MR. BROZOWSKI: How is the Environmental Protection  
13 Agency involved in all this? The EPA has inherited authorities and  
14 responsibilities of the emergency response and counterterrorism  
15 arenas through the act of CERCLA; the Clean Water Act, as amended by  
16 the Oil Pollution Act; the Atomic Energy Act; Executive Order 12656  
17 which basically spells -- this came out back in 1988 -- which spells  
18 out what are the roles and responsibilities of all the federal  
19 agencies; Presidential Decision Directives 39, 62 and 63 that Eric  
20 talked about; and finally, the Weapons of Mass Destruction Act.

21 EPA has established response programs, we have the  
22 expertise and the resources that can benefit the entire federal CT  
23 community, and EPA has a long history of working closely with the  
24 states and local responders through our office of Super Fund, our  
25

1 on-scene coordinators, and folks like myself that are out there in  
2 the regions.

3 Now, how does EPA carry out its CT mandate? We have  
4 three plans that we will be following here. One of them is the  
5 National Contingency Plan. Now, EPA must evaluate the need for the  
6 response to the incident involving a pollutant or contaminant that  
7 possesses an imminent threat to the public health or to the  
8 environment, regardless of the cause.

9 We also have our CERCLA definition of the pollutant or  
10 contaminant which is broad enough to mean anything that has to deal  
11 with chemical, biological, radiological, or nuclear materials.

12 Finally, we have the Radiological Emergency Response  
13 Team, the RERT. which has been designated as a strike force under  
14 the NCP. The RERT comprises of members from our headquarters; our  
15 two labs, one in Montgomery, Alabama, one in Las Vegas, Nevada; and  
16 our ten regional offices. I am a member of this RERT that if I am  
17 called upon, I will go out to work where the incident is and play  
18 whatever role needs to be done, either in the role of a field  
19 monitor, or if this was in this region, I would be the liaison  
20 between the team, the state, and my regional office.

21 We also have the Federal Response Plan. When activated,  
22 EPA will have the lead for the emergency support function, EFS  
23 Number 10, which handles hazardous materials. And then finally, we  
24 also have the CTN that just came up; and then also, finally, the  
25 Federal Radiological Emergency Response Plan.

1                   Now, FBI has the lead in crisis management; they're the  
2                   guys with the guns, they'll go out and get the bad guys. What is  
3                   EPA's role in crisis management? We will coordinate with FBI, the  
4                   lead agency, and other federal, state and local agencies involved in  
5                   the response. We will also participate in the Domestic Emergency  
6                   Support Team and send liaisons to the FBI headquarters' Strategic  
7                   Information Operations Center.

8                   And finally, we're going to provide technical support:  
9                   assistance in the threat assessment; we'll work on contingency  
10                  planning; we'll identify what the agent is and perform an analysis  
11                  on it; and if we need to do, we'll go in and do forensic evidence  
12                  collecting and perform the analysis on it through our laboratories  
13                  in Montgomery and in Las Vegas.

14                  With regards to consequence management role, if FEMA is  
15                  the lead agency in that, our support is that we will coordinate with  
16                  FEMA and other key federal agencies to ensure an effective organized  
17                  response to support the state and local responders. We'll send  
18                  on-scene coordinators to the incident site in order to integrate  
19                  into the FBI-led joint operations center and the incident command  
20                  system established by state and local responders.

21                  We'll deploy some national response system, assets like  
22                  our RERT, our Radiological Emergency Response Team or Emergency  
23                  Response Team, the Coast Guard Strike Force, which handles all  
24                  waterways within the United States, and we have our contractors  
25                  known as our START contractors which we can also call upon, and

1 we'll conduct response actions through EST #10 of the FRP and the  
2 NCP by doing hazardous detection, site evaluation, on-scene safety  
3 and protection environmental monitoring, deconning, and long-term  
4 restoration.

