

# Official Transcript of Proceedings

## NUCLEAR REGULATORY COMMISSION

Title: Criteria for Review of Alternative Sites  
Public Meeting

Docket Number: (not applicable)

Location: Rockville, Maryland

Date: Tuesday, January 28, 2003

### NOTES:

1. This transcript has been minimally edited. No words have been deleted. Words in brackets have been added primarily to spell out acronyms, clarify a term of art, or aid reading. All efforts have been taken to not alter the meanings of comments.]

2. Attached to this transcript is one comment submitted by a member of the public who could not attend the meeting.

Work Order No.: NRC-747

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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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PUBLIC MEETING ON CRITERIA FOR REVIEW OF  
ALTERNATIVE SITES

\* \* \* \* \*

TUESDAY,

JANUARY 28, 2003

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ROCKVILLE, MARYLAND

\* \* \* \* \*

The public meeting was held at 9:00 a.m. in the Auditorium of the Nuclear Regulatory Commission, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, Francis (Chip) Cameron facilitating.

PRESENT:

- |                        |                  |
|------------------------|------------------|
| FRANCIS (CHIP) CAMERON | Facilitator, NRC |
| DENNIS ALLISON         | NRC              |
| LEE BANIC              | NRC              |
| FRANK GILLESPIE        | NRC              |

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9:12 a.m.

MR. CAMERON: Good morning, everyone. My name is Chip Cameron. I'm the Special Counsel for Public Liaison here at the Nuclear Regulatory Commission. And I want to welcome you to today's meeting. The topic of today's meeting are issues related to a possible NRC rulemaking on the consideration of alternative sites in the NRC evaluation of various types of license applications. And the NRC staff is going to be telling you more about that in a few minutes. I just wanted to say a few introductory words about the meeting process before we get started today.

I'm going to be serving as your facilitator for the meeting, and in that role I'm going to try to assist you in having a product [productive] meeting and also assist you in trying to achieve the meeting objectives. Frank Gillespie from the NRC staff will be telling you a little bit more about those objectives in a minute, but, broadly speaking, there are two objectives for the meeting today. One is to clearly explain to all of you the scope and nature of the issues that the NRC is considering on the evaluation of alternative sites.

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1 And the second objective is to listen to your views on  
2 the issues.

3 The format today is what I like to call a  
4 town hall meeting format, and we want to try to be as  
5 informal as possible today so that we can promote a  
6 discussion, a possible dialogue among all of you on  
7 the issues, not only your individual perspectives on  
8 the issues but how you might react, how you might view  
9 other people's perspectives on those issues.

10 The ultimate goal of the meeting is to  
11 assist the staff with some insights, with some  
12 information that they can use in deciding whether to  
13 proceed with a rulemaking on alternative sites, and if  
14 they do, how to proceed with that rulemaking.

15 In terms of ground rules, they're fairly  
16 simple. If you have a question or a comment, just  
17 signal me and I'll bring you this cordless microphone  
18 or you can use the mics that are here in the audience.  
19 And if you could give us your name and affiliation, if  
20 appropriate, that will allow us to get that on the  
21 transcript. Rebecca Davis is our stenographer for the  
22 meeting today. And I would also ask that only one  
23 person speak at a time so that we can get a clean  
24 transcript and also so that we can give our full  
25 attention to whoever has the floor at the moment.

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1                   We have a good bit of time built in for  
2 discussion of today's issues. I would still ask you  
3 to try to be concise in your comments and discussion.  
4 We are scheduled from nine till the end of the day.  
5 I don't know if we're going to need all that time.  
6 Certainly, we're going to take that time if we need  
7 to, but I would just warn you in advance, and I know  
8 some of you will be disappointed by this, that we may  
9 not take all the time that we have allotted for this  
10 meeting today.

11                   In terms of agenda, we're going to turn to  
12 Frank Gillespie in a moment. Frank is one of our  
13 senior managers. He is going to talk about meeting  
14 objectives, and then we're going to go to give you  
15 some context on this issue, and we have Lee Banic up  
16 here who I'll introduce a little bit more fully in a  
17 moment, who's the project manager on this. She's  
18 going to start us off with an overview of the issues.  
19 Then we want to come back out to you for any  
20 clarifying questions that you might have.

21                   We'll probably -- it's also an appropriate  
22 time after Lee is done to perhaps discuss issues about  
23 whether a rulemaking be done. It isn't formally --  
24 that topic isn't formally on the agenda, but after you  
25 listen to Lee's presentation and the options that the

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1 NRC is considering, you'll see that there are other  
2 ways to proceed in addition to rulemaking. So I think  
3 we'll take that time to talk about that threshold  
4 issue about do we need to do a rulemaking.

5 Then we're going to get into a number of  
6 specific issues on rulemaking. Potential rulemaking  
7 issues, for example, would [be the] approach [to] the  
8 rulemaking[,] take region of interests, number of  
9 alternative sites, emergency planning and any other  
10 issues that you want to tell us about. And I'll keep  
11 track of those -- as those issues come up during the  
12 day and they don't squarely fit into the agenda topic  
13 that we're on, I'll keep track of those so that we can  
14 come back and get to that.

15 And let me just do some introductions for  
16 you now, and then we'll get on with the meeting  
17 itself. As I mentioned, we're going to start with  
18 Frank Gillespie who's one of our senior managers.  
19 Frank is right down here in the front row, and he's  
20 the Deputy Director of the Division of Regulatory  
21 Improvements. That's in our Office of Nuclear Reactor  
22 Regulation. And Frank's Division is responsible for  
23 conducting the evaluations of the proposed rulemaking  
24 and doing the rulemaking.

25 (Informed mic is fritzzy.)

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1                   MR. CAMERON: Okay. Is it better to just  
2 stay [here] -- is it happening here? Okay. Because  
3 we're going to need to use this probably, but let me  
4 go on and let's see if it still is a problem. But  
5 maybe I'll just stand still and that might help.

6                   Lee Banic is the project manager for the  
7 rulemaking, and Lee has been with the Nuclear  
8 Regulatory Commission for 12 years working on various  
9 materials, engineering issues. She's also been the  
10 project manager on a number of international projects,  
11 such as the Convention on Nuclear Safety, and she has  
12 degrees in metallurgical engineering, University of  
13 Michigan and University of Alberta in Canada.

14                  And Dennis Allison, who's also up here, is  
15 going to be involved in the rulemaking, and he is the  
16 Acting Section Chief that Lee is in who's responsible  
17 for this particular rulemaking. He's been with the  
18 NRC for 29 years in varied responsibilities. He has  
19 a degree from the University of California - Berkeley  
20 in engineering science and a Master's in nuclear  
21 engineering from the University of Missouri. He also  
22 was in the Naval Nuclear Program and worked for  
23 Baltimore Gas and Electric. And I've asked Lee and  
24 Dennis to sort of tee up the issues as we get to the  
25 specific issues to give you an idea of what's under

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1 discussion at the time.

2 Other people with the NRC who are going to  
3 be instrumental in this effort, Brian Thomas, who is  
4 in the back, is the Acting Program Director for Policy  
5 and Rulemaking. John Tappert, who many of you might  
6 know, is the Environmental Section Chief for License  
7 Renewal and Environmental Impact Program. And we have  
8 consultants from Argonne National Lab, experts that  
9 are helping us who are over here that we may turn to  
10 today for their input, and various other people on the  
11 NRC staff, including some representatives from our --  
12 so we'll turn to these people as necessary as we go on  
13 today.

14 And with that, Frank? Frank Gillespie.  
15 And is this [mic] working? All right.

16 MR. GILLESPIE: Well, actually, Chip was  
17 actually speaking up [from here and the mic was not  
18 always working]. So if that's going in and out, I'll  
19 just do it from the podium, which is in violation of  
20 those meeting rules when you go to [learn] how to do  
21 a meeting things. They always tell you, you know, be  
22 out there, don't be on a stage that's raised. Chip's  
23 good at that. I went to the same class, I just didn't  
24 learn the lessons, I guess.

25 The staff gave me a script that I'm

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1       supposed to stick to, but then they also knew that I  
2       probably wouldn't stick to it. And I see Jim Riccio  
3       in the back laughing, because he knows I never stick  
4       to the script anyway. And it was as the senior most  
5       manager I was in charge of telling you that the men's  
6       room is right outside in the hall. We will take a  
7       break at mid-morning to be announced by someone else  
8       because they didn't tell me when the break was, and  
9       they expect I'll walk out earlier than that anyway.

10               MR. CAMERON: And the ladies' room is out  
11       there also.

12               MR. GILLESPIE: The ladies' room is right  
13       out there beside the men's room.

14               (Laughter.)

15               So having gotten my senior management  
16       duties out of the way, now I'll give you my opinions.  
17       I was actually -- I walked down with Geary Mizuno, and  
18       I made a comment to Geary. I said, "This is kind of  
19       an interesting meeting." And he said, "How can you  
20       make this interesting," or something pretty close to  
21       that, right, Geary? And I said, "Well, you know what?  
22       They only let me give the opening comments to meetings  
23       that are on imponderables." What is the definition of  
24       superior, and whose perspective and whose lens are we  
25       looking at it through? Do we really need a

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1 rulemaking? When was the last time we did? I had to  
2 correct my notes. I asked Barry [Zalcman], I said,  
3 "When was -- my notes said we haven't done this in 20  
4 years." He said, "Well, I've been around for 30 years,  
5 and I don't remember the last one." And Barry said,  
6 "Yes, the last one -- the last site we did was Shearon  
7 Harris and that was 25 years ago, and we probably did  
8 the siting work on it about five years before that."  
9 So I've got to correct my notes. It's been longer  
10 than my career since we've done this, and since I've  
11 got one of the longer careers in the Agency, I don't  
12 think very many other people remember actually  
13 participating in the last time either.

14 We want to do something rational, and this  
15 is the first -- I'm going to say this is the first  
16 pre-rulemaking [activity]. This is a technical basis  
17 meeting, not a rulemaking meeting. And just a  
18 snapshot, we've really attempted to change our process  
19 here, and I see the notetaker from Bechtel who always  
20 manages to give me some good press internally. And  
21 she says, "Say something good. You need a line I can  
22 write down." This is the first time we're actually  
23 trying to establish some internal rules on what are  
24 the steps to get to a rulemaking?

25 And the problem we're trying to solve, and

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1 you are participating in helping us solve that, is,  
2 and particularly on rules like this which are a bit  
3 imponderable, defining things like superior, it's  
4 going to take a while, it's not going to be an easy  
5 task, is to first develop a technical basis. And what  
6 do I mean by a technical basis? I mean a technical  
7 basis, in my mind, would be a published NUREG with all  
8 the various points of view on if something needs to be  
9 done what are the various options that need to be  
10 done, and why is any one option better than any other  
11 option? Now you have -- and you publish that.

12 And this is the first step, and I'll  
13 suggest is, litigating the technical basis before you  
14 decide to write a rule so that the rulemaking process  
15 should not be arguing then or trying to litigate  
16 things that should have been established earlier. It  
17 shouldn't be dealing with changing facts in midstream  
18 in the rulemaking, and I think that's kind of, as an  
19 Agency, gotten us in trouble by raising our hand and  
20 saying, "By God, we're going to have a rule on  
21 something," and then we realize we don't know exactly  
22 what we want to have a rule on or why we want to have  
23 the rule.

24 So we're actually developing a technical  
25 basis upon which to make a decision whether any change

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1 to the rules are needed or is it a change to guidance?  
2 And, Lee, I guess you're going to kind of go through  
3 what the various options might be. Independent of  
4 which option we take, we still need a technical basis  
5 on why we would take that option, why we would choose  
6 it, why we would establish what criteria.

7 So this is the first time we've tried  
8 this, and the idea is not to get us all, industry,  
9 public and the NRC, too prematurely in a bind but keep  
10 the dialogue open and basically a brainstorming kind  
11 of environment on these topics. So there's no  
12 prejudice right now, at least on the part of the  
13 staff, other than doing nothing I guess is still an  
14 option and doing them [license applications] one at a  
15 time. But even when you do them one at a time, the  
16 staff still needs criteria. So not having criteria is  
17 probably not an option but how we promulgate it I  
18 think is open to the best way.

19 So this is an experiment, or actually it's  
20 not an experiment because we decided to do it. And  
21 that way when we do commit to a rule and send a  
22 rulemaking plan to the Commission, it would be, "Dear  
23 Commission, we feel we've explored the technical  
24 alternatives sufficient that it makes sense to take  
25 this path for these reasons, and here is our schedule

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1 to generate a rule, and hopefully the rulemaking  
2 process will focus more on how we articulate it in the  
3 rule, and we won't be arguing over the technical facts  
4 and the reasons." So we're trying to bifurcate what  
5 traditionally we had allowed to get kind of squashed  
6 together, and the rules would take five or six years  
7 from the time you decided you wanted a rule, because  
8 you decided a rule might -- it's a different decision.

9 So does that make sense to everyone, the  
10 kind of process we're in? It's a little different.  
11 I hope it's a little more open, and I hope it will  
12 contribute to the dialogue today.

13 The other piece that they told me I need  
14 to cover, and I guess this means I take the heat and  
15 they don't, is the Commission told us emergency  
16 planning is in the mix. And I would suspect that any  
17 utility who's deciding where to put a plant would have  
18 already in their own selection criteria put emergency  
19 planning in the mix versus a traditional NEPA  
20 [National Environmental Policy Act] considerations on  
21 damage to the environment, heat effluents,  
22 construction traffic, all those other things I think  
23 you need to consider.

24 I think it's important to note that that's  
25 basically what we're considering is non-negotiable.

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1 And whatever the staff does, emergency planning is  
2 going to be in, which means future population growth  
3 has to be considered and bounded, it's one of the  
4 parameters to be discussed, and looking at a clearly  
5 superior site.

6 I think a utility in selecting a site  
7 would consider that anyway. In fact, if I was a  
8 utility, I would consider many things beyond that.  
9 Whatever we do should be, I believe, a subset of  
10 whatever you're already doing, which means this should  
11 be a very low-cost rule. I would think you would not  
12 want to put a site in a location where in ten years  
13 the population would grow where you think you're going  
14 to be in basically [what] I'll call political trouble,  
15 where you'll be getting articles written as Indian  
16 Point's now getting written from actions on the  
17 county's part. I have to believe you consider that  
18 when you put a site someplace. So considering  
19 emergency planning, to me, does make sense, and I have  
20 to believe you'd be considering it anyway. So that's  
21 now in the mix, so it's not totally an environmental  
22 question, and it's a people question also.

23 One other thing I'd ask you to consider is  
24 the idea of, and this is kind of way to limit maybe  
25 regulatory burden, is there two set of criteria

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1 needed? And the reason I say two sets of criteria is  
2 -- and I'm going to throw this open just to try to  
3 give you something to think about so when Chip comes  
4 on, you can say, "That was a dumb idea he said," and  
5 I will have already left the room so it won't hurt my  
6 feelings. There's some talk when you talk about  
7 alternative sites that, gee, if I already have a site,  
8 and I don't mean already have a nuclear site, I mean  
9 already have a site with a power station on it, with  
10 a railroad infrastructure, with a road infrastructure,  
11 with a heat sink, or as EPA [(U.S. Environmental  
12 Protection Agency)] said, one [once] pass-through  
13 cooling is not going to probably be allowed in the  
14 future anymore so you're going to have cooling towers  
15 anyway, you're going to have transmission lines  
16 already to the site. So take my comment as not  
17 necessarily putting a nuclear site on a nuclear site,  
18 that is one alternative and the three early site  
19 permits that are in are doing that, but it's, as Barry  
20 calls it, I guess it's a -- we're calling it a  
21 brownfield site, a site that's already been developed,  
22 already has a transmission line, already has a heat  
23 sink, already has a transportation infrastructure  
24 versus a green site.

25 That may be one set of criteria where the

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1 baseline is the existing site and does the existing  
2 site have a fatal flaw for a cumulative impact, and  
3 now let's compare that to a green site, because, quite  
4 honestly, I think putting a new trunk transmission  
5 line in is probably going to be harder than siting a  
6 site. So there's going to be certain things like that  
7 [that] are actually going to drive what a superior  
8 site is. So that could be one set of criteria.

9 The other criteria is how do you compare  
10 two virgin sites, and [as] Chip said [define] region  
11 [of interest]. Well, let me take Entergy wanting to  
12 build a new site. Well, I'm just going to take the  
13 Entergy area. Well, they've got Vermont Yankee in  
14 Vermont, and they've got some plants in Louisiana.  
15 Does that mean that we should evaluate various sites  
16 between Vermont and Louisiana for Entergy? Well, I  
17 don't know what the answer to that is, but it seems  
18 like a hell of a lot of area of sites potentially in  
19 it. I think answering the question, what's the region  
20 [of interest], is going to be very, very difficult  
21 one, and, therefore, you have a heck of a challenge  
22 ahead of you to answer that question, because we don't  
23 have the traditional utility boundaries anymore. We  
24 could take Duke, right? Duke owns facilities, not  
25 nuclear, but they do own facilities, as I understand

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1 it, in southern California and the Carolinas. So,  
2 okay, if Duke comes in, well, we'll evaluate  
3 everything from the Atlantic to the Pacific.

4 That's why I think, as Geary said, how can  
5 this be interesting? I think any question that  
6 doesn't have an answer is immensely interesting, and  
7 I don't know that these questions have answers, and  
8 one of the answers might be key to, and I think people  
9 have talked about this, if a current site doesn't have  
10 a fatal flaw, like wetlands next to it or something  
11 that actually we wouldn't let you put what you put  
12 there today anyway -- or not we but NEPA or something  
13 wouldn't. That way I can blame NEPA instead of the  
14 NRC.

15 What is the comparison process? Is it  
16 baselined on your primary site and you compare various  
17 classes of alternatives to it, sites that would both  
18 be available and already have a heat sink with  
19 capability, already be on a trunk line? And I think  
20 if you can envelope it that way -- which is why I'm  
21 suggesting to think about two kinds of criteria. I  
22 don't know that anyone can deal with the Atlantic to  
23 the Pacific and Vermont to Louisiana. I think we need  
24 to narrow it potentially less than that. Or if we do  
25 keep it open to that, then what's your baseline? It's

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1 not every site in that vast geographic area. So if  
2 your baseline is an existing site, you actually may be  
3 able to leave it open to the Atlantic to the Pacific,  
4 quite honestly, because your base site is a site with  
5 a transmission line, a site with a heat sink, a site  
6 with minimal cumulative impact of environmental  
7 damage will be done. And you can show that because  
8 you have an immense amount of knowledge to that, and  
9 you can compare sites as classes versus specific  
10 sites, potentially, because you could compare the  
11 availability or geographic regions if you had goodness  
12 criteria that would line up with comparison of  
13 existing sites to greenfield. So think about that.