5 As far as points of contact for more information on  
6 counterterrorism, my name is up there as the local regional  
7 radiation representative here in Region VI, which covers New Mexico,  
8 Louisiana, Oklahoma, Arkansas, and Texas.

9 And underneath there we have designated regional POCs.  
10 These regional points of contact here are members who work in our  
11 regional office who are on-scene coordinators who can help you  
12 either talk and answer any questions you have. If you need their  
13 phone numbers, I'd be more than happy to give them to you  
14 afterwards.

15 And as I've been told, I'm out of time here, and great  
16 timing, that was my last slide here. Thank you.

17 MR. CAMERON: Thank you very much, George.

18 Eric has to leave us shortly, so can we just get some  
19 questions. Anybody have any questions for him?

20 And I think that any questions we have for George, we  
21 can save for dialogue outside of the meeting.

22 David?

23 MR. SNELLINGS: Yes, I've got one. You know, for years  
24 now we have gone through a process of co-locating in the EOF with  
25

1 the utility, the state and the regional NRC. Do we need to put  
2 another seat at the table now for the FBI? That scares me if we do.

3 MR. WEINSTEIN: No. The NRC has taken the position  
4 that, at least in the beginning of an event response that was  
5 significant, we would use that EOF has the so-called jock during our  
6 operations setup. If there were some sort of nefarious activity  
7 which would involve the FBI as well, then we can only provide a  
8 liaison there and we would have a Federal Advance Team meeting to  
9 determine an appropriate location for a large operations center  
10 where we would move to.

11 But at the same time, as you know, these Advance Team  
12 meetings will only handle occasions for Federal Radiation Monitoring  
13 Assessment Center, Disaster Field Office, or a presidential  
14 declaration of the like. So the answer is no.

15 MR. CAMERON: Let's go to Aubrey and then Dwight.

16 MR. GODWIN: I need to expand on that just a little bit,  
17 Dave. The FBI has its own counterterrorism emergency operating  
18 center and they usually have one designated state official to serve  
19 as liaison, and that's probably your emergency management director  
20 who has had security clearance, and they will not accept anybody's  
21 but their security clearance regarding this. It may be your state  
22 police guy may also be one up there.

23 MR. SNELLINGS: I need to check that.

24 MR. GODWIN: Yes, you need to find out about that. They  
25 will operate and provide a liaison over to you but all the

1 intelligence information is going to go to their center and only  
2 when they deem it appropriate to declassify and advise you will you  
3 find out anything about it except through this one selected state  
4 individual. So be aware of that little quirk to it.

5 There's also a little provision in these laws that  
6 provides about \$300,000 to a selected set of cities -- it's about 120  
7 cities or so. This \$300,000 is to buy supplies and equipment for  
8 terrorist response, and then they have an approved list of things  
9 that will just automatically be approved if they request them. On  
10 that list, friends, is potassium iodide.

11 MR. WEINSTEIN: In small doses.

12 MR. GODWIN: Yes, but you know, they got a couple of  
13 thousand doses were just suddenly purchased by the City of Phoenix  
14 without us even knowing anything about it. When asked when they  
15 were going to administer it, they said, Oh, whenever you tell us.  
16 Gee, thanks, guys.

17 So you may find your cities, the large cities are  
18 purchasing potassium iodide and expecting you to advise them as to  
19 when they're going to take it. So just be aware of that.

20 Regarding customs, we have a starting relationship with  
21 customs. They are beginning to get instruments -- it's  
22 dosimeter-type instruments -- for their people along the border.  
23 It's like one per, I don't know, ten or twelve guys. It is some  
24 sort of checking, but as New York reported, it certainly is not  
25 plugging the holes by any means.

1                   We're going to try to institute a training program  
2 beginning with at least what radiation is and how to respond about  
3 it and call us type operation, but we're going to look at running  
4 some training for them -- we're just doing this on our own. But I'd  
5 suggest border states should be aware there's a lot of holes and  
6 there's a real need for training, and you could probably help  
7 yourself if you trained them and can get them to call you.