14 I just -- for what it's worth, I've  
15 totally expended my knowledge that Barry's given me  
16 and Lee has given me on the subject, but I wanted to  
17 kind of get you thinking. Please don't sit there  
18 today, participate. What's superior? You're going to  
19 have an opportunity to define superior. How do you  
20 evaluate sites within a geographic region of Atlantic  
21 to Pacific and Vermont to Louisiana and existing site  
22 to greenfield and greenfield to greenfield?

23 I think you're doing this already. I  
24 think you're doing it when you pick a site, because  
25 let's face it, you have a reason why you pick a site.

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1 How do you summarize that and make it available to the  
2 public? You're going to have to put it up for public  
3 scrutiny when it comes into the NRC, but if you're  
4 confident in your own decisions, then it shouldn't be  
5 -- there should be no fear in having that submitted to  
6 us and allowing that to be part of the process.

7 With that, did I do okay, Danny? I didn't  
8 depart too much from the script. I've got to have  
9 some fun. Any questions of me before I leave of the  
10 process, the idea of developing a technical basis  
11 before you even decide to do a rule? Does that make  
12 sense to people to actually know what you're doing  
13 before you embark on it? Okay.

14 MR. CAMERON: And I just want to thank  
15 you, Frank, and just to emphasize not only the  
16 regulatory philosophy that Frank laid out, in other  
17 words, the staff is trying to establish a foundation  
18 now before initiating a rulemaking and also some of  
19 the specific thoughts on the issues that he put before  
20 us and we'll be going back to examine those throughout  
21 the day, including this concept of region [of  
22 interest] because we're not dealing with traditional  
23 boundaries. Again, thank you, that was a great  
24 introduction to get people thinking about this, and  
25 Frank will be here perhaps for a little bit.

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1                   And what we're going to do now, and I  
2 think this has working better, they put a new  
3 battery in for us, thank you for that. And let's go  
4 right to Lee Banic to get an overview.

5                   MS. BANIC: Thank you, Chip, and good  
6 morning. It's a pleasure to see you all here to help  
7 us decide how to review alternative sites. Before we  
8 start today's discussion, however, I'd like to make  
9 sure we all have a common understanding of the issue.  
10 So I'd like to start by explaining three aspects of  
11 it. First, I'll define the regulatory issue itself,  
12 next I'll explain how our current rules, guidance and  
13 process address the issue, and, finally, I'll suggest  
14 some options on how to resolve it. After that we'll  
15 ask for your views and ideas.

16                   As shown in this next slide, the  
17 regulatory issue is how we, the NRC, can fulfill our  
18 obligations under the National Environmental Policy  
19 Act, or NEPA, to review alternatives to an applicant's  
20 proposed site for a commercial nuclear power plant.  
21 We look at alternative sites because under NEPA  
22 government agencies must examine reasonable  
23 alternatives to a proposed major federal action that  
24 affects the environment in [and] authorizing the  
25 construction of a nuclear plant and deciding to grant

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1 an early site permit or [are] major federal actions.

2 So why is this an issue? We have  
3 regulations, guidance and a process to review  
4 alternatives that meet our obligations under NEPA.  
5 It's an issue because we now have the chance to  
6 improve our process. NEPA requires us to take a hard  
7 look at alternatives, but what exactly is a hard look?  
8 NEPA does not spell out the review process, and our  
9 current regulations do not tell us much about how to  
10 select and compare candidate sites. And by candidate  
11 sites, I mean the site proposed for a nuclear plant  
12 and the alternatives to that site. We want to better  
13 define the answers to these questions and others,  
14 including the question of how to review a request to  
15 build on an existing site, that is a site with a  
16 nuclear plant already on it.

17 To give you some background, as shown on  
18 this next slide, we found we needed to better define  
19 process regarding alternative sites during the  
20 Seabrook licensing proceedings back in the 1970s. In  
21 the late '70s, we formulated some policies, and then  
22 we were involved in some rulemaking in the 1980s. Of  
23 relevance here I'll mention two rules, the 1980  
24 proposed rule and the 1981 final rule, and explain the  
25 relationship between them. And by the way, we have

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1 handouts at the door containing these two rules if you  
2 want to read the details.

3 We issued a proposed rule in 1980 to  
4 establish a better review process for alternative  
5 sites. In 1981, we published a final rule that said  
6 that applicants need not consider alternative sites  
7 when obtaining an operating license after having  
8 obtained a construction permit, because the  
9 alternative of siting the nuclear plant elsewhere  
10 would not likely no longer be a reasonable under  
11 NEPA.

12 The final rule also said that we would  
13 continue to work on other issues raised in the  
14 proposed rule, but we stopped work on them because of  
15 the reduced interest in building new nuclear plants.  
16 Now, however, the climate has changed. The industry  
17 is interested in planning for future electrical  
18 demand, and we considered our responsibility to  
19 provide a regulatory process that's able [stable],  
20 predictable and timely one that's fair and objective,  
21 one that properly evaluates the issues but doesn't  
22 create unnecessary regulatory burden and, most  
23 important, one that meets the objectives of NEPA.

24 To bring you up to date, we're working on  
25 several matters dealing with alternative site reviews.

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1 As shown on this next slide, we have petitions for  
2 rulemaking from NEI [Nuclear Energy Institute]  
3 recommending eliminating alternative site reviews all  
4 together. We also have a letter from NEI recommending  
5 a slightly different approach to one of their  
6 petitions, and in that letter NEI recommends  
7 restricting the scope of alternative site reviews. We  
8 have to decide how to answer these items. And we have  
9 yet another letter from NEI proposing a resolution to  
10 their Generic Topic ESP-18A which addresses the nature  
11 of alternative site reviews for early site permit  
12 applications, and we plan to respond this spring.  
13 And, finally, we expect three applications for early  
14 site permits later this year. And so you see the  
15 issue is quite relevant today.

16 Now, before we can discuss how to better  
17 resolve this regulatory issue of meeting our  
18 obligations under NEPA to review alternatives, I want  
19 to make sure you know how our current regulatory  
20 structure deals with alternative sites. This next  
21 slide summarizes the regulatory structure that  
22 applies. We have rules, regulatory guides and an  
23 Environmental Standard Review Plan. To give you the  
24 bottom line, our regulations cover environmental  
25 reviews but do not specify in any detail how to do

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1 alternative site reviews. We review alternative sites  
2 as part of our environmental review. We use the  
3 Environmental Standard Review Plan, which gives  
4 detailed guidance, to review environmental reports and  
5 prepare environmental impact statements.

6 Now let's look more closely at the  
7 regulations. We have 10 CFR Parts 51 and 52. First  
8 and foremost, 10 CFR 52 Subpart A on early site  
9 permits, standard design certifications and combined  
10 licenses is of interest to us because we expect  
11 applications to come in under these regulations. Part  
12 52.17, Paragraph (a)(2) states that the environmental  
13 report and our environmental impact statement must  
14 include an evaluation of alternative sites to, and I  
15 quote, "determine whether there is any obviously  
16 superior alternative to the site proposed," unquote.  
17 I want you to know that the concept of "obviously  
18 superior alternative" needs discussing, and for that  
19 reason we placed it on the agenda for later today.  
20 Also I'll mention it again when I talk about the  
21 Standard Review Plan later.

22 So today we'll take your comments and  
23 consider whether we should be more specific in this  
24 regulation, because it doesn't say what constitutes  
25 the process to identify and screen alternative sites,

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1 nor does it give details for evaluating candidate  
2 sites. It also doesn't give any weighting criteria or  
3 address the importance of one criterion versus another  
4 in comparing and ranking sites. Ten CFR Part 51  
5 provides the regulations for carrying out NEPA. Part  
6 51 covers environmental reviews and describes the  
7 licensing actions that require an environmental impact  
8 statement. Part 51.7 requires applicants to discuss  
9 alternatives in submittals.

10 Well, now let's talk about the guidance.  
11 We have two regulatory guides on siting, and here I'll  
12 explain to you in the audience who don't know that  
13 regulatory guides are not regulations or requirements.  
14 They're written to guide licensees and applicants on  
15 suitable ways to conform to NRC regulations. In  
16 contrast, Standard Review Plans, which I'll discuss  
17 later, guide the staff in reviewing applications.  
18 Regulatory Guide 4.2, published in 1976, is on how to  
19 prepare environmental reports. Although it was  
20 specifically written to apply to construction permits  
21 and operating licenses, we believe that it can apply  
22 to early site permits and combined operating licenses.

23 Regulatory Guide 4.7, Revision 2, is  
24 guidance on general site suitability. More recent,  
25 revised in 1998, this guidance applies only to the

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1 initial stage of selecting potential sites, because it  
2 doesn't give details on how to rank the relative  
3 suitability of possible sites. What it does do is  
4 explain the major features of a site important to  
5 public health and safety and the environmental issues  
6 important in determining if sites are suitable, such  
7 as critical habitat for endangered species. It says  
8 if the sites appear to meet the general criteria, one  
9 must look at them in greater detail before considering  
10 them as candidate sites.

11 As for guidance for the NRC when reviewing  
12 applications, we use the Environmental Standard Review  
13 Plan for environmental reviews. And by the way, we  
14 have CD-Roms of this plan at the door if you want to  
15 read it. This is the most recent guidance we've  
16 issued, issued in March 2000, and we based it on  
17 precedence involving NEPA and the NRC and early  
18 rulemaking activities, among other things.

19 The Environmental Standard Review Plan  
20 tells us how to evaluate the region of interest,  
21 candidate sites and a reasonable number of  
22 alternatives and methodology. It also tells us how to  
23 review the comparison of alternative sites with the  
24 proposed site, and we do it in this way. First, we  
25 determine if any alternative sites are environmentally

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1 preferable to the proposed site. And by an  
2 environmentally preferable site, I mean a site for  
3 which the environmental impacts are sufficiently fewer  
4 than for the proposed site, such impacts, for example,  
5 as affect quality and endangered species. If we find  
6 any alternative sites that are environmentally  
7 preferable, we then determine if any of them would be  
8 obviously superior to the proposed site, and, again,  
9 we'll discuss "obviously superior" later.

10 Well, this is the bottom line of what will  
11 guide us on reviewing alternative sites. If we decide  
12 to change a rule or guidance, based partly on what we  
13 hear today, we will probably not have the change made  
14 in time for those first three early site permit  
15 applications. That's it for the regulatory structure.

16 To summarize so far, we've seen that the  
17 NRC staff needs to take a hard look at alternatives  
18 under NEPA. We have flexibility because NEPA does not  
19 spell out in detail how to review alternatives. We  
20 have a regulatory structure, but the rules and the  
21 regulatory guides are not very detailed. We do have  
22 detailed guidance in the Environmental Standard Review  
23 Plan that we can use, but today we want to take a  
24 fresh look and get your views on whether we should  
25 change anything.

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1                   Now, what are our options? We have two  
2 major considerations here. First, we need to think  
3 about concept and then implementation. As shown on  
4 this next slide, first we need to look at the issue  
5 conceptually; that is, how should we fulfill our  
6 obligations under NEPA? Do we keep the status quo and  
7 take no action, which means applicants identify a  
8 number of alternative sites in a certain geographic  
9 area, characterize them and then evaluate them using  
10 existing guidance, or do we modify the regulations and  
11 the guidance? If we modify regulations and/or the  
12 guidance, should we follow one of NEI's approaches,  
13 which would be to eliminate considering alternative  
14 sites entirely or to limit the evaluation of  
15 alternatives, or do you have other options to suggest?  
16 Once we answer that question, we can consider best how  
17 to implement the answer.

18                   As you can see from this next slide, the  
19 implementation options range from no action to  
20 rulemaking. Other options lying between these choices  
21 include issuing generic communications and revising  
22 the guidance. We could also use a combination of  
23 options, and perhaps you'll recommend others.

24                   Now I'll explain briefly what each option  
25 entails. In selecting the option, we should think

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1 about how binding should the option be, who should it  
2 apply to, and what procedures and time is required to  
3 put it into place? Option one, taking no action, the  
4 baseline case, would maintain the status quo. Under  
5 this option, we would review the suitability of the  
6 proposed site and whether an obviously superior exists  
7 on a case-by-case basis using the Environmental  
8 Standard Review Plan as guidance.

9 Consider that if we take no action, as we  
10 said earlier, the current regulations as opposed to  
11 guidance lacks specifics regarding alternative sites.  
12 Without clear specific regulations and accompanying  
13 guidance, we could all expend more resources than  
14 necessary on the environmental impact review because  
15 of the uncertainty about information and processes  
16 required. On the other hand, the status quo would be  
17 maintained if you're satisfied with things the way  
18 they are.

19 Option two would be to issue a generic  
20 communication. Remember that generic communications  
21 are also not requirements. They are an informational  
22 tool about a particular matter about which we want to  
23 communicate. Depending on what kind they are, they  
24 may or may not involve public participation. Through  
25 them we request that licensees take certain actions or

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1 make commitments or we use them to state a staff  
2 position. In the past, we've issued generic  
3 communications on safety issues, for example,  
4 involving inspections. Choosing this option we could  
5 issue generic communications regarding staff position  
6 papers available to the public that describe how we  
7 consider alternative sites under NEPA and how we  
8 review an environmental report using our Environmental  
9 Standard Review Plan. Not as formally as rulemaking,  
10 issuing generic communications would give us  
11 flexibility. This option would clarify staff  
12 positions, and it's faster than issuing a rule, but  
13 note that it would not necessarily involve public  
14 participation.

15 Option three would be to revise the  
16 regulatory guides. Remember that regulatory guides  
17 are guidance to licensees and applicants typically on  
18 what they should do to satisfy or implement a rule.  
19 They give us acceptable ways to demonstrate conformity  
20 with NRC regulations, and they are issued for public  
21 comment. On one hand, revising the guidance may not  
22 take as much time to implement as a rule. The  
23 approach could also improve the stability of the  
24 review process, and in addition it would definitely  
25 involve public participation. But revising the

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1 guidance is not completely prescriptive because one  
2 could choose not to follow it and establish an  
3 alternative licensing basis.

4 Option four would be to revise the  
5 Environmental Standard Review Plan. Remember that  
6 standard review plans are guidance to the NRC staff.  
7 Just as for regulatory guides, we do issue standard  
8 review plans for public comment. The Plan is already  
9 up to date, but we could revise it, for example, with  
10 respect to how many alternative sites to consider and  
11 how many to consider when a proposed site is on an  
12 existing site. Note, however, that the Environmental  
13 Standard Review Plan, being regulatory guidance,  
14 affords technical discretion to the judgement of the  
15 NRC staff. Just as revising regulatory guides[,] so  
16 too revising this Environmental Standard Review Plan  
17 could improve the stability of the review process  
18 without changing regulatory requirements.

19 Now, option five is rulemaking.  
20 Rulemaking presents the most extreme contrast to the  
21 no action item -- option, rather. Unlike the options  
22 we've covered so far, rules are formal requirements.  
23 Unlike changing the guidance, which clarifies current  
24 practice to match current requirements, rulemaking can  
25 change the requirements. What's involved in

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1 rulemaking is this: When we find a need to change the  
2 regulations, we publish the proposed rule for public  
3 comment, address the comments and then issue a final  
4 rule. We also develop or modify guidance to go along  
5 with the rule; that is, the regulatory guides and the  
6 standard review plan. The process typically takes at  
7 least 18 months from start to finish, and so it would  
8 take longer to develop and fully implement a rule and  
9 to only revise the regulatory guides or the standard  
10 review plan, as in options three and four.

11 Rulemaking could specify the criteria for  
12 alternative site reviews. The key features of  
13 rulemaking are these. In developing a rule, we may  
14 consider many views, because rulemaking requires  
15 opportunity for public input and Commission approval.  
16 The process is more formal than for the other options,  
17 and the criteria are carefully considered at all  
18 stages. The extent of changes under rulemaking can be  
19 greater than just revising the guidance, and if we  
20 decide to go down this path, we need to think about  
21 what the rule should say, how detailed and  
22 prescriptive it should be.

23 Now that's it for options. And now let's  
24 turn to the question about how to decide which of  
25 these options would best solve the issues. As shown

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1 on this next slide, we propose to use as evaluation  
2 criteria that the option meets, one, our NEPA  
3 obligations to review alternatives, and, two, the  
4 Commission's four performance goals, which are to  
5 maintain safety and protect the environment, enhance  
6 public confidence, enhance our efficiency and  
7 effectiveness and reduce unnecessary regulatory  
8 burden.

9 All of these options appear to meet these  
10 criteria, but we still need to determine on the  
11 balance which one would be the best. We could also  
12 use a combination, such as revising the guidance to  
13 review an early site permit while working on a rule  
14 which would take more time. But at any rate, revising  
15 the regulatory guides, that is the guidance to the  
16 applicants, without revising the Environmental  
17 Standard Review Plan, that is the guidance to the  
18 staff, could lead to confusion and inconsistencies.

19 Now, to summarize, as shown on this next  
20 slide, we've laid out the issue explaining why there  
21 is one and some of its history and relevance, how are  
22 [our] regulatory structure addresses it, the options  
23 for resolving it and suggested criteria for deciding  
24 which option would be the best. I'll now turn the  
25 meeting over to Chip who will take your questions,

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1 check the agenda and identify issues for further  
2 discussion.

3 MR. CAMERON: Okay. Excellent, Lee.  
4 Thank you for that overview. I think you can all see  
5 that there is a lot of moving parts involved here in  
6 terms of the regulatory framework of rules, guidance,  
7 standard review plan, some suggestions from NEI for a  
8 petition for rulemaking. I think it's important to  
9 make sure that you all understand that, and I would  
10 suggest that we go to you for questions about that  
11 regulatory framework as an introduction to talking  
12 about some of the issues about whether how to proceed  
13 with rulemaking before we get into all the discussion  
14 of the specific rulemaking issue.

15 So let me see if there are any questions  
16 about the regulatory framework at this point that  
17 anybody has. Well, you did a great job, Lee, because  
18 everybody understands that. How about the issue of  
19 the options and do we need to proceed with a  
20 rulemaking? Does anybody have any perspectives on  
21 that particular subject at this point? Bob, you look  
22 like you want to say something, so why don't we -- and  
23 please introduce yourself.

24 MR. BISHOP: Given the opportunity, of  
25 course. My name is Bob Bishop, I'm with NEI. I guess

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1 my sense, in going back to earlier comments that Lee  
2 made, is that from my perspective there's great need  
3 for stability. And the way to bring about stability  
4 is -- environments [compliance] associated with the  
5 Administrative Procedure Act. And I think that --

6 (Informed mic is fritzzy.)

7 MR. BISHOP: Now if I only knew which two  
8 things [were not recorded]. I think regulatory  
9 stability is a key goal of the entire NRC regulatory  
10 process, and that serves everyone well -- the license  
11 applicants, affected members of the public, those who  
12 are concerned in the political context. But as Lee  
13 also pointed out, these things are not mutually  
14 exclusive. Regulatory processes have a variety of  
15 characters, and one could modify the guidance  
16 consistent with the current regulation while one seeks  
17 to revise that regulation, and I would suggest that  
18 because this is a vital need for the industry, there  
19 are applications that will be filed soon.