8                   Thirdly, there keeps arising stories from Eastern Europe  
9 about cesium and other radioactive materials that are in Russia that  
10 are being bartered into the nefarious market, and it occasionally  
11 turns up at customs detection in Europe, so it's not all just  
12 nuclear materials. And there's also these rumors of satchel-size  
13 nuclear weapons that are strangely unaccounted for in Russia, but on  
14 the official channel, Russia says they've got them all accounted  
15 for.

16                   So just things to make your day complete.

17                   [Laughter.]

18                   MR. CAMERON: We need to take a break real, real soon  
19 because the coffee is going to go away, and I know Ed Bailey had one  
20 thing that he wanted to get on the record quickly.

21                   MR. BAILEY: We have had some experience with reporting  
22 one of these incidents, and it involved a weapon of mass  
23 destruction, P-32, and it seems as though a student at one of our  
24 universities got upset with his girlfriend, so he sprayed some P-32  
25 on her seat. Don Bunn reported it as a weapon of mass destruction

1 and promptly took off on vacation and went down to southern  
2 California, and there was this huge hole and he knew that it had  
3 been a weapon of mass destruction. In Arizona they were calling it  
4 the Grand Canyon.

5 But anyway, we think it was probably we misunderstood.  
6 Instead of it being a weapon of mass destruction --

7 [Laughter.]

8 MR. BAILEY: Anyway, interestingly enough, the guy has  
9 now been charged -- felony charges against the guy for assault with  
10 a deadly weapon. So a deadly weapon of mass destruction.

11 MR. CAMERON: And Dwight thought this would be of  
12 information for the states. Why don't you do this quickly and then  
13 we'll take a break.

14 MR. CHAMBERLAIN: Just real quick, I was involved in  
15 that same event. The concern I have is these lower level type  
16 events -- you know, I'm a member of the Preliminary Assessment Team  
17 in the region, and we're told to notify the IAT and they notify FBI,  
18 and we got criticized for releasing some information during  
19 preliminary notification that the FBI thought wasn't proper to be  
20 released, and we tried to pull that back.

21 But the state also reported it to the [indiscernible],  
22 and that information also went out publicly and we had the same  
23 information, and my question really is is there going to be any  
24 guides coming out on who controls what public information is  
25

1 released and how do we interface with the FBI to determine what  
2 information can be released.

3 MR. WEINSTEIN: The answer is yes. We know that the  
4 existence of PEN's is a sore spot among folks in the state  
5 communities as well. The Commission is going to have to look at  
6 that. I mean, basically the regions have been instructed to put  
7 them and I think there's a 24-hour hold now, but ultimately, still,  
8 the press is going to get ahold of that information and use it as a  
9 press release.

10 As far as the workings with the FBI on this, we've  
11 always sort of taking a position that we have separate interests and  
12 therefore people will be generating separate press releases based on  
13 their area of expertise. That's going to be re-looked at with this  
14 FBI issue in mind, because during the San Onofre event, we were  
15 instructed by the FBI, in no uncertain terms, that nothing was to go  
16 out of the NRC without them looking at it; however, they didn't pay  
17 any attention to what the state was putting out or what the licensee  
18 was putting out which seems sort of at contra-purposes. So all that  
19 is going to be looked at.

20 MR. CAMERON: Okay. Thank you very much, Eric and  
21 George, for joining us, and let's take a break.

22 [Recess.]

23 MR. CAMERON: All right, everybody, come on back in.

24 We have one more substantive area on the agenda, and  
25 we're going to try to cover it in fairly short order, and I'm going

1 to ask Stan to sort of set up the issue for us as it relates to the  
2 Department of Energy.

3 One thing I just wanted to mention before we do that is  
4 that there was some talk about -- do we need a state-federal working  
5 group of some kind to try to address and come up with a solution to  
6 the FUSRAP issue? Because NRC is working on stuff -- I mean, it's  
7 just a thicket, it seems to me, and maybe if there was a  
8 state-federal working group, you could say which should be the  
9 solution and what do we need to do to achieve that solution, and  
10 start from that direction rather than going down these legal rabbit  
11 holes.