20 The regulatory horizon need not be 18  
21 months away. I know that the NRC has fairly well  
22 adopted the wisdom that because it seems to take 18  
23 months, on average, then that's how long it should  
24 take. I would argue that there is no legal  
25 requirement why it has to take that long, it's just a

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1 question of putting the resources behind it, and I  
2 would argue that this deserves a priority so it need  
3 not take that long. I think the only requirement that  
4 courts have upheld is reasonable notice, which in some  
5 context has been held to be as little as 15 days for  
6 comment on a proposed rule. I do not suggest that  
7 this because of its importance should be constricted  
8 in that way, but I think there are ways in which this  
9 process could be far more efficiently managed so it  
10 need not take that long to get to the necessary  
11 stability that we all seek.

12 MR. CAMERON: Right. Okay. Bob gave us  
13 some suggestions in terms of the approach here, and I  
14 guess I would like to go to others in the audience to  
15 see if they have any either [other] comments on the  
16 approach that Bob suggested or any other ideas on how  
17 the NRC should proceed in this case. Anybody else?  
18 All right. Jim, can you come up here because I guess  
19 that's --

20 MR. RICCIO: I'm Jim Riccio with  
21 Greenpeace. Just to address a few of the issues here,  
22 before we even get into this entire process, the issue  
23 of uncertainty in the licensing of these new designs  
24 basically is being fostered by the nuclear industry.  
25 We wouldn't have a problem with uncertainty if the

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1 industry actually knew what type of design it wished  
2 to construct. Yet we're spending time trying to skirt  
3 NEPA here, there and everywhere in order to basically  
4 ease the inability of the industry to put forward a  
5 reactor plan. I don't believe that this is imminent.

6 The NRC actually dropped this issue back  
7 in 2000 because there were no designs on the horizon.  
8 There still aren't any designs on the horizon that the  
9 industry wishes to build, and if we're going to be  
10 addressing this issue -- I just want to read you  
11 something that I pulled off of ADAMS [NRC's Agencywide  
12 Documents Access and Management Systems]. It comes  
13 from 1957 back when the Agency was actually licensing  
14 reactors to build. It was written by a guy named  
15 Clifford K. Beck, and he's talking about site  
16 selection. Quote, "It is impossible to evaluate the  
17 safety adequacy of a given site independently of a  
18 consideration to the type of reactor to be located  
19 there, it's characteristics and its type of facilities  
20 to be associated there with."

21 I think we can clear up a lot of the  
22 uncertainty in this process if the Agency and the  
23 industry would merely put forward an actual reactor  
24 design they wish to construct. If you look at the  
25 North Anna site, for instance, where they want to site

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1 a new reactor, we're dealing with -- this past year we  
2 dealt with the fact that there was a drought there,  
3 and you had basically reactors that were having  
4 problems -- basically operating out of tech specs  
5 because of lack of water on the site. Now, if the  
6 industry were going to site another reactor that was  
7 going to pull water from that site, would that be  
8 taken into consideration? Now, absent knowing what  
9 type of design they're going to construct, that may  
10 not even be an issue.

11 I think we do have to back this up. I  
12 realize this is kind of throwing a kink into your  
13 work, so you want to go down and see if we need to  
14 rewrite the rules again for the industry, but the  
15 uncertainty in the process is really coming out of  
16 their inability to choose a design, and absent that I  
17 don't see how you can actually get there and have a  
18 reasonable process.

19 MR. CAMERON: Okay. Thanks, Jim. Jim  
20 brought up the issue of design which is obviously can  
21 be substantive issue to be considered, but Jim was  
22 also raising it in sort of a process mode in that  
23 that's the key to eliminating uncertainty with the  
24 process. It's his suggestion. Does anybody want to  
25 comment on the design issue from a process point of

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1 view? I think it's going to come up later in terms of  
2 substantive criteria, but, Bob, do you want to say a  
3 few words on that? This is Bob Bishop from NEI again.

4 MR. BISHOP: And I promise only a few.  
5 Rather than just respond to each of the points that  
6 Mr. Riccio has made, let me just observe that the  
7 Commission back in 1980 adopted a regulatory process  
8 which provided for early site permits to allow the  
9 environmental evaluations to be done so a site could  
10 be deemed suitable for possible use for a nuclear  
11 power plant as well as potentially for other uses.  
12 That has at its heart the fact that a design would not  
13 have been chosen at the time that an early site permit  
14 was sought, that in fact the permit is good for 20  
15 years and potentially renewable for another 20 years,  
16 thereby keeping that site open for possible use. And  
17 Mr. Riccio, I guess, would have the NRC reconsider its  
18 whole process for the three-step process of siting new  
19 power plants, which is at the heart of Part 52, and I  
20 think that that's really beyond the scope of this  
21 discussion today.

22 MR. CAMERON: Okay. So at least for early  
23 site permits, you're clarifying or putting on before  
24 us the fact that ESP [early site permit] is not  
25 dependent on having a design. Any other comments on

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1 the design issue before we move on? Yes. This is  
2 Frank Gillespie. Go ahead.

3 MR. GILLESPIE: Yes. I'm hesitant to kind  
4 of leave it, that it's independent of design. In  
5 fact, in the discussions back then, there was some  
6 dependency on the design, and I hate to say it, but  
7 I've got two people from two different points of view,  
8 and they're both a little bit, I think, right in that  
9 what was talked about at those times was that in  
10 evaluating a site you would have some type of design  
11 envelope which would address environmental impact  
12 issues, and, Barry, you can jump in here, such as  
13 thermal output. It would have to address emergency  
14 planning, it would deal with effluence [effluents].  
15 And you create a design envelope. And the downside is  
16 if the design envelope that went as part of the site  
17 evaluation didn't match the design you wanted to put  
18 on it, then you couldn't put the design on it. So it  
19 is incumbent upon the applicant to create a design  
20 envelope. Now, he may do that by referencing an  
21 existing plant or another design, but he does -- we do  
22 have to have a certain amount of parameters that do  
23 impact and interface with the environment defined.  
24 And I think the Commission's position was they thought  
25 we were capable of defining that design envelope.

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1                   Now, there's a risk there for the  
2 industry. They could get approval for a site and 20  
3 years from now have the plant they want to put on it  
4 and that plant isn't going to fit and they've got to  
5 start over again. But that's a business risk that  
6 they have to choose to take, and it's not the NRC  
7 business to dictate that business risk. I think  
8 that's closer to what the Commission kind of said. It  
9 wasn't an all or nothing kind of issue. It does deal  
10 with some aspects of design.

11                   MR. CAMERON: Okay. Thank you, Frank.  
12 And I see Bob Bishop nodding his head affirmatively in  
13 agreement with that. Anybody else on that particular  
14 issue? Any comments on, again, on whether to proceed  
15 with rulemaking or solely rely on existing guidance or  
16 revise the guidance? Bob Bishop talked about the key  
17 criterion being stability. Any comments on that?  
18 Okay. Frank? I'm glad you asked him to be here.

19                   MR. GILLESPIE: I feel like -- no. I was  
20 going to wear my sweater that had the American flag on  
21 the front of it and wrap myself in the flag. I just  
22 get nervous when we deal in absolute statements, like  
23 the stability is the only reason [for rulemaking]. I  
24 will suggest that in the national interest that NEPA  
25 -- public disclosure of the basis for the various

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1 alternatives is also an important part of the whole  
2 process and is part of the NRC's piece of it. And it  
3 relates to a comment I made. If you are firm and  
4 believe in your decision process, you have within a  
5 utility [a process] that gets you to the business  
6 decision to select a site, then some subset of that  
7 information undergoing public scrutiny on why that's  
8 a good site, we shouldn't be afraid of that, which is  
9 -- and this process shouldn't have to do a whole lot  
10 more, I don't think, than the logic you would go  
11 through in actually making your commercial decision  
12 for a site.

13 So I think there is two things. One is,  
14 as Bob said, stability, and we all want stability, and  
15 the other one is the idea that public scrutiny has to  
16 be allowed, I guess mandated.

17 MR. CAMERON: Okay. Frank, let me -- and  
18 I want to ask you a question and everybody in the  
19 audience on this too, and I'm not trying to -- I know  
20 this is without prejudice to --

21 MR. GILLESPIE: Oh, this is actually fun,  
22 so it's --

23 MR. CAMERON: -- without prejudice to  
24 whatever the staff, whatever the Commission ultimately  
25 decides to do. But in terms of the public disclosure

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1 or transparency of the decisionmaking process, is one  
2 of the options, in other words, any better than the  
3 other for accomplishing that? In other words, do you  
4 need to do a rulemaking to provide that -- best  
5 provide that transparency or can that transparency be  
6 providing by enhancing the guidance or the standard  
7 review plan?

8 MR. GILLESPIE: I think the transparency  
9 could be provided, actually, without changing the  
10 rule, but without changing the rule you probably can't  
11 provide the assured stability that the industry wants.  
12 So I can't take both objectives out of context, not  
13 with each other, because clearly anything the staff  
14 reviews goes on the docket, and if the staff doesn't  
15 have enough information, they're going to request  
16 additional information. So I think to achieve what we  
17 need to achieve, we do need to keep all the options  
18 open. I wouldn't want to foreclose any option,  
19 because we want stability but we want public  
20 disclosure and scrutiny also. So I think you have to  
21 answer both at the same time and they're not mutually  
22 exclusive.

23 MR. CAMERON: All right. Thank you. Let  
24 me get some other views on the point that Frank  
25 brought up. Bob?

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1                   MR. BISHOP: Lest the record suggest that  
2 I thought that stability was the only goal, that's  
3 clearly what I intended. That was in the context of  
4 what regulatory process to use. But while we're  
5 talking about the fundamental concepts, I would add to  
6 stability and public participation the fact that --  
7 let me state it just to make the record clear, the NRC  
8 has got to do what the law requires. The next logical  
9 aspect of that is that the NRC should also make sound  
10 policy decisions about what's the best way to  
11 accomplish what the law requires, and I think there  
12 are a number of options that we will hopefully get to  
13 today, but they all, at heart, have within them the  
14 context that you've got to make sure you satisfy the  
15 law.

16                   Then it's a question of what's the right  
17 policy decision on how to meet those legal  
18 requirements, as well as the need for and the  
19 desirability of public participation, and I would  
20 suggest therefore then the stable regulatory process,  
21 a predictable result so that licensees and members of  
22 the public can understand what the rules are and  
23 ensure that they comply with them so that you get  
24 decisions, plus or minus, up or down, in a very timely  
25 fashion without the needless waste of resources on

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1 things that, in the larger scheme of things, really  
2 shouldn't matter.

3 MR. CAMERON: Okay. Thanks, Bob. And,  
4 Jim, I don't want to just pick on you or focus on you  
5 as any other comments, but I just wanted to see do  
6 you have any comments on the transparency of the  
7 decisionmaking process issue at this point? All  
8 right. Anybody else want to say anything on these  
9 particular issues of moving forward? And I think that  
10 Bob's point about, quote, "satisfy the law," unquote,  
11 there will be some specific issues that we discuss  
12 today that will bring that criterion in.

13 Okay. Well, Lee, thank you. Thank you  
14 very much. That was an excellent presentation. Good  
15 overview. And I think that we're going to be ready to  
16 talk about specific issues. The first one is the --  
17 what type of approach we use. It is 10:15. Do we  
18 want to take a short break to get coffee, other things  
19 at this point? Our agenda calls for us to be where --  
20 10:20. So I guess we're amazingly on schedule here,  
21 so why don't we take a break for, say, 20 minutes,  
22 give you time to get up and get coffee. I'm going to  
23 ask someone who knows the answer to this question, did  
24 the visitor badges -- can you just go upstairs to the  
25 coffee shop? Okay. Good. Well, let's reconvene at

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1 25 to 11, and we'll get started with specific issues.

2 (Whereupon, the foregoing matter went off  
3 the record at 10:15 a.m. and went back on  
4 the record at 10:40 a.m.)

5 MR. CAMERON: Okay, everyone. Let's get  
6 started with the rest of the discussion. And I just  
7 want to sort of review the bidding, so to speak, from  
8 our previous discussion. A couple people during the  
9 break said, "Well, why are we here? What are we  
10 trying to accomplish?" And I think you heard people  
11 express a number of goals: ensure that there's  
12 effective public participation in the process,  
13 stability, predictability, transparency of the  
14 decisionmaking process, certainly efficiency could be  
15 an objective, in other words, don't unnecessarily  
16 waste money, although people might frame that  
17 differently, we heard make sure the law is satisfied.  
18 So keep those in mind as we proceed through our  
19 discussions.

20 One issue that we're going to come back to  
21 that's in the parking lot is we heard Bob Bishop  
22 mention the fact that, well, you can do a rulemaking  
23 faster than the standard time that we do rules now if  
24 indeed we did a rulemaking, and I think we'd like to  
25 put a finer point on that before we go home today to

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1 maybe get some input from Bob and others as well. How  
2 would you suggest that we do that? So think about  
3 that and we'll have a discussion on that.

4 And with that -- and I was wrong, I  
5 thought we were ahead of schedule or on schedule, and  
6 I felt better when I found out that we were behind,  
7 because that's usually where we are. So we're going  
8 to go to Lee Banic now to just tell us a little bit  
9 about the next discussion issue, which is if there  
10 were a rulemaking, there's two possible approaches to  
11 use for a process for the selection of candidate  
12 sites. Lee?

13 MS. BANIC: Okay. The purpose of having  
14 an approach to select sites is to end up with a set of  
15 alternative sites that are among the best to be  
16 reasonable [reasonably] found and to bound the search.  
17 To select sites there are at least two possible  
18 approaches. One would focus on the process to select  
19 sites, and another would focus on the sites  
20 themselves. Or we could use an approach that has two  
21 steps: first consider the process and then the sites  
22 themselves. In fact, our Environmental Standard  
23 Review Plan looks at both the process and whether the  
24 sites meet certain criteria.

25 An approach that focuses on the process

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1 would ensure that the process considers the aspects of  
2 a site that could affect its acceptability as a  
3 possible site. One would ask such questions as does  
4 the process consider state and federal water and air  
5 requirements? Does it consider endangered species,  
6 critical habitat, wetlands? Does it violate or ignore  
7 any state planning regulations? Using an approach  
8 that focuses on the sites themselves or is a second  
9 step of the approach I just described, one would ask  
10 would a plant meet state and federal water and air  
11 requirements if built on the site? What would be the  
12 effect of building and operating a plant there beyond  
13 wetlands, critical habitat, migratory pathways? And  
14 do the sites meet state planning regulations? What do  
15 you think?

16 MR. CAMERON: Okay. First of all, let me  
17 ask whether there's any -- is it clear what the  
18 difference is between these two approaches? Okay.  
19 Any comment on whether one approach is better than  
20 another? And I know that you sort of have to suspend  
21 disbelief in a sense here because there's questions  
22 that could be answered on other issues that would  
23 eliminate the need to focus on either of these  
24 approaches. But assume that we were going forward --  
25 if we were going forward with a rulemaking, is one of

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1 these approaches any better than the others or should  
2 it be a combination approach? Is this question worth  
3 considering? Let me go to Geary Mizuno from our  
4 Office of General Counsel to just get a clarification  
5 on something. I take it that's what you want to do.  
6 All right.

7 MR. MIZUNO: This approach or these  
8 possibilities do not depend upon whether there is a  
9 rulemaking, [they] also [are an] approach that [could  
10 apply to] guidance.

11 MR. CAMERON: Thank you, Geary. An  
12 important clarification: It doesn't necessarily  
13 depend on a rulemaking. Comments on this? Jim, do  
14 you have any preliminary thoughts on this?

15 MR. RICCIO: Just that I would prefer to  
16 see you guys go to rulemaking rather than reg guides.  
17 Reg guides aren't enforceable and at least the public  
18 would have an opportunity to participate in any  
19 potential rulemakings.

20 MR. CAMERON: Okay. And we're going to  
21 apply that comment generally across the board, not  
22 just on this particular issue. But you heard Jim's  
23 recommendation on go to rulemaking for the reasons he  
24 offered. Anything on approach at this point? Bob?  
25 Lee, is there any particular question that you want to

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1 ask people on this selecting alternative sites or any  
2 of the NRC staff? Is there any burning point that we  
3 need to get input on this particular issue? Okay. So  
4 I guess that -- and I guess that what people are  
5 saying or not saying here is either it's not going to  
6 make a difference whichever approach you take or  
7 there's not enough information now to be able to say  
8 one way or the other. Patricia, do you have anything  
9 on this?

10 MS. CAMPBELL: My name is Patricia  
11 Campbell from Winston and Strawn. I guess I would  
12 like to know if you have a concept, if you're going to  
13 focus on the process, does that mean at the end you  
14 actually -- or you just repeat the process?

15 (Informed mic is fritzzy.)

16 MS. CAMPBELL: Okay. My name is Patricia  
17 Campbell from Winston and Strawn. I just would like  
18 to know when you talk about focusing on the process,  
19 is your concept that you would just review the process  
20 that the applicant applied or would you actually end  
21 up looking at the sites that they selected as a result  
22 of the process? What is the real distinction between  
23 these two, if you could just go into that a little  
24 bit.

25 MR. CAMERON: Who would like to address

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1 that from the NRC staff?

2 MR. ZALCMAN: Barry Zalzman, staff. I  
3 think part of the challenge is how to go about looking  
4 at the problem. You can either have the top-down  
5 approach or bottom-up approach, and this is what was  
6 intended by the two different ways of slicing the  
7 challenge. From the process perspective, we're asking  
8 a certain set of questions. If you go back through  
9 the articulations of what those questions would be,  
10 they're not unlike what we would ask also at the site  
11 level. Our process right now laid out within our  
12 review plan is in fact to do a combination of the two,  
13 looking at it from a holistic perspective first,  
14 asking us has the applicant established a fair and  
15 objective approach for selection of alternative sites?  
16 What are the steps that they're going through to make  
17 the judgments? And that's even before they actually  
18 look at sites.

19 The alternative is you have sites  
20 available to you either through ownership as an  
21 applicant or through other siting processes where  
22 you've looked for aerial extent, proximity to  
23 transmission lines, a variety of other technical  
24 factors, technology factors, considering endangered  
25 species or wetlands and then offering them up and then

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1 judging through the filtering process whether or not  
2 they would be among the best that are possible  
3 candidates for consideration. So all we're saying is  
4 that right now our view is to look at both of those  
5 issues. We're putting it out on the floor is there a  
6 preferred methodology, is there an alternate  
7 methodology, is there a concern on the part of an  
8 industry representative or an applicant that has a  
9 certain approach in mind that is more effective? This  
10 is a question that we're raising as opposed to, if  
11 you've had the opportunity to look at staff guidance  
12 in this area, is it robust, is it fair, is it  
13 objective?

14 Lee, you may want to use those questions  
15 again, and I think the challenge to the audience may  
16 have been that it was very abrupt when you asked the  
17 question what do you think? But if you can step  
18 through those same questions again from a process  
19 perspective and then the site perspective, perhaps  
20 that's a better opportunity for clarity.

21 MR. CAMERON: Okay.

22 MS. BANIC: If you're focusing on the  
23 process, you could ask does this process consider  
24 state and federal water and air requirements? Does  
25 the process consider endangered species, critical

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1 habitat, wetlands? Does it violate or ignore any  
2 state planning regulations? If you focused on the  
3 sites themselves or as a second step of the process  
4 approach, you could ask would a plant meet state and  
5 federal water and air requirements if built on the  
6 site? What would be the effect of building and  
7 operating a nuclear plant on wetlands, critical  
8 habitat, migratory pathways? Do the sites meet state  
9 planning regulations?

10 MR. ZALCMAN: Okay. So there the  
11 questions are either, on the latter case, a focus on  
12 sites. It's site-centric, looking for the site  
13 outward, would it comply, as opposed to the process  
14 where you're asking what are the fundamental filters  
15 that you must go through.

16 MR. CAMERON: So let me see if I can  
17 clarify this. If you focused on a process looking at  
18 the types of questions that Lee put forth, then a  
19 company, an applicant would be in compliance if they  
20 could demonstrate that their process considered all of  
21 those things, and the NRC would not look beyond that  
22 as to what the actual answers were? I just want to  
23 make sure that people understand what the implications  
24 are of one approach versus another.

25 MR. ZALCMAN: Yes. In the end, you would

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1 be looking at the individual sites, but it's process-  
2 driven as opposed to the alternative where you're  
3 looking at the attributes of a specific site complying  
4 with each of the filters. And it's a very subtle  
5 difference between the two, but it's an important  
6 distinction. Our approach right now is to look at the  
7 combination of the two, make sure that we haven't  
8 overlooked one for the other.

9 MR. CAMERON: Okay. Let me ask if --  
10 where we started on this discussion it seemed that the  
11 conclusion was is that there wasn't any strong --  
12 there wasn't a strong feeling one way or the other on  
13 this particular issue. Having heard Lee and Barry,  
14 does anybody want to offer anything more on this  
15 particular issue? Okay. Russ? And please introduce  
16 yourself.

17 MR. BELL: I'm Russell Bell with NEI. I  
18 guess my part of my difficulty is that this issue is  
19 linked to some of the larger questions before us, so  
20 it's hard to speak to this particular choice. As I  
21 understood Lee, a focus on the process would be  
22 followed by a look at the sites in particular under  
23 Option A there, if there is an A and a B option. I  
24 think that from the industry's perspective and the  
25 approach we put forward in our petition, as modified

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1 in a letter last month that Lee identified, I think we  
2 might put it this way, and I know I'll be corrected if  
3 I have this wrong: To the extent the company, the  
4 applicant looks at alternative sites, I think the  
5 focus of the NRC review under NEPA ought to focus on  
6 those alternative sites themselves. So I think I'm  
7 focusing on the middle bullet there as preferable as  
8 opposed to one that perhaps gets people into the  
9 process for how those sites were selected. I think  
10 that's consistent with the approach the industry's  
11 recommending.

12 MR. ZALCMAN: This is Barry Zalcman again  
13 from staff. One of the challenges we have is we have  
14 a number of different venues that we're operating [on  
15 under] the common theme [of site selection]. Lee  
16 tried to point that out a little earlier. As a matter  
17 of fact, tomorrow we have another meeting, the Early  
18 Site Permit Task Force that's headed up by NEI. And  
19 then we have three specific applicants that are likely  
20 to be forthcoming later in the year.

21 The situation that we have with the three  
22 applicants, which is considering expanded use of the  
23 sites that already have nuclear facilities on them, is  
24 different than a theme where we're trying to deal with  
25 a regulatory framework that deals with all options, in

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1 fact, all the way through the greenfield. And I think  
2 that's what Chip was trying to lay out at the outset,  
3 and Frank had comments on that earlier, that if you  
4 look at it from a greenfield perspective, certainly  
5 that is a different bias than if you're using the  
6 brownfield or a fully developed site with a potential  
7 expanded use. So we don't want to confuse the  
8 different venues. The material that NEI had provided,  
9 both in a petition for rulemaking, the second venue,  
10 which is the Early Site Permit Task Force and this is  
11 a third venue, has use. But our objective, I think,  
12 under this initiative is to focus on alternative sites  
13 independent of specific applications or the  
14 perspective applications that we see just before us.  
15 So I think that's an important distinction, and we  
16 should keep that in mind that we're looking at  
17 alternative sites for the whole gamut of applications  
18 that we are ever likely to see.

19 MR. CAMERON: And in regard to that,  
20 Barry, is it -- are you suggesting that one of these  
21 approaches versus the other might be preferable for  
22 the type of activity that we're involved in at the  
23 time?

24 MR. ZALCMAN: Well, I think when -- and  
25 Lee will go through a little more detail on how we go

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1 about looking at the criteria for judgments, how the  
2 staff conducts its evaluation. And in the end when  
3 you look at expanded use of an existing site that  
4 perhaps has few if no defects, how is that comparable  
5 to sites that do have defects, and what is the extent  
6 of the search, and you may have to go forward. What  
7 is a reasonable set of alternatives where perhaps an  
8 existing site that has no foreseeable impacts, even  
9 from a cumulative perspective, in other words, there's  
10 plenty of water, we don't have, as Jim pointed out,  
11 Mr. Riccio, there were challenges in water space  
12 perhaps at some site. If there's abundance of water,  
13 if there's abundance of land, there's no major  
14 population center, we're not dealing with critical  
15 habitats, in all respects using our filtering criteria  
16 if everything appears to be environmentally  
17 acceptable, and I'll put that in quotes or italics, to  
18 what extent should we be looking, we meaning the  
19 collective, not just the applicants or the Agency but  
20 also the general public, to what degree should we be  
21 looking at an alternative? What constitutes a  
22 reasonable search for alternative sites compared to a  
23 site perhaps that may have a number of challenges  
24 already? Would we have to look further? So these are  
25 questions to stimulate discussion, but how we go about

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1 looking at expanded use of an existed [existing] site  
2 may be far different than how we look at the  
3 greenfield, and I think that was a point that Frank  
4 was making earlier.

5 MR. CAMERON: Okay. Well, I think that  
6 distinction is going to apply to a number of the  
7 issues that we talk about, and it's not just focused  
8 on this particular issue. Perhaps we should move into  
9 the -- as Russell suggested, that it may depend --  
10 which approach you take may depend on how you answer  
11 some of the other issues. So maybe we should move  
12 into the first specific issue, which is region of  
13 interest, at this point. And can you tell us a little  
14 bit about that, and then we'll discuss it?

15 MS. BANIC: What is a region of interest?  
16 It's the geographic area considered in searching for  
17 candidate sites. Why have a region of interest? To  
18 bound the search and to establish a slate of the best  
19 sites that can reasonably be found. In the past,  
20 likely areas for regions of interest were the state in  
21 which the applicant would locate the proposed site, or  
22 the applicant service area. Applicants could expand  
23 or contract these areas depending on various factors,  
24 such as environmental diversity, costs, state laws.  
25 Now, deregulation of the electric utility industry

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1 might affect the region of interest, because in a  
2 partially deregulated industry, which we have today,  
3 the agreements to buy power from a merchant plant  
4 could involve customers in many states because  
5 merchant plants have no established service area.

6 Remember that a merchant plant is an  
7 unregulated plant operating as a merchant in an open  
8 market, whereas an electric utility is a regulated  
9 entity with rates established by itself or by the  
10 government. Merchant plants are constrained mainly by  
11 the economics of securing a site and access to  
12 transmission lines. It may not be reasonable,  
13 however, to expand the region of interest to include  
14 areas at great distances from the proposed site.

15 Given deregulation, one must consider  
16 various, sometimes competing factors, such as  
17 population, that is, we want to site away from highly  
18 populated areas but near the customers; the projected  
19 power pool supply and demand, meaning where the  
20 customers are likely to be, how much power the  
21 customers have, whether it's a shortage or an excess,  
22 and the region of interest should be where there's a  
23 shortage; multiplicity of environmental settings,  
24 meaning many settings would not be good to site a  
25 power plant, such as in wetlands or critical habitat;

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1 resource areas, this concerns how applicants would get  
2 supplies in, such as fuel, by boat, and is there a  
3 sufficient labor force.

4 Now, what if we didn't have a region of  
5 interest? What if it was up to the applicant to come  
6 up with alternative sites that meet their needs,  
7 efficient power production and our site suitability  
8 requirements using process or site approaches? We  
9 could say to applicants, "You tell us what sites you  
10 selected and how you selected them" and then evaluate  
11 the reasonableness of the selections.

12 So now we'd like to hear what you think  
13 about this. I'll turn the meeting over to Chip to get  
14 your views.

15 MR. CAMERON: Lee, to make sure that we  
16 all understand, one possible option here would be to  
17 not worry about specifying a region of interest at all  
18 --

19 MS. BANIC: That's right.

20 MR. CAMERON: -- but just to look at the  
21 reasonableness of how the --

22 MS. BANIC: Right.

23 MR. CAMERON: -- applicants looked at  
24 this. Okay. Comments on region of interest? We're  
25 going to go to Bob Bishop, NEI

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1 MR. BISHOP: This is Bob Bishop again. I  
2 guess in the interest of time let me just suggest my  
3 answer is B, as, Lee, as you laid them out. Region of  
4 interest is a creation of the NRC's analytical  
5 process. There is no legal bound for that. I would  
6 suggest, as Barry Zalzman suggested, we need to keep  
7 in mind not only the early site permits, which are  
8 those most topically before the Agency, but how this  
9 is going to apply to everyone in every context.

10 And I guess I would just underscore and  
11 state as briefly as I can our position, as we've  
12 documented to the NRC, is that the NRC need not, and  
13 in fact the law does not require, I would suggest the  
14 NRC has not the ability to evaluate for itself what  
15 are possible sites that somebody someplace might use,  
16 might want to use, might be alternatives to that which  
17 has been suggested. I mean, Chip, as you said  
18 earlier, a lot of these things roll back on one  
19 another, but I think at bottom our view is that the  
20 NRC should be guided by what the applicant has  
21 evaluated, the business decisions that the applicant  
22 has made, the process by which the applicant conducted  
23 that evaluation, and that should be the limit to the  
24 Agency's need for, the Agency's consideration of  
25 alternatives.

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1           The Agency need not try to evaluate  
2 whether geographically or philosophically or  
3 economically there is some other site, some other  
4 place that might be suitable. I think the law  
5 provides a clear basis for the NRC to conclude that it  
6 is the applicant and the applicant's analysis and the  
7 applicant's alternatives which are before it, which it  
8 should evaluate, and it can limit itself to that  
9 thoughtful analytical process.

10           MR. CAMERON: Okay. Bob, let me ask you  
11 just a clarifying question on that. Does that premise  
12 apply to more than just the region of interest issue?  
13 Would it also, for example, apply to specifying number  
14 of sites?

15           MR. BISHOP: Yes.

16           MR. CAMERON: Okay. Do we have --

17           MR. BISHOP: I'm sorry, would you like a  
18 longer answer?

19           MR. CAMERON: No.

20           MR. BISHOP: Oh, good.

21           MR. CAMERON: I mean I feel -- I'm glad  
22 that I got that one-word answer from you. Okay. So  
23 everybody, I think, understands what Bob is saying  
24 there. Are there other views on requirements for  
25 region of interest? And I think, you know, we could

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1 go to -- yes, sir, and please introduce yourself to  
2 us.

3 MR. POLONSKY: Alex Polonsky with Morgan  
4 Lewis. I just want to echo what Bob said. The  
5 introduction earlier this morning stated that NEPA, as  
6 a statute, states only that an agency need to look at  
7 a reasonable range of alternatives. It doesn't  
8 identify the number of sites, it doesn't provide  
9 criteria. But that in itself is something that can  
10 easily be met as long as for most applications some  
11 alternatives are provided and that those alternatives  
12 are deemed to be reasonable. And I'll just leave it  
13 at that.

14 MR. CAMERON: Okay. Thank you, Alex. And  
15 I guess that gets to the big question that's posed by  
16 one of the positions in the first NEI petition, which  
17 is even though you rely on looking at what the  
18 applicant looked at, are there any minimum  
19 requirements that could be set beforehand for what the  
20 applicant should look at? Bob Bishop has suggested  
21 that, well, let's not specify region of interest,  
22 let's not specify a required number of sites. But is  
23 there anything that could be specified as a minimum in  
24 terms of what the applicant should do in these cases?  
25 And does anybody else have a comment on these issues?

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1 George, do you want to chime in on this at this point?

2 All right. Anybody have anything to offer on this?

3 Okay. And this may be a short discussion  
4 also in terms of number of sites, and Dennis Allison  
5 was going to talk to us a little bit about that.  
6 Dennis?

7 MR. ALLISON: Okay. The question here is  
8 simply should the NRC specify some minimum number of  
9 sites that need to be considered? And if you think  
10 that it should, two approaches that come to mind  
11 rather quickly are the approach taken in the 1980  
12 proposed rule and the approach that's being taken by  
13 at least one of the prospective ESP applicants.

14 In the 1980 proposed rule -- we have  
15 another slide now -- in the 1980 proposed rule, there  
16 were a set of rules laid out that said at least four  
17 sites, one proposed and three alternatives, this is  
18 tied with the region of interest, by the way, at least  
19 one site for each type of water source, physiographic  
20 unit in the region of interest, and at least one of  
21 the alternative sites ought to have the same water  
22 source as the proposed site. So those are the rules  
23 laid out in 1980 in the proposed rule.

24 The other approach, which is on the next  
25 slide, is one taken by -- and I just happened to be at

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1 a meeting and hear what Virginia Power -- or Dominion  
2 was saying about the North Anna application that  
3 they're planning to submit. They're planning to --  
4 that applicant is planning to submit an application  
5 for an early site permit at an existing power plant,  
6 the North Anna Power Plant, and it sees the universe  
7 described as this way: Another nuclear power plant  
8 site, Surry, in this case, an industrial site  
9 controlled by the applicant, probably a coal-fired  
10 plant, I'm not sure, but on a generic basis and a  
11 generic greenfield site.

12 And the idea there -- there's some  
13 limitation built into that. The idea is, for  
14 instance, I can describe a greenfield site on a  
15 generic basis because unless the site that has already  
16 been cleared and has transmission lines built to it  
17 and so on has something pretty wrong with it, I can  
18 just look at a generic greenfield site and say that's  
19 not going to be obviously superior. So that's the  
20 general idea with that approach.

21 So I guess I would ask, and I think, Bob,  
22 you may have already answered the question, I'm not  
23 sure, but if we write a rule or guidance, whichever,  
24 should we specify the number of sites?

25 MR. CAMERON: Let's start off there to ask

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1 Bob a specific question on this. Bob, what have you  
2 -- although you indicated that there shouldn't be a  
3 specific number of sites required, what do you think  
4 about this particular approach that's being taken in  
5 the North Anna case, so that we can get an idea of  
6 where you might be on these issues?

7 MR. BISHOP: I just wonder if, Geary, you  
8 want to go first?

9 MR. MIZUNO: I'd just like to ask Dennis  
10 Allison --

11 MR. CAMERON: This is Geary Mizuno.

12 MR. MIZUNO: Geary Mizuno, I'm sorry, of  
13 the Office of General Counsel for NRC. Dennis, I  
14 wonder whether you could first explicate for the 1981  
15 rule why the alternatives focused primarily on water  
16 sources and whether that indicated some understanding  
17 or viewpoint taken by the NRC with respect to the most  
18 significant -- potentially significant environmental  
19 impact that was associated with the ultimate heat sink  
20 or whether that was just something that we just  
21 decided to use without any real thought? And I guess  
22 whether you answer that or whether you let Bob Bishop  
23 go first, I guess I'd leave that up to you.

24 MR. ALLISON: Well, let me address that,  
25 Geary. If I understand the thing correctly, and I

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1 wasn't involved in drafting the 1980 rule, the  
2 proposed rule, but, you know, I think one of the most  
3 significant environmental impacts you're going to have  
4 is on the water source and particularly with once-  
5 through cooling. If you're on a river site, you're  
6 liable to heat that river pretty significantly. It  
7 might have an effect on the aquatic life and so on.

8 Frank said earlier that probably in the  
9 future we're probably talking about using cooling  
10 towers in any new plant, and that dramatically reduces  
11 the impact on the water source. But the water source  
12 is very important. Does that sound right? Is that  
13 what you were looking for?

14 MR. CAMERON: Geary, I guess you should  
15 use -- why don't we get you up there and just finish  
16 this off. And, Geary, if you have an answer --

17 MR. MIZUNO: No, I don't. I need to know  
18 technically whether it represented our views as to  
19 whether that was the most significant environmental  
20 impact or at least near the top, because I certainly  
21 can see that there may be a -- if we felt water  
22 sources was the most important environmental impact,  
23 then the concept of having an obviously superior site  
24 -- not having an obviously superior site, if it's  
25 already sited on an existing site, may not necessarily

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1 prove true, because there's presumably already a water  
2 use being there, and if you take more water, then you  
3 could have a significant impact. I mean having  
4 another -- it isn't obviously clear. Whereas if water  
5 was just one of several things, then I think it leaves  
6 a little bit more flexibility open to us.

7 MR. ALLISON: Okay. Yes. I think -- yes.  
8 That's a good point. If you're going to put another  
9 plant at North Anna, which is on a river, you're  
10 probably going to use a cooling tower. And even if  
11 you put another plant at Calvert Cliffs, which is on  
12 a very large bay, you're probably going to put a  
13 cooling tower there. That would be my guess. You're  
14 not going to take any more water than you're already  
15 taking.

16 MR. CAMERON: Okay. Let's go to Bob,  
17 using this as sort of a template for discussion and  
18 then see if other members in the audience want to talk  
19 on this point.

20 MR. SMITH: This is Marvin Smith with  
21 Dominion. I just wanted to point out that in  
22 reference to this discussion on water, water is only  
23 one of many issues that you'd look at in a given  
24 siting. It may have been perceived at the time that  
25 that 1980 rule was promulgated that that would be the

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1 major thing that you might look at, but, however, I  
2 think, as Barry has pointed out, there are quite a  
3 variety of issues that you look at in terms of  
4 assessing any particular site, and certainly water is  
5 only one of a large number of issues that are  
6 evaluated. It's not in most cases a key determining  
7 factor.