12 But it's just an idea, and I don't know how you want to  
13 put that forward, or if you want to put it forward, but it's  
14 something to think about.

15 MR. WHATLEY: If the federal agencies would simply talk  
16 to each other, we'd get a lot solved.

17 MS. ALLEN: It's like we need a FRP for FUSRAP.

18 MR. CAMERON: I mean, that's part of the problem.

19 MR. WHATLEY: I think we need a task force on that more  
20 than we do there.

21 MR. CAMERON: Okay. Well, Paul you're always the focal  
22 point for a lot of the things that we do. Do you want to try to  
23 explore this issue that maybe there's some coordinated way, either  
24 the federal agencies or state-federal for some solution to be found  
25 to this problem?

1                   MR. LOHAUS: Yes. I think both of these are very good  
2 suggestions, and we'll take these back and look at them further.  
3 From my experience and one of the things that I've found, I think  
4 the working group process, including the other federal agencies when  
5 necessary, has really been an extremely successful process. And  
6 really, it's thanks to all of you because it's you all and your  
7 staffs that are working with us on this. And I think the working  
8 group products have really been very good products, and to me, these  
9 areas are good areas where the working groups can really help us  
10 address and resolve these issues, and I will carry that back.

11                   MR. CAMERON: Bill Sinclair just volunteered too, and  
12 Roger.

13                   MR. SUPPES: Well, a comment is with the time line that  
14 everybody is on -- at least the Corps is on in terms of cleaning up  
15 these sites -- is the working group process one that's amenable to  
16 that in meeting with the time lines. I'm not objecting to the work  
17 group idea, it's just whether the Corps is going to buy into it,  
18 whatever they're doing to clean up these sites and move the  
19 material.

20                   MR. CAMERON: I guess we already have a working group,  
21 the start of one, but if Paul could try to see if that could be  
22 coordinated and relate it to the timeliness issue that Roger has  
23 brought up. You know, as Bill Sinclair pointed out, there's a lot  
24 more complications here than just Corps of Engineer issues, so I  
25 think that it would be broad.

1                   So I'm going to turn this over to Stan to sort of set up  
2                   the Department of Energy issue for us, and I'm not sure that there  
3                   is anybody from the NRC that's going to be able to give some good  
4                   answers to these questions, but we will endeavor to get the answers.  
5                   Stan.

6                   MR. MARSHALL: As you know, weeks ago I solicited ideas  
7                   and suggestions for this agenda, and external regulation of DOE and  
8                   privatization of the DOE complex, and a number of DOE things came up  
9                   indifferent forms, and we put together this last session this  
10                  morning of relationships with federal agencies, including DOE.

11                  We got no response to an invitation from DOE to come but  
12                  we thought we would maybe leave this on the agenda and pose a  
13                  question.

14                  A couple of weeks ago, in a passing e-mail to Mike  
15                  Mobley, I mentioned that it was my impression or it was Nevada's  
16                  impression that maybe external regulation and the associated issues  
17                  was not happening, that the wheels were coming off the wagon. His  
18                  e-mail response to me was, in so many words to the contrary, that he  
19                  had impressions that more and more people were lining up with the  
20                  same idea that it should happen.

21                  I think everyone here probably saw this report  
22                  summarizing the pilot project, the NRC report that indicated that it  
23                  could happen with existing mechanisms without exorbitant prices, as  
24                  Dewey suggested, and also, interestingly, without state involvement.  
25                  And I guess to start the discussion, I ask the question is it

1       happening or not, because we have some -- there are 13 DOE states  
2       out there, states with parts of the DOE complex; 12 of them are in  
3       this room, and the rest of you are corridor states or waste  
4       transportation -- maybe even to Nevada. It affects this entire  
5       group, whether we are involved with external regulation or not.