8 MR. CAMERON: So, Marvin, what you're  
9 saying is that don't rate water above any of the other  
10 important issues.

11 MR. SMITH: I don't see any basis for  
12 doing that, so I don't think that that 1980 guidance  
13 is really particularly useful in terms of either how  
14 many sites you might want to look at or singling out  
15 one particular factor. As was pointed out in the  
16 introduction here, emergency planning, which is not  
17 traditionally an environmental factor but is certainly  
18 one you would highly consider in siting any nuclear  
19 facility, is perhaps -- again, that's an important  
20 factor to look at. I won't say it's the most  
21 important either, but there are a variety of factors  
22 that you would look at in any siting evaluation, and  
23 singling out any single factor is not really, I think,  
24 an appropriate approach.

25 MR. CAMERON: Okay. Thank you very much,

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1 Marvin. Bob?

2 MR. BISHOP: If I -- this dialogue, I  
3 think, was very helpful -- just step back for a  
4 moment, to me it underscores that we need to keep in  
5 mind that NEPA requires an evaluation of the  
6 environmental impact. Among other things, it does not  
7 require that a site be picked on the basis of any one  
8 factor being greater than any other factor. I think  
9 it would take you to the bottom line that if there is  
10 an environmental impact that is so large as its impact  
11 would not be acceptable, then it would lead the  
12 Commission to a decision consistent with its authority  
13 under the Atomic Energy Act not to license that site.  
14 But NEPA doesn't force you to a conclusion, it only  
15 establishes a process to ensure that the Agency and,  
16 in turn, the public are informed of the basis upon  
17 which the environmental impacts were evaluated.

18 That leads me full score to say that I  
19 think this is a very sound, logical, thoughtful  
20 approach. I think in the context of this discussion  
21 water, unless it is going to have a critical,  
22 environmental impact, should be weighted no higher or  
23 lower than any other factor that has to be considered  
24 by the Agency in its determination of the  
25 environmental impacts. But none of them are

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1       determinative, and I think we need to keep that in  
2       mind as we go through this whole discussion, that NEPA  
3       is to require an informed decision, it is not to  
4       mandate a specific result.

5               MR. CAMERON:   Okay.   Thank you on that  
6       particular issue, Bob, but I still wanted to get your  
7       views using this particular approach as a context for  
8       what your feelings might be on criteria that would  
9       guide the applicant in terms of what they should do.

10              MR. BISHOP:   I think it is legally sound.  
11       I think it represents a wise exercise of the  
12       applicant's responsibilities under the law. I think  
13       that the regulation should allow exactly this kind of  
14       approach. And I think as we just -- I mean that is  
15       what we're trying to get to is a sound, logical,  
16       thoughtful, reasonable process of which this is, I  
17       think, an approach. I wouldn't say that this is what  
18       everyone has to do, but I think that this demonstrates  
19       a thoughtful way to satisfy NEPA's requirements.

20              MR. CAMERON:   Okay.   So that what you're  
21       suggesting is that this is a sound approach, but it  
22       wouldn't necessary be something that you would want to  
23       put forth in the regulation every applicant has to  
24       look at these. But it might be offered as an example  
25       of some sort of a performance-based approach, to use

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1 that terminology. Okay. Jim, do you have anything on  
2 this, and, again, I apologize for focusing on you.  
3 Anything?

4 MR. RICCIO: No.

5 MR. CAMERON: Okay. Barry?

6 MR. ZALCMAN: One of the points that you  
7 made earlier, Bob, on the stability and predictability  
8 of the process, while the 1980 vintage [proposed rule]  
9 we were looking at, and I think this is the  
10 physiographic differences [element of the proposed  
11 rule], you look at the water setting, the presumption  
12 is that we've already resolved the issues like  
13 metropolitan siting. But we're looking at different  
14 regimes for where these sites may be selected. Is it  
15 important to look at physiographic differences, a site  
16 on a large water body versus a site on a river versus  
17 using groundwater versus using waster water. I mean  
18 those are all different options for getting sufficient  
19 water into the mix.

20 And the other, which is the issue from an  
21 earlier slide, while we're not hardening the number  
22 for a slight slate of alternative sites, is there  
23 rational approach for what could constitute an  
24 acceptable, reasonable search? Are we looking at  
25 single units of sites, tens of sites, hundreds of

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1 sites? If we look at Frank's comment from the  
2 Atlantic to the Pacific, there's a lot of sites across  
3 the country, but what constitutes a reasonable search  
4 for alternatives? And I just wanted to stimulate that  
5 discussion since it's part of this element within the  
6 dialogue.

7 MR. BISHOP: If I can go back just for a  
8 moment to one of my earlier comments, I think that the  
9 NRC's approach, obviously, just to rephrase a few of  
10 the specifics, the principles that we have to  
11 establish is that, again, it has to be lawful, it has  
12 to be thoughtful, it has to be reasonable. I think  
13 that the laws are very clear that the NRC need not  
14 embark upon its own evaluation of sites to try to  
15 identify a site anywhere within a geographic region,  
16 within an economic marketplace region, within the  
17 borders of the country. Any of those, I think, would  
18 be a misuse of Agency resources.

19 If time were not limited, if resources  
20 were not limited, it might be an interesting exercise,  
21 but I think that those first two premises are true.  
22 I think what the NRC has to do under the law, what as  
23 a matter of policy it should do, is evaluate the  
24 process that the applicant used to determine, perhaps  
25 not whether they would choose to do it differently, as

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1 the courts are not allowed to decide for an agency  
2 whether they would have done it different given the  
3 same facts, but rather was this is a process that was  
4 not unreasonable? Not could it be done differently,  
5 not because somebody else did it differently is that  
6 a better way to do it, but is this process a  
7 reasonable one that the applicant went through? And  
8 whether they looked at four sites or three sites,  
9 their region of interest, their economic region of  
10 interest may be far different than a geographic  
11 nature.

12 And, again, I think the bottom line has to  
13 be what is it the law requires, what is it that  
14 satisfies the applicant's need? And the applicant's  
15 need is to determine whether this site fundamentally  
16 will be able to be licensed for potential use for a  
17 nuclear power plant. It's not is there some other  
18 site that somebody could dream up. I think that is  
19 the height of remote and speculative action on the  
20 part of the Agency which it need not and should not  
21 pursue.

22 MR. CAMERON: Okay. Thank you, Bob.  
23 Geary Mizuno?

24 MR. MIZUNO: Sorry. I have a question for  
25 Bob.

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1 MR. CAMERON: Go ahead.

2 MR. MIZUNO: So going back to the previous  
3 discussion, you're really accepting a -- you're  
4 advocating a process approach which really, as I  
5 understand it, focuses on the acceptability of the  
6 site that is being proposed by the applicant. That's  
7 the way I understand the industry, or at least NEI's  
8 proposal.

9 MR. BISHOP: Well, I think --

10 MR. MIZUNO: You were saying that our  
11 review should focus on the process, not on the --

12 MR. BISHOP: Yes and no. I find it  
13 somewhat of a false dichotomy to say it's either got  
14 to be the site or the process. I think, obviously,  
15 the process has to be a reasonable one, but that  
16 bottom it's the site that's important and it's  
17 evaluating other alternatives that the applicant has  
18 proposed is the best way to evaluate the acceptability  
19 of the alternative, and that's what we're after here.

20 MR. MIZUNO: So we're focusing on the  
21 process for choosing candidate sites, including  
22 alternative sites, or are we --

23 MR. BISHOP: Yes. Yes.

24 MR. MIZUNO: Because it really is a very  
25 different perspective. Is the NRC's review going to

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1 be focused on did the applicant have an appropriate  
2 process for identifying the candidate site or the  
3 proposed site and a slate of alternative sites or  
4 ignoring whether that process had A, B, C elements or  
5 whether it's reasonable or unreasonable, just looking  
6 at the bottom line, are these sites, this site and a  
7 set of alternative sites, okay? I mean first of all,  
8 is the existing site acceptable, and then are the  
9 sites that are being proposed obviously superior and  
10 do they constitute a reasonable slate of sites without  
11 regard to the process itself? You could have fatal  
12 flaws in the process but through happenstance you end  
13 up with an acceptable set of alternative sites, and  
14 under NEPA, that constitutes a reasonable class of  
15 alternative sites to look at, regardless of the  
16 acceptability of the process.

17 MR. CAMERON: Bob, then, please, I think  
18 it's important to clarify this, but what I heard is  
19 that you're not just saying look at whether the  
20 applicant's process for selecting the sites that they  
21 evaluated was reasonable but do that plus also take a  
22 look at the substantive environmental impacts that  
23 were evaluated and see if that was reasonable. Could  
24 you clarify what you're saying?

25 MR. BISHOP: I'll try.

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MR. CAMERON: Okay.

MR. BISHOP: I think what you have to do is what I would recommend the Agency do to satisfy NEPA, and, again, we are suspending belief on the current regulatory system and thinking about what the regulatory system should be to meet all the criteria that we've already identified. I think the NRC has to understand the process by which these alternative sites were identified. I don't think that means that they have to approve that this was the right process, that each of these factors were the right factors, that they would have chosen different factors and therefore that process is invalid. So I guess a way of trying to bring it to closure is to say that the process taken to identify these alternatives proposed was a reasonable one. It may not be the same one the staff would choose, I don't think that ought to be the criteria. It ought to be does this make sense? And therefore this suite of sites, however many or few they are, are they an appropriate way to satisfy the Agency's NEPA responsibilities without the Agency feeling an obligation, which I do not believe it has, to go out and do its own identification of potential sites somewhere on some basis.

MR. CAMERON: Anybody else from the NRC

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1 staff have, including Geary, have a question about the  
2 NEI-recommended approach? Did that answer your  
3 question, Geary? I just want to make sure that it's  
4 clear.

5 MR. MIZUNO: Personally, I'm still  
6 unclear, but I think -- I don't want to belabor the  
7 point. I guess my point -- the one thing that I still  
8 have a lingering legal concern is that Mr. Bishop  
9 keeps focusing in on the applicant, and really,  
10 ultimately, the NEPA responsibility falls upon the  
11 Agency. So we need to -- the Agency needs to  
12 articulate how it satisfied the NEPA obligations and  
13 whether the NEPA obligation is going to be satisfied  
14 because it reviewed the process or reviewed the  
15 candidate of sites and determined that they were  
16 acceptable. That's what I'm trying to focus on.

17 MR. BISHOP: To put a finer point on it,  
18 I think the Agency has to satisfy itself as to both,  
19 but the Agency need not, absent some fatal flaw, and  
20 let's presume for a moment that any applicant does  
21 what they think is the right thing to do rather than  
22 get into scenarios about not. But I think at bottom  
23 the Agency has no ability -- the Chairman acknowledged  
24 in Senate testimony now almost two years ago that this  
25 is not an area where the Agency has expertise, and I

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1 don't think it should develop expertise to go out and  
2 look at zoning criteria and other facets. At heart,  
3 it needs to, and I think the laws are very clear on  
4 this, evaluate what the applicant proposed and does  
5 that satisfy the responsibilities under the Atomic  
6 Energy Act as well as under NEPA?

7 MR. CAMERON: Okay. Thanks, Bob. Let's  
8 see if anybody else in the audience -- Dave?

9 MR. LEWIS: Dave Lewis with Shaw Pittman.  
10 One of the reasons why these questions are so hard to  
11 answer when you're looking at the issue globally,  
12 you're looking at how do I come up with criteria for  
13 any circumstance? First, in building a plant at a  
14 greenfield site as opposed to somebody proposing to  
15 build a plant at an existing site is that -- I think  
16 it's impossible to come up with one set of criteria  
17 that fits all circumstances. What is reasonable, and  
18 that's what you're trying to determine, how do you  
19 satisfy NEPA's rule of reason, depends on what is the  
20 proposal and what are the circumstances of the  
21 applicant?

22 You do in fact need to look at the  
23 applicant for two reasons. One is the applicant's  
24 circumstances will determine what is reasonable. If  
25 you're a public utility with a defined service

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1 territory and powers of eminent domain and you don't  
2 have nuclear plants and you're going to build at a  
3 greenfield site, you might have a very different  
4 process than if you're a merchant plant with one or  
5 two nuclear sites that are already developed and  
6 already fully evaluated and your business need is to  
7 determine can I put another reactor at that existing  
8 site. So the applicant's circumstances will in fact  
9 define what is the scope of reasonable alternatives  
10 that should be considered.

11 Also, under NEPA, it's the applicant's  
12 needs and purpose that helps define the scope of  
13 alternatives to be considered. So for both those  
14 reasons, in fact, you may say why am I looking at  
15 process, why am I looking at the applicant's process,  
16 should I be coming up with alternative criteria, but  
17 I think the analysis is always going to end up looking  
18 at what is the applicant's circumstances and what are  
19 the applicant's needs in defining what is reasonable  
20 to -- what does the rule of reason require in this  
21 particular application?

22 MR. CAMERON: Okay. Thanks, Dave. Any  
23 questions on what we're hearing here or any other --  
24 any suggested approaches that might be different from  
25 what we're hearing? Okay. Thank you, Dennis.

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1                   And, you know, we're on the emergency  
2 planning issue at this point. Let me check in with a  
3 process question for all of you. Oh, no?

4                   MR. ALLISON: Not yet. There's one more.

5                   MR. CAMERON: Oh, God, that's an important  
6 one too. Good. Let me make this suggestion anyway.  
7 Sorry about that. Do we want to try to run through  
8 these and get done by -- I think we might be done by  
9 12:30 or one at the latest rather than taking a break  
10 and coming back? Does anybody have any opinions on  
11 that? I see some people shaking their head let's run  
12 through and get this done, but is there anybody else  
13 who has a different view? All right. Well, let's  
14 just keep going. And, sorry, Dennis, are you going to  
15 do the obviously superior?

16                  MR. ALLISON: Okay.

17                  MR. CAMERON: All right.

18                  MR. ALLISON: Well, the first one is an  
19 extension of what we've been talking about, region of  
20 interest, number of sites, and this one is should the  
21 NRC -- the question, should the NRC specify when  
22 someone other than the applicant can introduce another  
23 candidate site to be evaluated against the proposed  
24 site? And first thing I would say is that a  
25 requirement like that might not be appropriate. And

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1 the way it would not be appropriate is if you can  
2 imagine that we could write a rule that's reasonably  
3 clear and would lead you to a selection of -- an  
4 appropriate selection of sites. Then you wouldn't  
5 need to have any rules that say, well, the staff can  
6 introduce another site or another three sites within  
7 30 days of a certain date. The staff would call for  
8 more sites if you didn't meet the rule. If you met  
9 the rule, then that's [that] -- the same thing with an  
10 intervenor. And [an] intervenor would not be allowed  
11 to say, "I want to look at more sites." They would be  
12 allowed to challenge the fact that you've met the rule  
13 and say, "I don't think you've met the rule." So that  
14 would be the question. So it [the introduction of  
15 alternative sites by non-applicants] may not be  
16 appropriate.

17 But, nevertheless, the 1980 proposed rule  
18 did have some conditions, and it said people can  
19 introduce additional sites to be reviewed if there's  
20 a reasonable showing that the proposed additional site  
21 is at least another acceptable site. And the staff or  
22 an intervening party could propose an additional site  
23 within 30 days after the first special pre-hearing  
24 conference. The Atomic Safety and Licensing Board  
25 could propose additional sites within 30 days after

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1 the issuance of the draft environmental statement. So  
2 that proposed rule would put that kind of a structure  
3 in place. Like I said, it may or may not be  
4 appropriate to try to do that.

5 MR. CAMERON: Okay. Comments on whether  
6 it's appropriate in any circumstances or a  
7 circumstance for someone other than the applicant to  
8 suggest a candidate site? Anybody out there on that?  
9 I think Bob Bishop is going to give us his perspective  
10 on it.

11 MR. BISHOP: Although I can't pretend that  
12 I wasn't around at the time when that rule was  
13 proposed, I can also speculate that there was a reason  
14 why that proposal was not adopted. I think it just  
15 doesn't make any sense. And if it ever did, it's  
16 reasonable to think if it might have made sense when  
17 a utility was in a cost-of-service environment, when  
18 the sites were known and knowable, where there were  
19 other alternatives that somebody might have offered.  
20 But I think certainly for a number of reasons in the  
21 current environment that makes no sense, and I can't  
22 think that any site that would be proposed -- assume  
23 for a moment that the people who are proposing -- who  
24 are applying for a site are thoughtful business people  
25 who've made this decision on sound business grounds.

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1 They'd be remiss to their shareholders, to their  
2 investors, to their customers if they're publicly held  
3 to have not identified an obviously superior site for  
4 whatever reason. And you can run all kinds of  
5 scenarios out but, simply stated, I think the bottom  
6 line is no.

7 MR. CAMERON: Okay. Thank you, Bob.  
8 Anybody else on this particular issue? And, Dennis,  
9 do you want to go on to --

10 MR. ALLISON: Sure. The next one is  
11 comparing the proposed site to alternative sites, and  
12 the NRC has, I guess, in the past, and still does, use  
13 the general principle that we want to look at  
14 alternative sites that are reasonable and among the  
15 best that can be found, and the NRC would not reject  
16 a proposed site unless one of those alternative sites  
17 is obviously superior, which by the language it could  
18 -- we don't know everything about obviously superior,  
19 but we at least know it doesn't mean just a little bit  
20 better. We're not talking about trying to find the  
21 very best site in the world by a little bit. We're  
22 talking about whether you've looked a reasonable set  
23 of alternatives and whether or not one of those is  
24 just obviously superior. And this is still the same  
25 standard we would use today under our standard review

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1 plan.

2 The 1980 proposed rule used a two-step  
3 process. It said look at the environmental factors  
4 first, and then once that's done, if you've identified  
5 what seems to be a superior site, go on and consider  
6 project costs and other factors, institutional  
7 factors, like maybe it's not really available or  
8 something and to see if it really is an obviously  
9 superior site. Logically, it doesn't matter if you  
10 have to meet both aspects, you can do either one first  
11 or second. In the end, if you come up with an  
12 obviously superior site, then you can reject the  
13 proposed site -- or you might. So that's the  
14 standard, and we probably have some questions or some  
15 comments about how to implement that standard.

16 MR. MIZUNO: I just had a comment on the  
17 last bullet, which is I'm not sure that that bullet is  
18 entirely accurate. I think the case law, the NRC case  
19 law only says that the NRC's NEPA obligation is to  
20 find whether there is an alternative site that is  
21 obviously superior, but I don't think that there's any  
22 specific case law that actually said that if we found  
23 that there was an alternative site that was obviously  
24 superior, that we would be obliged to reject the  
25 application.

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1 MR. ALLISON: Oh, I agree.

2 MR. MIZUNO: And I think that also that --  
3 I mean that's from the 1980 standpoint. Then,  
4 certainly, under the current NEPA law, as I understand  
5 it, is that we would -- if we were to find an  
6 alternative site that was obviously superior, we  
7 wouldn't be obliged under NEPA or the AEA [Atomic  
8 Energy Act] to reject the proposed application. But  
9 if we were to go forward and approve the application,  
10 despite the fact that there was an obviously superior  
11 site, we would have to -- the Agency would have to  
12 articulate the reasons why in its overall  
13 decisionmaking it went forward to grant the  
14 application despite the fact that from an  
15 environmental standpoint the alternative site was  
16 obviously superior. And I'd just like to add that --  
17 I just want to focus that we're talking about  
18 obviously superior from an environmental standpoint.

19 MR. CAMERON: Okay. Thank you, Geary.  
20 Let's go to Jim Riccio.

21 MR. RICCIO: So is it my understanding  
22 that emergency planning would not be considered in  
23 terms of determining what is obviously superior?

24 MR. ALLISON: That's the next question.

25 MR. RICCIO: Oh, okay. Sorry. Then I

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1 guess, I'll just raise one question. Under this  
2 obviously superior standard, would it ever be  
3 appropriate to consider the vulnerability of terrorist  
4 attack of the site? I mean like you're saying what's  
5 --

6 MR. ALLISON: Yes. I would consider that  
7 to be kind of a subset of the next thing too. But go  
8 ahead, Geary.

9 MR. MIZUNO: I guess I would say this, is  
10 that how terrorism may be addressed in a determination  
11 whether to accept an ESP [early site permit] or a  
12 combined license has not yet been determined by the  
13 Agency. I mean they're currently considering it,  
14 okay, and it's really sort of outside the scope of  
15 this. In other words, I'm not telling you necessarily  
16 whether or not an issue involving terrorism, an issue  
17 involving EP [emergency planning] is going to result  
18 in an Agency consideration and possible rejection of  
19 an alternative site, but as I understand it, okay,  
20 what we wanted to do here was to focus on the  
21 environmental aspect with the one exception of EP,  
22 because EP has traditionally been considered to be a  
23 part of a safety issue. But with that very special  
24 exception --

25 MR. RICCIO: Will there be another -- you

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1 know, is there another arena in which to address the  
2 --

3 MR. MIZUNO: Yes. I --

4 MR. RICCIO: -- issue in terms of siting?  
5 Siting plays into it. I mean, obviously, a terrorist  
6 who'd want to attack a reactor that would be -- give  
7 them the bigger bang for their buck.

8 MR. MIZUNO: I think that the issue of how  
9 terrorism fits into either a siting determination,  
10 either for an ESP or for a combined license or for a  
11 normal construction permit, my understanding is that  
12 that's being addressed separately, and there may be an  
13 opportunity for the public to comment on that if the  
14 Commission proposes something that it does differently  
15 from what it's doing now. But the Commission is going  
16 to continue to accept its current regulatory approach  
17 with respect to that, and I am not sure whether the  
18 public would be allowed [in on] that. But if the --  
19 unfortunately, Jim, I'm not the attorney that does  
20 these things, so I really cannot tell you -- I'm just  
21 trying to say that we're really trying to focus in on  
22 the environmental aspect with the one exception of  
23 this EP thing, because the Commission told us use EP  
24 as a way of siting, okay? But we were trying to focus  
25 in mostly on just the alternative site aspect in the

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1 context of complying with NEPA, not necessarily  
2 saying, "Hey, we're going to reject a site on the  
3 basis of some other equal -- potentially equally valid  
4 concern."

5 MR. CAMERON: And I think that just to  
6 clarify this so that people don't get too confused,  
7 and it hasn't been explicitly stated, that issues of  
8 -- security issues, terrorism issues will certainly be  
9 considered in evaluating license applications, but  
10 they may not be considered as part of the NEPA  
11 process. And someone might want to clarify for us  
12 now, I thought there was a recent Commission decision  
13 that said that security -- terrorism considerations  
14 will not be considered in the NEPA part of the NRC  
15 evaluation. And I think it's important to understand  
16 that NEPA is only one part of the evaluation, that  
17 then there's the Atomic Energy Act part. And let's go  
18 to Antonio from our Office of General Counsel.

19 MR. FERNANDEZ: Antonio Fernandez, OGC.  
20 I believe what you're referring to, Chip, is the  
21 recent decision in the PFS [Private Fuel Storage]  
22 case, Catawba-McGuire case, and the mox fuel  
23 fabrication facility licensing actions. In those  
24 decisions, the Commission decided that terrorism and  
25 the impacts of a terrorist attack on a facility are

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1 not to be considered within the NEPA space of a  
2 licensing action. And that was the final Agency  
3 position on that issue.

4           Regarding early site permits and how  
5 terrorism may impact a licensing or a permitting  
6 action regarding siting of a facility, the staff has  
7 not taken a current position on how those issues would  
8 be addressed. I would think that the next step for an  
9 interested member of the public to participate in  
10 something like that would be to participate in a  
11 hearing for an early site permit. But right now as  
12 far as I see it in the near future, in the near term,  
13 there is no opportunities for public participation  
14 with regards to that particular issue.

15           I would say this, I mean the Commission  
16 stated very strongly, particularly in the decision  
17 concerning the PFS licensing, that the Commission is  
18 undergoing its top-to-bottom review with regards to  
19 how it addresses its security concerns post-September  
20 11. And the ultimate resolution of how the NRC will  
21 be addressing those issues has not been arrived at  
22 yet. I'm sure given the pendency of ESP applications,  
23 that will be addressed, and I know myself working on  
24 ESP I have interacted with the people that would be  
25 actually evaluating security risks with regards to

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1 siting facilities.

2 MR. RICCIO: My question then would be is  
3 the public going to have access to the process? The  
4 public has basically been closed out of the  
5 discussions --

6 MR. FERNANDEZ: Right.

7 MR. RICCIO: -- regarding terrorist  
8 attacks recently. Basically, since 9/11, we've been  
9 basically shut out. And so I'm wondering if the  
10 public is going to have an ability to address this  
11 absent intervening in the ESP.

12 MR. FERNANDEZ: And I understand your  
13 question. I guess I can't give you a specific answer.  
14 I think that will be explored once the applications  
15 are in for the early site permits.

16 MR. CAMERON: And, Jim, before you sit  
17 down, I think Antonio raised an issue here that maybe  
18 we should get your input on. I was going to ask  
19 originally is your concern that terrorism be addressed  
20 somewhere in the licensing process and that you  
21 wouldn't really be concerned whether it was addressed  
22 as part of the NEPA evaluation of the part of the AEA  
23 evaluation, but since the opportunity for public  
24 participation can differ depending on where you are,  
25 what are your views on that?

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1                   MR. RICCIO: I would just like to see it  
2 addressed.

3                   MR. CAMERON: Okay.

4                   MR. RICCIO: You know, basically, we've  
5 been kept in the dark about what the Agency and the  
6 industry have actually done to increase their  
7 susceptibility to terrorism -- or decrease it, sorry.  
8 So I don't really care where you necessarily address  
9 it, although in order to ensure certainty in the  
10 process that the industry so loves, it would seem  
11 appropriate to address it as early as possible. You  
12 know, if you're going to come -- if Entergy is going  
13 to come in and tell me that they want to build a new  
14 reactor at the Indian Point site, you damn well better  
15 address terrorist issues. I guess the concern is not  
16 as great back in Mineral, Virginia. So at least  
17 somewhere I think the Agency and the industry need to  
18 address this and at least give the public some level  
19 of comfort that terrorist considerations have been  
20 taken into -- or terrorist concerns have been taken  
21 into consideration.

22                   MR. CAMERON: Okay. Thank you, Jim. Any  
23 other comment on -- any comments on following up on  
24 the discussion on terrorism or generally on this  
25 obviously superior standard that the Agency is using,

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1 as Dennis put forth for us? Anything on obviously  
2 superior? Is that what we should be using, and is  
3 there anything useful in our regulatory documents that  
4 tells the NRC when something is obviously superior or  
5 is not obviously superior? I mean any disagreement  
6 with using an "obviously superior" standard? Okay.  
7 Thank you very much, Dennis. And we have emergency  
8 planning up next, and it's going to be a little bit  
9 trickier, because -- well, I'll let Dennis explain it.

10 MR. ALLISON: Well, I guess that the main  
11 thing about emergency preparedness is that -- well,  
12 the question is that we're asking for input on is  
13 should the NRC consider EP in its review of  
14 alternative sites. Traditionally, emergency  
15 preparedness has been part of the safety review but  
16 not part of the environmental review, and it's here on  
17 the agenda, though, and we're asking for input on it  
18 because the Commission did direct the staff many years  
19 ago now, in 1981 I think, to figure out how to include  
20 EP in that consideration.

21 So if we are to do it -- well, of course,  
22 certainly an option that could be recommended back to  
23 the Commission is say, "No, leave it as part of the  
24 safety review." On the other hand, if you want to  
25 recommend using it somehow, three obvious things come

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1 to mind. One is simply to require in the rule or the  
2 guidance require the applicant to describe whether or  
3 not there are any significant impediments that are  
4 peculiar or associated with each alternative site.  
5 That's easy to say, but then you have to review what  
6 the applicant gives you if there is an impediment  
7 anywhere.

8 And so one could establish an exclusionary  
9 standard, and I'm not saying I know how to write that  
10 standard but it could be a go/no-go test. Or one  
11 could weigh the degree of the impediment along with  
12 other environmental factors -- or along with other  
13 factors in trying to draw that environmental balance.  
14 So with that, that kind of describes the issue, and  
15 I'd be interested to see what people have to say about  
16 it.

17 MR. CAMERON: Okay. The broad issue, how  
18 or whether to consider EP in the alternative site  
19 review. Russell?

20 MR. BELL: It's Russell Bell again with  
21 NEI. Dennis and Frank, I think I'm the only one in  
22 the room who doesn't know about the Commission's  
23 directive in, what, early '80s you say? I could use  
24 a specific reference for that. Doesn't have to be  
25 this second but --

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1                   MR. CAMERON: Yes, and anything else you  
2 can tell us about that, Barry.

3                   MR. ZALCMAN: Okay. This was actually in  
4 1991, and it was the Staff Requirements Memorandum to  
5 SECY 91-041, which at the time was a Staff Readiness  
6 Review to prepare for early site permits. The staff  
7 was framing the issue whether or not as we consider a  
8 review of alternatives the emergency planning issue  
9 should be raised. We had raised it to the Commission,  
10 and they directed the staff to consider that as well.  
11 The real question is whether or not, as Geary had  
12 pointed out, this unique nature of emergency planning  
13 is an AEA issue, it's a safety issue as opposed to an  
14 environmental issue. Staff is very concerned about  
15 bridging between the emergency planning and the  
16 environmental protection, that type issues that we  
17 have to consider. So it traditionally had not been  
18 within the environmental review framework.

19                   But if we just look at the slate of sites  
20 that may be identified, are there factors? And if you  
21 go back to Part 52, which is what the SECY was about,  
22 could we identify attributes for screening purposes to  
23 identify whether or not there would be significant  
24 impediments, and what are the kinds of criteria that  
25 we may use? The staff had been working on a guidance

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1 document. You're familiar with the supplement to  
2 NUREG-0654, criteria for developing emergency plans,  
3 which is to unique to early site permits, and one of  
4 the criteria that we may identify would be  
5 consideration of something like evacuation time  
6 estimates to reveal whether or not there are  
7 impediments for moving the population out of an area  
8 safely.

9 With the years prior to use of the site,  
10 you could deal with those significant impediments and  
11 whether it's improving the highway system or building  
12 a bridge or manning intersections that have  
13 difficulty, revealing that early in the process I  
14 think is the focus of where the Commission was coming  
15 from so that as we consider not just the proposed site  
16 but also the site of alternatives, are there  
17 significant impediments in the alternatives? And the  
18 Commission thought it was worth airing at the time.

19 So that is where the burden had come onto  
20 the staff, and as we frame this issue, we recognize  
21 it's a tag-a-long issue, it's been on the books for a  
22 dozen or so years. Is now the time right to consider  
23 it, and if we consider it, how should we consider it?  
24 We have direction from the Commission that the staff  
25 should consider it, so we're seeking input. Is there

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1 guidance or insights or recommendations that others  
2 would have in addition to what the staff current view  
3 is?

4 MR. CAMERON: Okay. Thank you, Barry. Go  
5 ahead, Russell.

6 MR. BELL: That was helpful. I guess it  
7 says the second bullet up there is the status quo. We  
8 haven't had a long discussion about this that I know  
9 of based on the Commission SRM, but I think we would  
10 find the current practice to be quite sufficient as  
11 regards to the kinds of things Barry was talking  
12 about. In fact, there's a separate and very deep vein  
13 of requirements apart from the environmental side on  
14 emergency planning that the early site permit  
15 applicants need to meet, combined license applicants  
16 will need to meet and that that is complementary to  
17 the environmental review that would be going on at the  
18 same time, the kinds of egress concerns, time frames  
19 and so forth. So I think the issue of EP is of course  
20 a very important one with respect to siting, and I  
21 think it's well covered. One option may be to give  
22 that some -- continue to give that some thought and at  
23 this time when we're all so much smarter than we were  
24 even ten years ago to take another hard look at  
25 whether a change in this area is necessary.

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1 I might just add I think the applicant  
2 site selection process, which is much broader in scope  
3 than anything I think the regulator or the Agency  
4 would get involved in, would consider a number of  
5 other factors, including egress or physical impediment  
6 issues associated with other sites in the general area  
7 that the applicant is looking to -- potentially  
8 looking to add capacity.

9 So I guess that's just an observation that  
10 while I imagine -- that while it wouldn't be required  
11 to be part of the NEPA -- prescribed NEPA review, it  
12 is something that the applicants consider along with  
13 a broad scope of matters in their site selection  
14 process. And once you enter the regulatory or the  
15 licensing process, as I say, there is a separate and  
16 very deep vein of EP requirements.

17 MR. CAMERON: Can you -- maybe there's an  
18 important clarification in terms of the implications  
19 of this, and I'm thinking about Geary Mizuno's comment  
20 about, well, even if there was an obviously superior  
21 site, it wouldn't necessarily mean that when the  
22 Commission did its balancing under NEPA that that  
23 would mean rejection of the proposed site. And I  
24 guess the clarification I'm looking to Barry for is  
25 that even though emergency planning could be factored

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1 in as part of the alternative site review, would the  
2 decision on emergency planning still be made under  
3 Atomic Energy Act safety standards as opposed to  
4 National Environmental Policy Act procedural  
5 cost/benefit balancing standards?

6 MR. ZALCMAN: Chip, I think that's the  
7 exact point, that in fact the environmental issues  
8 under NEPA are informative to outline what the  
9 deliberative process within the Agency. And in  
10 Geary's point, mitigation is always available. So if  
11 you had what you thought were unacceptable  
12 environmental impacts, there are still opportunities  
13 for mitigation and resolving those. Just as from the  
14 safety perspective, if you have emergency planning and  
15 you identify significant impediments they are in  
16 today's light, but what actions could be taken to  
17 resolve them? And the advance ventilation of these  
18 issues is to bring them to the forefront so you can  
19 consider what can you do between now and the ultimate  
20 use of the site to remove those impediments?

21 They may be physical today. A facility  
22 that's midway up a peninsula that has no bridge at the  
23 bottom into the peninsula, well, you have plenty of  
24 time to build a bridge and deal with a public that may  
25 have to traverse the site area to have a successful

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1 evaluation [evacuation]. That may be if the site were  
2 there and in use today, but with the advanced planning  
3 at least could we identify the issues, discuss them,  
4 identify what the impediments are and reveal to the  
5 public that these significant impediments may exist  
6 and there are opportunities to resolve them through  
7 changes in highway planning or building bridges and  
8 the like. But to disassociate the environmental  
9 review from the safety review, the environmental  
10 review informs the safety review, but we have to make  
11 different safety decisions than we do from our  
12 environmental review. And that's, I think, the  
13 important factor.

14 MR. CAMERON: Okay. Thank you, Barry.

15 MR. ZALCMAN: It's a valuable de-coupling  
16 of two items.

17 MR. CAMERON: All right. Thanks. And I  
18 think that prompted a comment from Jim Riccio,  
19 perhaps.

20 MR. RICCIO: Well, just again, it would  
21 seem appropriate given the history of this industry to  
22 kick the emergency planning review up as far in  
23 advance as possible. Seemingly, if you leave it to  
24 the second bullet, you could end up with an early site  
25 permit being granted and again the site not really

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1 being amenable due to emergency planning  
2 considerations. If you look at the experience of  
3 Shoreham, I really doubt that building a bridge from  
4 the eastern end of Long Island over to Connecticut  
5 would have ameliorated the problem.

6 The reality is there are certain sites,  
7 even where there are existing reactors, where no  
8 additional reactor should ever be constructed. And I  
9 think the industry's experience at Indian Point would  
10 hopefully clue them into that fact. I think the fact  
11 that the industry has chosen sites that are in  
12 extremely remote populations or remote sites is an  
13 indication that they're aware of that. I see no  
14 reason not to kick it up into an earlier process so  
15 that we can obviate sites from consideration that are  
16 obviously unamenable due to emergency planning. I see  
17 no reason to leave it to the point where again you  
18 could have the industry having spent a lot of money  
19 and again the site being found to be unacceptable.

20 MR. CAMERON: Jim, just to clarify, your  
21 point is that because the alternative site review is  
22 one of the earliest reviews that are done, that it  
23 would be good to do the EP review as part of that,  
24 because that would give us the early decision on a  
25 critical factor.

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1                   MR. SMITH: Marvin Smith just to point out  
2                   that EP is part of the early site permit process and  
3                   is reviewed at that stage. I think what you're  
4                   talking about here is whether you expand that to  
5                   include something under NEPA looking at early  
6                   emergency planning relative to alternative sites. I  
7                   don't see really the benefit of doing that because  
8                   emergency planning is considered and is part of an  
9                   early site permit application.

10                  MR. MIZUNO: Yes. Just to expand upon  
11                  that point, Mr. Riccio, at least for the early site  
12                  permits, okay, I'm just focusing here on the early  
13                  site permits, that there is a regulatory requirement  
14                  that the applicant identify significant impediments to  
15                  emergency preparedness. So, presumably, if the  
16                  applicant identifies those, at minimum, the Commission  
17                  has to consider that information in determining  
18                  whether to grant that early site permit or not.

19                  The applicant also has the alternative or  
20                  the option, I should say, of presenting partial or  
21                  full emergency preparedness plans, and so in fact can  
22                  have a full consideration of EP, but, of course,  
23                  that's at their option. But I think for purposes of  
24                  at least trying to get to your concern that here is a  
25                  site that has some significant emergency preparedness

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1 defect, that at least for early site permits I think  
2 that Part 52 addresses that.

3 The question that we're focusing here is  
4 not so much on whether the particular site that the  
5 applicant is proposing has an emergency planning  
6 defect, but whether in the context of looking at  
7 candidate alternatives in the context of NEPA, would  
8 the Commission want to have an additional screening  
9 factor or perhaps not a screening factor but simply  
10 another piece of information that says either for  
11 these candidate sites I want to make sure that none of  
12 them have significant impediments because otherwise I  
13 just don't want to waste Agency resources. Because if  
14 it has a significant impediment, it's not -- even  
15 though it may be obviously superior from an  
16 environmental standpoint, if the candidate site or the  
17 proposed site does not have an emergency preparedness  
18 significant impediment, you would never, from a NEPA  
19 standpoint, choose to decide to not grant the ESP on  
20 the basis of the fact that there's an obviously  
21 superior site from an environmental standpoint.