6               The question is is external regulation and that kind of  
7       thing going to happen. What can we tell people when we go home?

8               MR. CAMERON: Paul, I know that we had a discussion  
9       earlier about we've ben out of that loop for awhile, but can you  
10      offer anything on what's going on or how to find out what's going on  
11      on this?

12              MR. LOHAUS: What I can do is take this issue back. I  
13      apologize that we don't have anyone here to address that issue, and  
14      I'm not sufficiently familiar with all the details to really address  
15      this issue today, but I can take the issue back.

16              One of the items that has been mentioned -- it was  
17      mentioned yesterday at the OAS meeting -- was the briefing of the  
18      Commission by the OAS. If this is an area or issue where there are  
19      particular aspects or points of view that you would like to share  
20      with the Commission, then we'd present an opportunity to do that.  
21      That's one mechanism to get some of your views and thoughts before  
22      the Commission. But I will take the issue back and maybe  
23      communicate with you in an All Agreement States letter where we are.

24  
25

1 Stan mentioned the report, and I think that speaks for  
2 itself, but I'll take the issue back and get some information to you  
3 through an All Agreement States letter.

4 MR. CAMERON: And keep in mind the issue that came up  
5 squarely in the Chairman Dicus presentation the other day is that  
6 the NRC position was described as if we do have jurisdiction over  
7 the Department of Energy, that it would not be shared with the  
8 Agreement States. I don't think I'm misquoting that, but I think  
9 that that's probably one of the focal points of the issue.

10 Roland?

11 MR. FLETCHER: Once again I'd like to bring it home,  
12 perhaps to those states who don't necessarily have a lot of direct  
13 dealings with DOE and some of the problems that the other states  
14 have. I mentioned this at the last Agreement States meeting, but  
15 this year the --or late last year, actually, the DOE scheduled a  
16 transportation exercise in Maryland for an accident involving  
17 DOE-related materials.

18 And in planning the exercise, they did not get in touch  
19 with Maryland Radiological Health Program; we didn't show up on  
20 their screen. They wanted to deal directly with the jurisdiction in  
21 which the exercise was to take place. It turns out that these were  
22 two friends in different agencies who were trying to do each other a  
23 favor.

24 But what it points out is if we don't make some noise,  
25 there are a lot of things that can happen on the DOE jurisdiction in

1 states that we're not involved, we could be out of the loop totally  
2 and would go exactly contrary to the way we normally do business. I  
3 mean, if there's a transportation accident in the state of Maryland  
4 under any other type of material, we're involved, but in this  
5 particular instance, we had to insert ourselves into the planning to  
6 ensure that things proceeded as normal.

7 And I just throw that out so all the states that Stan  
8 alluded to need to pay close attention to this.

9 MR. CAMERON: Thank you, Roland.

10 Any other comments on the Department of Energy issue?  
11 I'm putting an action item up here for NRC's Office of State  
12 Programs again to inform the states of the status of DOE external  
13 regulation.

14 MR. FLETCHER: Can I add just one thing? At the time I  
15 found out about this exercise, DOE had also not notified the NRC.

16 MR. CAMERON: Stan, do you want to say anything more on  
17 this issue and/or just jump into the business session?

18 MR. MARSHALL: I think I do. I have a couple of points  
19 related to the previous speakers, and we needed that break, but I  
20 think what I've got to say also relates to the DOE and this last  
21 session on relationships with federal agencies.

22 I liked Kirk's comment about a working group to cause --  
23 I think I understood it -- to cause federal agencies to communicate

24 MR. WHATLEY: I didn't make that recommendation.

25

1                   MR. MARSHALL: I didn't say it was a recommendation  
2 either.

3                   MR. WHATLEY: My statement was if they did, that would  
4 solve, in my opinion, would go a long way to solve -- we probably  
5 wouldn't have had to have this session on it.

6                   MR. MARSHALL: My point is we heard NRC talk about their  
7 role, their important role as a lead or almost lead in Weapons for  
8 Mass Destruction; I think we're all familiar with EPA's designee of  
9 role under certain circumstances under the Federal Emergency  
10 Response Plan; if you go to a DOE meeting, you're going to hear them  
11 puff up and talk about their role under the Federal Emergency  
12 Response Plan; and in recent years we've had FEMA; we've also had  
13 FBI involvement now.

14                   I want to share a unique experience. The DOE in Nevada  
15 began hosting a couple of years ago a series of meetings called "Key  
16 Leader Trainings" or "Key Leader Symposiums." That's a fancy word  
17 to mean DOE bringing itself and contractors together to talk about  
18 how they do things related to Emergency Response and Weapons for  
19 Mass Destruction.

20                   About a year ago they elected to bring together a state  
21 and local panel to begin to educate and inform their own kind and  
22 their contractors about the responsibilities that they have to  
23 connect with state governors, state information officers, state  
24 emergency managers, state radiation control programs, and even the  
25 local people. And it's astounding to me that after attendance at

1 several of these, seeing people from all over the DOE complex, all  
2 of the contractors from around the world almost, that they're so  
3 familiar with their role in a federal emergency or in a WMD that  
4 they seem to forget all of us around this table.

5 They forget the connection in Florida, maybe, with the  
6 governor or whatever; they don't seem to realize how instant command  
7 kicks in at the local level and those fire people and law  
8 enforcement on the front line are the first ones in charges. Yes,  
9 ultimately higher levels in federal agencies kick in and take over,  
10 but the fed agency -- at least that agency and their contractors,  
11 they are beginning to acknowledge they have a lot to learn.

12 To me it's very interesting if you go to a FEMA meeting  
13 you see them all puffed up, or if you go to an EPA meeting, you see  
14 them all puffed up. I'm not so sure but what a working group could  
15 bring together is not in order. That's just a fleeting comment.

16 My last commercial on DOE and emergency management is  
17 the REP Conference 2000, Radiological Emergency Preparedness  
18 Conference 2000, is not going to a reactor state, it's coming to the  
19 Reno Valley, April of the year 2000. Some of you heard me say this  
20 at conference in May.

21 The committee, comprised of a lot of emergency  
22 management people at the state levels and some radiation control  
23 people, are recognizing they need to step out of their paradigm of  
24 gearing up only for reactor exercises. They are coming to a  
25 non-reactor state, they're coming to Nevada, and I would encourage

1 you to have attendance, get someone from your programs there,  
2 whether you've been involved with REP conference or not. Maybe  
3 that's the end of my chamber of commerce speech. The REP 2000 is in  
4 April, Reno, Nevada.

5 I appreciate people staying, I understand those that  
6 needed to leave. I appreciate you staying and I will make my  
7 comments to the point and short.

8 It's been a very interesting year as your Chairman, and  
9 as I had been told in January, the role as OAS Chair is rapidly  
10 changing and in some ways becoming more complicated. It's not just  
11 that NRC no longer pays the tab and creates the agenda, but the  
12 world that we're in is changing very rapidly.

13 I want to acknowledge and thank involvement of many  
14 Agreement States in the numerous joint OAS and NRC working groups  
15 this past year, and I anticipate continued participation. I think  
16 we achieved some better efficiencies in the way we solicited and got  
17 responses to you, and I'm going to work with Ed to ensure that we  
18 continue to do that.

19 Another thing that happened this last year was placement  
20 or the appointment of Ed Bailey as our liaison to the Health Physics  
21 Society. We look forward to that continued relationship.

22 This year the first IMPEP review of OAS by the NRC SS&D  
23 Program -- there's lots of acronyms in that one -- that's, in my  
24 mind, a major achievement that we got to say something of the NRC  
25 programs.

1           I commented a couple of days ago about changes and  
2 transitions. We acknowledge the passing of Aaron Padgett, Hayward  
3 Sheeley, Wayne Kerr from the state ranks. We also bear in mind and  
4 welcome new program directors and new state representatives at this  
5 circle, because this is a good group, this is a strong group, and I  
6 think we're headed in a good direction, even as our world  
7 complicates a little bit.