22 MR. RICCIO: So if I understand you  
23 correctly, if Entergy were to apply for an early site  
24 permit at Indian Point, NRC would grant it.

25 MR. MIZUNO: I'm not saying that. All I'm

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1 saying is that what we're looking at is trying to come  
2 up with some -- what the Commission was looking for  
3 was whether we should have a process that says, first  
4 of all, does the site that we're proposing an ESP for  
5 have a significant impediment, and, second of all,  
6 apart from that, should we have additional criteria  
7 that requires the applicant to identify, and for the  
8 NRC to consider either as a screening mechanism or as  
9 ultimately a decision criteria in determining whether  
10 to grant the ESP, whether the alternative sites that  
11 the applicant has proposed do or do not have  
12 significant impediments. If it was a screening, I  
13 presume it would be because we want -- it's because we  
14 want to save resources. If it's not a screening item  
15 but simply a decision item in the overall decision,  
16 it's just simply saying, okay, now we know here is  
17 three alternative sites that may be obviously superior  
18 or not, but we also know that in terms of our overall  
19 decision as to whether we'll grant it there or whether  
20 there's some other thing such that we don't want to  
21 grant it here whether they have significant  
22 impediments. And so, therefore, the Commission would  
23 have all that data [data] before it.

24 MR. RICCIO: And that would be a good  
25 thing for the Commission to have all that information

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1 in front of it.

2 MR. CAMERON: Okay. Thank you. Thank you  
3 both. Barry, do you have something to add?

4 MR. ZALCMAN: One last point, just to  
5 expand on the dialogue, and I'll try and do it very  
6 quickly. For general understanding, there are three  
7 components to an early site permit: the environmental  
8 protection, the emergency planning and site safety.  
9 And each one of those requires an evaluation on the  
10 part of the staff. The question, if I can make it  
11 succinct, is under the environmental protection  
12 activities that are reviewed by the staff, there will  
13 be a consideration of alternative sites, so you'll  
14 have a slate of sites. Should that slate also be  
15 looked at from the emergency planning perspective,  
16 given, let's say it was three sites that you were  
17 looking at, given those three sites, would you also  
18 look in the emergency planning review at those sites  
19 to determine whether or not any of those have  
20 significant impediments? That's the thrust of the  
21 question. It is not to expand the scope of the  
22 environmental review to consider emergency planning.  
23 It is to focus on the safety review with emergency  
24 planning. Should we at that time, early in the  
25 process, look at emergency planning significant

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1 impediments?

2 MR. CAMERON: And just one clarification  
3 on that, though, is that from what Geary was saying,  
4 at least in terms of early site permits, you look at  
5 emergency planning for the proposed site anyway but  
6 not necessarily significant impediments to other sites  
7 that are looked at; is that correct?

8 MR. ZALCMAN: Right. And the Commission  
9 and the SRM suggested that that was something to  
10 pursue.

11 MR. CAMERON: All right. Any further  
12 comments now that you've heard this discussion? Dave?  
13 Oh, okay, George. Please introduce yourself, too,  
14 George.

15 MR. ZINKE: George Zinke, Entergy. Yes.  
16 Relative to Jim's comments, I mean all of the -- and  
17 I think it's already been said -- all of the issues on  
18 the emergency plan, as far as the significant  
19 impediments, are already required by regulation to be  
20 part of the ESP and get reviewed. So the question for  
21 the proposal that we're talking about would be in  
22 addition to environmental emergency preparedness  
23 requirements on the site that's being proposed, would  
24 you also evaluate that on the sites, the alternative  
25 sites that aren't being proposed?

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1                   And, certainly, if the regulations were  
2 such that in addition to a site being environmentally  
3 superior, we found that an emergency plan -- the  
4 possibility of an emergency plan, either would have  
5 impediments or not, would factor into a decision of  
6 whether or not to put something on the alternative  
7 site. But the applicant's already decided that -- you  
8 know, he's already selected a site. So it seems to be  
9 the question would be adding some review that doesn't  
10 have any outcome or make any sense.

11                   MR. RICCIO: (Off mic)

12                   MR. ZINKE: Well, if you're not -- Jim's  
13 question, if you're granted the site you proposed.  
14 Well, if you're not granted the site you proposed and  
15 you still wanted to -- an applicant wanted to build a  
16 nuclear plant on the alternative site, then you'd have  
17 to have a whole new application anyway, and then  
18 you're required by law in that application to address  
19 all of the emergency preparedness requirements. So  
20 it's -- so you're still required to do it.

21                   I mean you can't -- if in the process of  
22 my early site permit and this alternative site, if  
23 they're going to decline my [proposed site]-- the  
24 process doesn't allow the NRC to say, "No, go build it  
25 over on this alternative site," because there's not

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1       been enough information submitted to allow them that  
2       decision.    The worst they could do, which we've  
3       already been discussed they can't do, is decline the  
4       -- or wouldn't necessarily do, is decline the  
5       application.   So you can't in mid-stream just pick  
6       something else.   So the emergency preparedness  
7       requirements get addressed.

8                   MR. CAMERON:    Okay.    Thanks, George.  
9       Let's go to Dave Lewis.

10                   MR. LEWIS:    Two points.   First that's  
11       already been said, the emergency planning for the  
12       proposed site has to be evaluated as part of the ESP  
13       application on the safety side.   That's clearly  
14       already addressed, and there's no need to do anything  
15       further on that score or to blur the distinction  
16       between NEPA and the safety review.   With respect to  
17       the alternative sites, if the evaluation of  
18       alternative sites identifies none that are obviously  
19       superior, I think it would be a -- from an  
20       environmental perspective, I think it would be a  
21       monumental waste of time to be then looking at  
22       emergency planning impediments at inferior sites.

23                   If       they're       already       inferior  
24       environmentally, it doesn't make any difference if  
25       there's an impediment.   So you clearly would not want

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1 to have this as an automatic requirement in the  
2 alternative site review. I mean this is only a  
3 possible issue if an applicant is coming in and  
4 proposing an inferior site and there's an obviously  
5 superior site and NRC has to come up with a rational  
6 basis for accepting the inferior site. But that's --  
7 I doubt that would ever happen.

8 MR. CAMERON: Okay. Thank you. Thank you  
9 very much, Dave. Let's go to this gentleman here.

10 MR. BOURGEOIS: Mike Bourgeois, Entergy.  
11 I'd just like to point out this is a rational  
12 discussion. However, the impact is locked in the  
13 concept of LWR [light water reactor] mindset that  
14 we're in today. We're looking for ESPs that go out 20  
15 years. There's technology emerging on the horizon,  
16 which may change entirely the concept of impact and  
17 emergency planning. So I'm not objecting, I'm just  
18 putting that out there that as you focus on impact  
19 that it's still based on a presumption of existing  
20 technology.

21 MR. CAMERON: Thank you, Mike. Jim.

22 MR. RICCIO: Just to address that.  
23 Considering the fact that the ACRS [Advisory Committee  
24 on Reactor Safety] has already said that many of the  
25 designs that the industry is looking at constitute

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1 major safety tradeoffs due to the lack of containment,  
2 I don't really think placing all your eggs in the  
3 basket of this new wonderful technology is really  
4 going to obviate the need for emergency planning or  
5 site selection. So the new designs you're looking at,  
6 quite honestly, may be worse than the ones that exist.

7 MR. CAMERON: All right. Anything more on  
8 emergency planning? Okay. Thank you, and thank you,  
9 Dennis and Lee for keying up those issues for us. The  
10 next thing on the agenda is the famous "Other Issues"  
11 category, and we did have one other issue so far. And  
12 I'm going to ask you if there's any others, but,  
13 first, let's go to the suggestion that Bob Bishop made  
14 earlier this morning that rulemakings can be done in  
15 an expedited manner. And I think that the staff and  
16 our expert consultants would like to get some views on  
17 if there's anything specific other than, well, put  
18 more resources on it and put a tighter schedule on it  
19 and get it done that Bob or others might be able to  
20 tell us on that. Bob, do you want to put a finer  
21 point on that if you can?

22 MR. BISHOP: This is Bob Bishop again. I  
23 think you pretty well summarized it. I think it is a  
24 question of priorities and management. There's no  
25 magic here that says that the average rulemaking at

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1 the NRC has to take 2.4 years. All it takes is a  
2 desire to do it faster. There are very few legal  
3 constraints. All it takes is resources and  
4 commitment. But the legal constraint, obviously, is  
5 to allow an appropriate notice and comment period, and  
6 that can be as long -- almost as short as the  
7 Commission might like. Obviously, in cases of  
8 emergency, it can be zero, but I'm not advocating that  
9 here. But I think a thoughtful process can obviously  
10 be concluded in months rather than years.

11 MR. CAMERON: Okay. Thank you, Bob. And  
12 as you pointed out, the one constraint under the  
13 Administrative Procedure Act is a notice and comment  
14 period, and I don't want to state that in the  
15 negative, but I guess there are -- are there other,  
16 for example, NAFTA [North American Free Trade  
17 Agreement], in some cases, requires that proposed  
18 rules go out for a 75-day comment period. But even in  
19 those cases your point is is that commitment,  
20 priority, resource can get a rule done faster than two  
21 years.

22 MR. BISHOP: Absolutely. And I think  
23 experience suggests that the NRC has chosen to be very  
24 conservative in its reading of NAFTA in concluding  
25 that, well, because somebody might question it, we've

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1 got to provide the 75-day notice period. That only  
2 applies to things that NAFTA applies to, and this is  
3 clearly not one.

4 MR. CAMERON: Okay. Thank you. Any other  
5 comments or questions from the NRC staff about the  
6 issue of expedited rulemaking? Russell, were you  
7 going to comment on this?

8 MR. BELL: No, but I was going to come at  
9 it from the other direction and wonder if as part of  
10 the summary or other remarks was the staff going to  
11 speak to the schedule that this technical basis phase  
12 is on to be followed by rulemaking plan? Perhaps they  
13 could give us some idea.

14 MR. CAMERON: Yes. And that's an  
15 excellent question. Can we have Lee or someone tell  
16 us what the -- even though it might not be set in  
17 concrete, can you tell us what the schedule is that  
18 we're looking at here?

19 MS. BANIC: We're going to take your  
20 comments today and bin them and give responses. We'll  
21 review the -- this is from our contractor, and we'll  
22 review those responses. I think somewhere by April we  
23 should have that done. We're going to write a NUREG  
24 as a technical basis and have that out by November.

25 MR. CAMERON: Okay. So perhaps another

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1 question might be one of the points in summary is from  
2 a couple of different perspectives. Today, we heard  
3 suggestions that it would be better to do a rulemaking  
4 for various reasons. When will that threshold  
5 decision be made. In doing the NUREG, is that the  
6 vehicle for the November -- is the November NUREG the  
7 vehicle for deciding whether a rulemaking should be  
8 initiated?

9 MR. ALLISON: The November NUREG will  
10 discuss the pros and cons of the options. It will be  
11 up to the staff at that time to then decide if it  
12 wants to go ahead with rulemaking and send a  
13 rulemaking plan to the Commission and get their  
14 approval of it.

15 MR. CAMERON: So I guess the answer is,  
16 yes, is that the NUREG is the decisionmaking vehicle  
17 on whether to proceed.

18 MR. ALLISON: No. No.

19 MR. CAMERON: No. Okay.

20 MR. ALLISON: The decision vehicle will be  
21 a rulemaking plan. If the staff proposes a rulemaking  
22 plan to the Commission after writing the NUREG and the  
23 Commission approves it, then we'll go ahead with the  
24 rulemaking.

25 MR. CAMERON: Okay. So November NUREG,

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1 if that November NUREG prompts the staff to recommend  
2 proceeding with a rulemaking, then there is another  
3 decision point for the Commission which would be in  
4 the form of a rulemaking plan that would be submitted  
5 to the Commission in early 2004 in broad terms.

6 MR. ALLISON: Yes, in broad terms. We  
7 might possibly decide to be working on that product if  
8 we can see our way through while the NUREG is still  
9 being finalized, so we might get it a little sooner  
10 than that. But the average time for a rulemaking plan  
11 is four months.

12 MR. CAMERON: When you say the average,  
13 just so people understand --

14 MR. ALLISON: The average time to write a  
15 rulemaking plan --

16 MR. CAMERON: To write it.

17 MR. ALLISON: -- send it to the  
18 Commission, get their approval.

19 MR. CAMERON: And get approval --

20 MR. ALLISON: Four months.

21 MR. CAMERON: -- is four months. All  
22 right. Bob?

23 MR. BISHOP: I don't want to belittle the  
24 necessary work and thought process that has to go on,  
25 but I'm force to observe that November will be two and

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1 a half years after we asked the Commission, through  
2 the petition for rulemaking process, to consider  
3 changes. I would only suggest that this does not  
4 stand as a paragon or [of] virtue yet for how this can  
5 be done quickly, and I would suggest that perhaps more  
6 resources, more attention -- I'm not sure it's  
7 resources as much as attention, as much as priorities  
8 can and should be devoted to this. We've got  
9 applications that will be coming in in this time frame  
10 in the summer, in the fall. There are other  
11 applications other than early site permits where  
12 alternate site reviews are going to come into play.  
13 I think it obviously behooves the Agency to try to  
14 move forward on this as rapidly, as promptly as it  
15 can.

16 MR. CAMERON: Okay. And you brought up  
17 another part of the procedural framework that could  
18 have an impact, which is, obviously, the Commission is  
19 going to be making a decision on the NEI petition, and  
20 I guess conceivably whatever way that decision was  
21 made, the Commission could specify a time frame for  
22 completing certain of these actions. Jim?

23 MR. RICCIO: A couple of things. The few  
24 months that the NEI has had to wait seems eminently  
25 reasonable considering it took the Agency 21 years to

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1 get back to the p[Public] c[C]itizen on its request to  
2 have TMI [Three-Mile Island] considered an  
3 extraordinary nuclear occurrence. So four months  
4 doesn't seem like it's totally onerous.

5 I would also oppose an expedited  
6 rulemaking considering the fact that if you really  
7 want broad public participation that it's going to  
8 take some time. Expediting the process can only give  
9 the illusion that you're trying to further exclude the  
10 public from the process. And I just want to make it  
11 clear that I'm not in favor of going to rulemaking.  
12 I think the rules as they exist seemingly are  
13 sufficient. However, if you are going to go ahead and  
14 try to change the regulations, I would suggest you do  
15 it through rulemaking rather than through reg guides  
16 which are unenforceable.

17 MR. CAMERON: Jim, and forgive me if I  
18 screw this up, but you don't think that we need to do  
19 anything --

20 MR. RICCIO: I'm still not clear why we're  
21 wasting time on this.

22 MR. CAMERON: Okay. But if we decide to  
23 change the criteria, whether in the reg guides, review  
24 plans, that if we're going to change things, do that  
25 through a rulemaking. And even though you can still

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1 do an expedited rulemaking, that should be no excuse  
2 for not having lots of public involvement in that  
3 rulemaking process is what I heard.

4 MR. RICCIO: I really do think you need an  
5 expedited process.

6 MR. CAMERON: Anybody else on the  
7 rulemaking issue? Okay. I'm glad Jim clarified that  
8 about the need for rulemaking, because I did  
9 misunderstand that, that the various perspectives were  
10 saying do a rulemaking. On some of the other issues,  
11 what I heard is that let's look at the analysis that  
12 the licensee has done and look to see whether that is  
13 reasonable rather than specifying number of sites,  
14 region of interest. We didn't hear anybody say that  
15 other people should be able to suggest, other than an  
16 applicant, to be able to suggest alternative sites.  
17 No one really disputed the obviously superior  
18 criterion, and I'm not trying to say that this is  
19 written in stone or that this is a consensus, I'm just  
20 trying to sort of summarize what we heard today.

21 And on emergency planning, we heard that,  
22 well, keep the current process, especially since the  
23 current process of ESP does consider emergency  
24 planning. I think Jim Riccio's point was is that at  
25 some point early on in the process you should look to

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1 see if there's significant impediments from an  
2 emergency planning point of view at a suggested site  
3 so that you don't waste a lot of time on that. The  
4 remaining question is is do you need to look at the  
5 significant impediments of all the alternative sites  
6 that were looked at, as George Zinke made a point on?

7 Expedite the rulemaking, and let's go to  
8 Frank, Frank Gillespie.

9 MR. GILLESPIE: Yes. I think on that one  
10 what I heard in combining all the comments was that if  
11 you find an obviously superior site, before you go  
12 saying it's obviously superior, it may be worth taking  
13 the extra step to say, but does it have any P-flaw,  
14 and that would kick it out. It sounded from the  
15 summation of the comments it was more of a screening  
16 step at the last rather than an evaluate at every  
17 site, so just in summation from what I heard. It may  
18 actually have a value as an end if you think of a  
19 process where if all the answers up here are yes, then  
20 you should ask this also, and if any answer above is  
21 no, then the site got kicked out as not being superior  
22 anyhow.

23 MR. CAMERON: Okay. I see people agreeing  
24 with that.

25 MR. GILLESPIE: It's a little different

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1 than what you said --

2 MR. CAMERON: Yes. And I thank you for  
3 that clarification, Frank. Does anybody -- I want to  
4 give people an opportunity -- go ahead, Dennis.

5 MR. ALLISON: I just have a couple of  
6 things to say.

7 MR. CAMERON: Sure.

8 MR. ALLISON: We received one e-mail from  
9 a gentleman in Virginia, which we will attach to the  
10 transcript of this meeting, and if you have any  
11 further communications you want to give us within the  
12 next month or so, that will be good. That will come  
13 before we've summarized the comments and move forward  
14 to write the NUREG. So within say by the end of  
15 February it would be a good due date for those kind of  
16 things.

17 MR. CAMERON: Okay. Thank you, Dennis.  
18 I want to see if anybody else has any final words for  
19 us today. Geary Mizuno, then we'll go to Bob. Geary?

20 MR. MIZUNO: Just with respect to the  
21 issues, well, generally, I mean I heard the comments,  
22 and the one thing that I wanted to, I guess, raise for  
23 people to consider is the issue with respect to having  
24 third parties or entities propose alternative sites  
25 for consideration. Some of the reasons why you might

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1 want to have, from my perspective, a rulemaking  
2 process for doing that is that, one, it allows the  
3 Agency to obtain information from all sources and have  
4 it done in a regularized way. And the second thing is  
5 that depending upon how you construct a rule, it would  
6 certainly be a way of avoiding specific litigation on  
7 the matter, in terms of at least having someone know  
8 that or have some information with respect to an  
9 alternative site that they believe is obviously  
10 superior and not participating in the NEPA process.  
11 From my standpoint, it would be useful to have  
12 something that would allow people to raise the  
13 possibility that there is a -- what they believe is an  
14 obviously superior site so that the Agency can go  
15 forward and consider in fact whether it does appear to  
16 be something that needs to work a further inquiry on  
17 the part of the Agency.