8           At our business meetings we passed two resolutions: one  
9 resolution in support of the State of Colorado petition concerning  
10 source material geo exemption. The resolution will be filed as  
11 official comments in advance of the deadline, I believe next week,  
12 or coming real close, anyway -- and also sent to the Commission.

13           The second resolution to encourage Congress to support  
14 NRC's request for additional non-fee based general revenue funds in  
15 support of Agreement State and Commission activities will also be  
16 forwarded. That resolution also includes encouragement that each of  
17 us at this table file such support.

18           One of the easier things -- or maybe it wasn't easy --  
19 was OAS election of officers. Effective January 1, 2000, I become  
20 OAS Past Chair; Ed Bailey will continue as Chair; Kathy Allen has  
21 been elected Chair-Elect for this group; Richard Ratliff will  
22 continue in his last year as Secretary; and Alice Rogers becomes  
23 Secretary-Elect. Secretary-Elect is something we've instituted to  
24 smooth the transition from year to year; she will begin her  
25 three-year time as the secretary following Richard.

1                   Next year's meeting you may anticipate next September in  
2 Bismarck, North Dakota. I thank Ken Wangler for volunteering and  
3 staying there with his motion, and we the officers will do our best  
4 to help you and hope there's a strong attendance at that meeting.

5                   Lastly, I want to thank the Texas Health Foundation for  
6 its financial support to this group, and I want to thank Richard  
7 Ratliff at the Texas Bureau of Rad Control and all staff involved  
8 with this meeting. This was a fine place for a meeting, central to  
9 the country, a little warm, a little humid for us in the southwest,  
10 but I thank you all very much for making this an enjoyable meeting.

11                   That's all I have to say. Thank you very much for your  
12 support this year.

13                   [Applause.]

14                   MR. RATLIFF: I thought it's been interesting. I was  
15 looking back as secretary, having all of the minutes from years gone  
16 by, and our business meetings used to have States against NRC, NRC  
17 against States, back and forth, multiple issues, letters written to  
18 Chairman Sellon, Chairman Jackson, with multiple things going back  
19 and forth. This is the only meeting that I think there's really not  
20 a response from the NRC required. I think our working groups, our  
21 monthly telephone calls with the executive committee and with NRC  
22 really has helped a lot, and the e-mail site of the All States  
23 Programs, if you haven't been to their web site, it's really working  
24 well, and I think that's one of the real keys.

25

1                   I also want to point out that it really was the staff  
2 here. Margaret Henderson of my staff got this hotel at a rate we  
3 never could get for any other meeting I've ever tried to have here.  
4 Marilyn Kelso did a great job and she did all the name badges, all  
5 the computer graphics. And my secretary Doris McCormick and Ruth  
6 McBurney, working with her night out which turned out so well. And  
7 I really thank them for that because that was totally on Ruth's own  
8 volition and she did great job.

9                   And Cindy Cardwel, Sonia Simmons, Cathy Fontaine, and  
10 Monica Gonzalez just worked so well during registration, as well as  
11 the TNRCC folks and Alice Rogers' group. It took the effort of  
12 these folks to put it together and they did a great job.

13                   [Applause.]

14                   MR. LOHAUS: I wanted to thank Stan and the other  
15 members of the Executive Committee. In looking back over the year,  
16 I think it's been a very successful year, and it's really a credit  
17 to the executive group. I agree, I think that the focus is really  
18 on the issues and what do we need to do to collectively address  
19 those issues.

20                   One of the things I wanted to do is really thank each of  
21 the program directors and each of the staff for their participation  
22 in the IMPEP process and also for their participation allowing staff  
23 to participate in working groups. I think that there's not an IMPEP  
24 exit briefing where I meet with the team and go into the briefing,  
25 and one of the common themes there is the cohesiveness of that team,

1 the focus on addressing common problems, and also the sharing and  
2 exchange of information that's taken place through that process.  
3 It's really a great benefit to the program and I want to express my  
4 appreciation.

5 I know there's an impact on making yourselves available  
6 for the MRB or making staff available for the IMPEP reviews and  
7 participating in the working groups, but the product of that effort  
8 is a much better product, it reflects the breadth of technical  
9 expertise that you all bring to this, and the products are much  
10 improved and will serve all of us well in the program.

11 In looking ahead to the next year, as we've talked  
12 through, there's a lot of issues still out there that are going to  
13 need our attention. As Kirk points out, there's need for better  
14 communication among the federal agencies, and I will carry that  
15 message back and we'll see what we can do to improve that. But at  
16 the same time, I also look at this as really needing to stand tall  
17 in reaching a decision because your views and the way you see the  
18 issues has to be brought into that process, and that's where I see  
19 this working group is a key to make sure that you're views and ideas  
20 are reflected there as well.

21 But there are further issues: the FUSRAP, the Part 40  
22 revamp -- there's a whole series of new issues and we'll continue to  
23 have that, but I think what was demonstrated over the past year was  
24 the ability for us to step forward and address those issues, and  
25 we'll continue to do that. Thank you.

1 [Applause.]

2 MR. RATLIFF: I forgot one other person. Bill Silva  
3 worked on our staff and took a lot of the pictures, and don't be  
4 surprised if our web site doesn't have a little calligraphy with a  
5 lot of folks' pictures. I'll let you know if we get that on our web  
6 site.

7 MR. MARSHALL: Are there any other comments? Jared?

8 MR. THOMPSON: I just wanted to make an announcement.  
9 The State of Arkansas is sponsoring an EPA PAG course on October 5  
10 and 6. We wanted to make sure that we invited all interested states  
11 to come, and all we ask for is you contact Dave or myself so we can  
12 get a count as to how many will be there. It will be in Little Rock  
13 and it will just be those two days: October 5 and 6.

14 MR. MARSHALL: Any other comments? Now, I don't care  
15 about rules of order, I don't care if I need a motion or a second to  
16 close the meeting. Chip's on the agenda?

17 I want to close it, Chip.

18 [Laughter.]

19 MR. CAMERON: I thought you were doing better than I  
20 was.

21 Do we have any further comments on any of the issues?

22 I'd just like to thank Pat, our stenographer for helping  
23 us out. And Eric Weinstein, there's his number. And if you want me  
24 to help you out again next year, I'll make sure I bring a hook.

25 [Laughter.]

1 MR. CAMERON: Well, I think we're probably done.

2 UNIDENTIFIED SPEAKER: Since they brought up the hook, I  
3 just want to make a suggestion, and I think several of us discussed  
4 this issue last night -- and it seemed like it happened last year as  
5 well as this year, the second year that the meeting, we've gone  
6 forever and ever and ever. And in planning the program, I don't  
7 know that limiting times is really what we're about because I don't  
8 want to see discussion limited on issues, but if we could maybe cut  
9 the agenda down just a little bit, and if we have a few extra  
10 minutes and can get out early, who cares. But I hate to see  
11 discussion limited; I don't care about the speakers being limited  
12 but I wouldn't want to see discussion limited.

13 MR. CAMERON: And I think that's consistent with what I  
14 was talking about, too, is to have the presentations be crisper and  
15 not to try to get the Constitution, as Don pointed out, on every  
16 view graph. So I think instructions to speakers beforehand.

17 MR. RATLIFF: And if any of you need the NRC bibles,  
18 there's a box up here that will be thrown away, so even if you want  
19 to use them for printing on the backside on your printer at home,  
20 there's all that paper available.

21 MR. CAMERON: Thank you.

22 Anybody else have any final comments before we close?

23 [No response.]

24 MR. CAMERON: I'd like to thank you for the opportunity  
25 to help out, and have a good journey home or wherever you're off to.

[Whereupon, the meeting was concluded.]

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