18 MR. CAMERON: Okay. Thank you, Geary.  
19 Bob?

20 MR. BISHOP: If I can just address that  
21 for a moment. It seems to me to do so is to raise the  
22 specter of a never-ending process. If I happen to be  
23 a developer with 40 acres over here somewhere, if you  
24 give me the regulatory ability to say, "No, no, no,  
25 that nuclear power plant that ought to be on my parcel

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1 of land, and I'd be willing to sell it at a very  
2 reasonable price," you enter into just non-ending  
3 speculation about where another place might be that  
4 this plant could be sited, which the applicant has not  
5 identified as one that they are willing to use.

6 MR. MIZUNO: But, Bob, I mean to be fair,  
7 I mean you didn't think when I said a regularized  
8 process that someone was not -- we're not going to  
9 establish some sort of standard or some kind of  
10 criterion for someone to say you cannot come in and  
11 expect the Agency to consider and start off the  
12 process for considering what you consider to be an  
13 obviously superior site unless you meet some kind of  
14 threshold for showing that your contention or you  
15 claim that there is something that's obviously  
16 superior is in fact worthy of consideration.

17 I mean my concept is that the -- whether  
18 it be guidance or by rule there would be some  
19 threshold, okay, by which if someone wanted the Agency  
20 to rev up its process and consider a site that this  
21 entity claims is an obviously superior site, that they  
22 would have to meet some threshold for showing that,  
23 yes, there is sufficient information there that it  
24 would lead the Agency -- a reasonable Agency  
25 decisionmaker to believe that, yes, this site is

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1       worthy of inquiry.

2                   MR. BISHOP: I guess it's theoretically  
3 possible. I would suggest that we ought not to spend  
4 a whole lot of time on it, one, because I think it's  
5 not likely and, two, because once again I think you  
6 could get into litigation about whether that applicant  
7 met those criteria, and you have now changed what was  
8 supposed to be an orderly process into a much more  
9 disorderly one. But Jim has some comments to offer  
10 too.

11                   MR. CAMERON: And let's go to Jim on this,  
12 and then we'll come back to Bob. Jim?

13                   MR. RICCIO: I see Geary's point, and I  
14 think it is appropriate to open this up for questions.  
15 But to think that a member of the public is going to  
16 come and say they want a nuclear power plant placed in  
17 their backyard is delusory at best. I don't really  
18 think -- you know, unless there's someone with a  
19 vested business interest you might feel they're going  
20 to benefit, although generally the members of the  
21 public that participate in this are environmentalists,  
22 not people seeking to maximize their profit. To think  
23 that someone's going to show up and say, "We want the  
24 nuclear plant is in our backyard," is -- it's not even  
25 worth discussion.

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1 MR. CAMERON: Do you have any other things  
2 on the -- Jim, do you have any other things on the --  
3 besides that particular example, is there any benefit,  
4 for example, as presented by Geary as to having  
5 someone else suggest it?

6 MR. RICCIO: From our perspective, Chip,  
7 yes, the reality is that the public isn't going to  
8 want nuclear power plants built, period. Despite the  
9 seemingly rosy view that NEI has on future  
10 construction, even DOE is saying there are going to be  
11 no reactors built by 2020. Again, why are we here?  
12 But I understand they're trying to make a process that  
13 will be amenable and won't be an impediment if anyone  
14 ever would want to build a new nuke. But quite  
15 honestly, to be going through this now just doesn't  
16 seem to be a good use of Agency or industry time.

17 MR. CAMERON: All right. Thanks, Jim.  
18 Bob, did you have some other things to offer? And we  
19 do have a representative of the Department of Energy  
20 here who we'll go to as soon as Bob's done. Bob, do  
21 you have some comment?

22 MR. BISHOP: Just if we're ready to talk  
23 about other issues, I have one, but perhaps better to  
24 --

25 MR. CAMERON: Well, let's go to DOE now.

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1                   MR. SINGH:     I'm BP Singh with the  
2 Department of Energy. I just want to set the record  
3 -- correct the record. Jim mentioned that DOE is  
4 saying that there won't be a reactor built in 2020.  
5 I'm a program manager working on the Nuclear Power  
6 2010 Program, and the goal of the Program is to have  
7 a new reactor deployed in the United States in the  
8 2010 time frame. It's not a prediction whether we  
9 would achieve that or not, but that's the goal of the  
10 Program.

11                   MR. RICCIO: Sorry. I'm corrected. It's  
12 the DOE's EIA [Energy Information Agency]. If you  
13 look at their 2003 energy review, they're claiming no  
14 reactors by 2020, which, again, I don't know why we're  
15 wasting our tax money on the 2010 Program.

16                   MR. SINGH: Well, I don't think this is  
17 the right forum to discuss that issue, so I would not  
18 belabor the point here, but I just wanted to correct  
19 the record.

20                   MR. CAMERON: Okay. Thank you very much.  
21 Other issues or discussion? Let's go to Alex.

22                   MR. POLONSKY: Alex Polonsky. Just  
23 wondering, Geary, if you wouldn't mind commenting how  
24 alternative sites, whether they're obviously superior  
25 or not, wouldn't come out in the EIS scoping process,

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1 which the NRC holds, and it's a very open public  
2 process, and I'm curious why --

3 MR. MIZUNO: I would think that as part of  
4 scoping in fact --

5 MR. POLONSKY: Right.

6 MR. MIZUNO: -- when I talk about  
7 regularizing the process, I'm talking about using  
8 scoping and having part of scoping focus on that. So,  
9 yes, I would consider this process of someone offering  
10 up an alternative as part of the scoping process. And  
11 that would be the way that you would -- that would be  
12 the timing in terms of the timing and the process how  
13 any interested entity who feels that there is an  
14 obviously superior site to the one that's being  
15 proposed by the applicant would be able to raise that.

16 And my point was that to avoid people just  
17 throwing things out there, I mean whether it be a  
18 group who's opposed to the plant being built there  
19 without any regard for where it may else [be built]  
20 and simply saying, "Well, there's obviously superior  
21 sites." Well, where is it? They just point to  
22 someplace out there on the map. No, the Agency should  
23 not waste its time on something like that unless  
24 someone can come in and say, "Look, here is what we  
25 believe is an obviously superior site worthy of Agency

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1 consideration, and here are the reasons why." Here  
2 are whatever it may be, whatever information that they  
3 propose to use they would bring it forward as part of  
4 the scoping process, and the Agency would then use  
5 that information in the scoping process to determine  
6 how it goes about deciding whether there is an -- what  
7 is an appropriate slate of candidate sites.

8 MR. POLONSKY: Do you foresee that a  
9 change is needed in the regulations itself to redefine  
10 what scoping means in order to have something like  
11 this occur, or why wouldn't some group now under the  
12 current scoping process bring forward such a  
13 proposition?

14 MR. MIZUNO: My concept was that any  
15 regulation that would be written, if a regulation were  
16 to be written, would not change the scoping process  
17 per se but add in additional criteria and perhaps some  
18 additional procedural requirements that say, okay, at  
19 this particular time if you have an obviously superior  
20 site, you need to submit that information, you need to  
21 provide this level of information with respect to  
22 that, and this is -- and then have further procedural  
23 provisions that indicate how the NRC is going to deal  
24 with that information and dispose of that and how it  
25 would ultimately, assuming that the Agency agreed that

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1 the information reach that level that it was worthy of  
2 further consideration how the Agency was going to deal  
3 with that in terms of its preparation of the EIS and  
4 possibly what information the applicant would have to  
5 address.

6 I mean right now let's assume that the  
7 applicant identified alternative sites A, B and C, and  
8 in the scoping process this other entity identified  
9 site D, and the Commission said, "Okay. After  
10 reviewing the information you meet our criteria. We  
11 believe that D is an appropriate alternative." We  
12 could, I'm not saying we would, but I'm saying you  
13 could conceive of a process where we would tell -- the  
14 applicant would then be required following an Agency  
15 finding that they also would be required to submit  
16 information on D. I mean you could. I mean you could  
17 also say, no, the applicant did its work, the Agency's  
18 going to develop the information on its own.

19 MR. POLONSKY: My understanding of why you  
20 raised this issue initially was to decrease the amount  
21 of litigation or narrow the scope of litigation.

22 MR. MIZUNO: Right.

23 MR. POLONSKY: My initial -- my gut  
24 reaction is that a group is going to intervene at the  
25 time that the notice is published in the Federal

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1        Register which is typically before the scoping  
2 meetings occur, and so the litigation will only be  
3 additive and that that group, if they have standing,  
4 will participate in a proceeding and seek to delay the  
5 proceeding further by suggesting some sort of  
6 obviously superior test later on within the scoping  
7 process. And the intent to decrease the amount of  
8 litigation may actually create an additional  
9 opportunity.

10                    MR. MIZUNO: Well, I guess I can see that,  
11 but my concept was that someone's further  
12 participation in the proceeding, in a hearing, okay,  
13 as opposed to the NEPA, and also the scope of issues  
14 would be constrained by whether they participated in  
15 the process of -- the scoping process and the ultimate  
16 process of considering that. If you did not  
17 participate in that or if you raise that issue and  
18 then didn't pursue that, okay, there may be a legal  
19 basis for limiting the scope of issues or that  
20 entity's participation in the hearing.

21                    MR. POLONSKY: Okay. Thank you.

22                    MR. CAMERON: Just a final note on that is  
23 that we haven't had a scoping meeting yet on an early  
24 site permit, and although obviously what people want  
25 to raise during scoping can be very broad and the

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1 staff evaluates whether that is in scope, I guess the  
2 question that Alex is putting before us and Geary is  
3 should the NRC specify in the notice of scoping that  
4 one issue they want -- we want comment on is obviously  
5 superior sites. But that's for the future. Barry?

6 MR. ZALCMAN: I have the advantage of not  
7 being of counsel when I raise an issue in this  
8 context. The various venues that are available to  
9 process an early site permit include, certainly, the  
10 scoping process. It is part of the environmental  
11 review but it is not necessarily the hearing process.  
12 And then the timing of these issues gives program  
13 managers great concerns, and we try and establish a  
14 framework where applicants have a very clear  
15 understanding of what the expectations are, the public  
16 has a very clear understanding, the transparency issue  
17 that Chip had alluded to before, and the staff can  
18 actually execute its review. And one of the timing  
19 challenges that we will have is the hearing would not  
20 occur until late in the process after the staff  
21 completes its review, produces its environmental  
22 impact statement.

23 But when we refer to that other party,  
24 that other party could also be your licensing board,  
25 our licensing board, who at a very late stage in the

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1 process could raise the issue that there is perhaps  
2 yet another site that might be considered, whether  
3 it's a potential intervenor that gained standing or  
4 the developer that thinks he has a piece of property  
5 that can be better utilized. Should we bound or  
6 should we establish very clear criteria for the  
7 introduction of another site into the process that had  
8 not been proposed by the applicant or considered by  
9 the staff in its review? I think that's very clear,  
10 should we consider that, and that would also not only  
11 bound interested parties but even licensing boards if  
12 it were within the regulation. That's a question.

13 MR. CAMERON: Thank you, Barry. Bob,  
14 other issues, final comments? Then I want to see if  
15 anybody else has anything to say out there. Bob?

16 MR. BISHOP: On the topic of other issues,  
17 in our petition, now round numbers 18 months ago, we  
18 also asked the Commission to clarify its regulations  
19 and to eliminate the current requirement for the NRC  
20 -- for the applicant and, in turn, the NRC to do a  
21 need for power and alternate source of energy  
22 evaluation. We believe whatever other decision is  
23 made as a result of this and further discussions,  
24 action should be taken on those proposals as well.  
25 Simply stated, as the Chairman admitted in Senate

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1 testimony now a couple years ago, the NRC need not, I  
2 would argue the NRC has no legal obligation to, but it  
3 consumes the resources that I think could much better  
4 be spent on other things and it is not likely to lead  
5 to a better, more informed decision. So our  
6 recommendation is that those creations of the NRC's  
7 imagination back 30 years ago no longer make sense, if  
8 ever they did.

9 MR. CAMERON: Thank you, Bob. Other  
10 people in the audience who want to, especially people  
11 we haven't heard from, want to offer anything? Do any  
12 of our experts who are helping us on this project, do  
13 you have any questions that we should put before  
14 people before we adjourn? Yes and please introduce  
15 yourself, Liz.

16 MS. HOCKING: Liz Hocking, Argonne  
17 National Laboratory. I'm wondering about the whole --  
18 and I'd like to get some NRC staff opinions on this --  
19 whole notion of among the best that can be reasonably  
20 found, if that is an artifact of like '70s thinking  
21 and what that means for like the region of interest  
22 and the diversity of sites that was required back then  
23 and if that -- this whole notion of among the best  
24 that can be reasonably found, how that affects the  
25 process versus product approach to site selection.

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1                   MR. CAMERON: Okay. Bob or anybody have  
2 an answer on that? I didn't really -- did everybody  
3 catch that?

4                   MR. ZALCMAN: I think the characterization  
5 -- this is Barry Zalcman again -- the characterization  
6 of the physiographic settings, diversity of a few, a  
7 lot of that goes back to vintage 1970s, 1980  
8 perspective, and I would argue that there's been an  
9 evolution of case law and precedence that have come  
10 out since that time that begin to narrow the focus of  
11 what it is the Agency should be looking at. And,  
12 certainly, we have the offering from NEI and the  
13 petitions and, certainly, the Chairman's  
14 representation is to what we can do, should do under  
15 our regulatory framework versus a statutory framework.  
16 So those are challenges along the way.

17                   I think what we've tried to do is create  
18 a synopsis of what the thinking was back in that  
19 vintage as a platform to begin the dialogue, not  
20 necessarily that we are wedded to any of those  
21 approaches in today's environment, but we're seeking  
22 public engagement on these issues, and it's most  
23 important if you have views on these issues to help  
24 stimulate the staff thinking as we formulate what  
25 plans would go forward. Right now the rules are the

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1 rules, the statute is the statute, and the guidance  
2 has been promulgated, and that's how it's going to be  
3 executed.

4 I've always had this view that our rules  
5 are only temporary rules until they become temporary  
6 again after being changed, but they are the rules, and  
7 that's very important that everybody, all the  
8 stakeholders have a clear understanding that that is  
9 the way the Agency plans to operate. When we're  
10 talking about the potential changes or refining the  
11 focus of how we look at issues, that will be through  
12 a stakeholder engagement process like this as a  
13 starting point, but if we're talking about changes to  
14 guidance that the staff may embrace those views, that  
15 would be put out for public comment and participation  
16 in the process as well.

17 So I think part of the concern is we  
18 started with a 1980s platform as a starting point in  
19 the discussion. That's not to say that we are wedded  
20 to those approaches, but it has to be that way.  
21 That's where the staff was coming from back in the  
22 late '80s -- the early '80s, the last time we  
23 addressed this issue. And as we look towards this  
24 current millennium, is there a better way to look at  
25 the issue?

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1 MR. CAMERON: Okay. Thanks, Barry. That  
2 was an important point to make, that the staff is not  
3 necessarily wedded to that but it was useful, at the  
4 very least, as an historical point. We heard from  
5 Dennis that if you want to send anything in, try to do  
6 that by the end of February. Lee is the project --

7 MR. ALLISON: We also are going to create  
8 a web site where we'll put those up, any comments we  
9 get, as well as this transcript.

10 MR. CAMERON: Okay. A web site will be  
11 there. Lee, did you have anything else that you  
12 wanted to add, as the project manager? All right.  
13 Well, I guess she does.

14 MS. BANIC: We'll be creating a web site  
15 for alternative sites with the transcript of the  
16 meeting and other background materials and anything  
17 that comes along.

18 MR. CAMERON: Okay. Anybody else in the  
19 audience have anything to say before we adjourn? All  
20 right. Thank you and remember what Frank Gillespie  
21 said at the beginning of the meeting, the  
22 inspirational words, and the staff will be back with  
23 you on this issue. Thank you.

24 (Whereupon, at 12:54 p.m., the NRC Public  
25 Meeting was concluded.)

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**Comments Submitted in Response to  
Criteria for Review of Alternative Sites Public Meeting  
and Meeting Transcript (Edited)**

**Comment 1:**

>>> "rosenthals" <ziips@firstva.com> 01/24/03 09:55AM >>>

Chip, Thanks for your phone call and the e-mail to let me know about the Jan 28 meeting on rule changes to gut the original NEPA requirements for siting nuclear power plants.

The following is my statement, and I'd appreciate your forwarding it to the meeting:

I strongly feel the NRC should keep the current NEPA rules in evaluating any new license applications, including evaluating alternative sites.

The utilities and their lobbyists are continuously looking to weaken any perceived obstacle to nuclear power production. These long standing rules make sense -- they force the NRC and the utilities to look at alternatives and the environmental impact it may have. The strange thing about this case is that the utilities are not even specifying what reactor they will use, so it seems very wierd that they would be able to define the parameters of what they would be doing.

General environmental concerns have increased, not decreased, over the past thirty years. Specific concerns need to be assessed including the effects

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1 in the cases of terrorism, earthquakes, the storage of high and low level  
2 wastes. The population in the immediate area of North Anna has exploded --  
3 up five times in the five miles range and doubled in the ten mile range,  
4 just since the plant has been built. Therefore, alternatives in less  
5 populated areas should be considered.  
6 Again, it is inappropriate for the NRC to grant license approval without  
7 considering the type of plant. How could one examine the environmental  
8 risks without knowing what will be produced?  
9 I urge the staff to keep the NEPA standards that have served the community  
10 for the past three decades, and to study all aspects of nuclear power  
11 production -- environmental and otherwise -- including looking at  
12 alternative sites. Thank you.

13

14

15

Jerry S. Rosenthal

16

877 Holland Creek Road

17

Louisa, VA 23093

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540 967 2715

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----- Original Message -----

20

From: Francis Cameron <FXC@nrc.gov>

21

To: <zip@firstva.com>

22

Sent: Monday, January 13, 2003 11:15 AM

23

Subject: Fwd: Meeting on alternative sites Jan 28.

24

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Jerry:

I thought you might be interested in an upcoming meeting scheduled for January 28th at NRC Headquarters in Rockville, MD. The topic is the NRC's consideration of doing a rulemaking to lay out the criteria for how alternative sites should be considered if and when we receive applications from the industry for new reactor sites. I know it would be difficult for you to attend but I have asked the staff to take written comments on the issues in the attached Federal Register Notice (if you can't use the web links, let me know and I will fax you a copy). I should have a name and address (hard copy and email) for written comments soon and will get it to you.

Chip [Cameron, NRC]

301-415-1642