

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

A PUBLIC MEETING
TO DISCUSS ENVIRONMENTAL SCOPING PROCESS FOR
UPDATE TO THE GENERIC ENVIRONMENTAL IMPACT STATEMENT (GEIS)
FOR LICENSE RENEWAL OF NUCLEAR POWER PLANTS, NUREG-1437

AZALEA BALLROOM
DOUBLETREE SUITES PERIMETER
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Atlanta, Georgia

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F. CAMERON, Facilitator

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P R O C E E D I N G S

MR. CAMERON: Good evening, everyone, and welcome to the Nuclear Regulatory Commission's public meeting on the update of the Generic Environmental Impact Statement on License Renewal for Nuclear Power Plants.

My name is Chip Cameron, I am the Special Counsel for Public Liaison at the Nuclear Regulatory Commission, and it is my pleasure to serve as your facilitator for tonight's meeting.

In this role I will try to assist all of you in having a productive meeting, namely to get the information that you need from the NRC staff on the update process, and also let all of you have an opportunity to share your concerns and your recommendations with the NRC staff tonight.

The objectives of the meeting are pretty straightforward. One is to make sure that we clearly explain the GEIS update process to you, and answer your questions, and also that we listen to you on the update issues that you will be hearing about, including the criteria that the staff will be using to decide when and if to revise the Generic Environmental Impact Statement, and I really wanted to emphasize the information-sharing objective of the meeting tonight.

Any comments that you give us either at the formal comment part of the meeting, or a lot of times comments actually come up during the question and answer and discussion,

1 and those comments are going to be considered and evaluated by
2 the NRC staff just as a written comment would be.

3 But these meetings are often useful to get
4 information to inform or illuminate the written comments that
5 you might want to submit to the staff, so I want to make sure
6 that you have a chance to ask all the questions and we clearly
7 explain the concepts behind this.

8 Because of the importance of the information-sharing
9 we are going to do something a little bit different than we
10 traditionally do in these meetings. Usually in the first part
11 of the meeting there are some NRC staff presentations and then
12 questions and answers with all of you, and then we go to the
13 people who want to make a formal comment.

14 The second part of the meeting we will have the
15 presentation by the NRC staff, we'll have questions and
16 answers, we will go to the formal comment part of the meeting,
17 and then we'll take a break during the formal comment part to
18 go back for questions and answers to see if there's anything
19 that you've heard that was raised that we need to answer, and
20 then we'll go back to formal comments.

21 In terms of ground rules, they're very simple also.
22 If you have a question that you want to ask, just signal me and
23 I'll bring you this cordless microphone, also known as a
24 talking stick.

25 And please give us your name and affiliation if

1 appropriate, and we are taking a transcript tonight, and we
2 have Mr. Len Partain as our stenographer, and so I would ask
3 you to just speak one at a time so that we can get a clean
4 transcript and so that we give our attention to whomever has
5 the floor at the time.

6 I would ask you to try to be concise, and I know that
7 that's difficult sometimes; there's a lot of interest in this
8 issue. So we'll just go with it, and get all the questions
9 out.

10 If you will keep your comments when we go to formal
11 comments down to five to seven minutes that will ensure that
12 everybody gets a chance to speak, and that we get all the
13 questions answered.

14 In terms of the agenda, we are going to first have a
15 presentation by Mr. John Tappert who is right here, and John is
16 going to talk about the license renewal program generally, and
17 the relationship of the Generic Environmental Impact Statement
18 to that program.

19 Most of you may know John at this point. John is the
20 Chief of the Environmental Review Section, and that's where all
21 environmental reviews for any type of nuclear reactor activity
22 is done, including all of the environmental reviews for the
23 license renewal applications, and obviously the Generic
24 Environmental Impact Statement.

25 He has been with the NRC for about twelve years.

1 During that time he served as a resident inspector at nuclear
2 power plants that the NRC licenses and regulates; he was in the
3 nuclear Navy before that; a Bachelor's Degree from Virginia
4 Tech in Oceanographic and Atmospheric Engineering, and a
5 Master's Degree from Johns Hopkins University in Environmental
6 Engineering.

7 We're then going to go right on to our next
8 presentation, and this is really the heart of the matter
9 tonight, the Generic Environmental Impact Statement update
10 process, and we have Mr. Barry Zalzman right here, and Barry is
11 the Project Manager for the update, and also I think that it's
12 safe to say that we can say he is the architect of the license
13 renewal [environmental] program at NRC, and all the planning
14 that goes into that.

15 Before Barry was involved in license renewal he was
16 involved as a supervisor in emergency planning work at the NRC,
17 and also a program manager of the early site permit program.
18 He has been a Congressional Fellow for Senator Harry Reid of
19 Nevada, and he has a Bachelor's Degree from Rutgers in
20 Atmospheric Sciences, and has done graduate studies on
21 geophysical fluid dynamics.

22 And after Barry is done, we will go to questions for
23 all of you, and then take it from there. At some point we'll
24 break and start the formal comment process.

25 I wanted to introduce one other person. We do have

1 as usual NRC staff and our expert consultants with us tonight
2 to be able to answer questions and talk to you after the
3 meeting.

4 We do have a senior NRC manager here, that's Mr. P.T.
5 Kuo who is right here. P.T. is the Branch Chief of the License
6 Renewal and Environmental Impact Program at the NRC, and that's
7 where all the license renewal work is done, not only the
8 environmental reviews, but the safety review that's done on
9 individual license renewal applications.

10 So I think we have the people here to try to answer
11 all your questions, and we're certainly interested in hearing
12 from you tonight, and thank you for being here.

13 I know that a lot of you have come from various
14 places in the South, and not just the Atlanta area, so we
15 appreciate the fact that you're here.

16 And with that, I pass it on to John Tappert to talk
17 to us, and then we'll go to Barry, and then we'll have a
18 discussion.

19 MR. TAPPERT: Thank you, Chip.

20 I also want to welcome you to tonight's meeting.
21 This is the first of four we're having around the nation on
22 this topic. Thank you for attending.

23 I would like to start off by telling you why we're
24 having this meeting, and introduce the license renewal process
25 and the role of the environmental review in that process, and

1 tell you what we hope to accomplish today.

2 We are holding this meeting to invite the public to
3 participate in the scoping process that will assist the NRC in
4 framing the environmental issues that should be considered as
5 we update the Generic Environmental Impact Statement, or the
6 GEIS.

7 This Generic Environmental Impact Statement, or GEIS,
8 the NRC has implemented reflecting the findings and conclusions
9 of the GEIS are fundamental components of the NRC's license
10 renewal program.

11 The findings of the GEIS are used by NRC in
12 conducting the environmental review. The environmental review
13 is an important part of the license renewal program, and
14 combined with the safety review and on-site inspections forms
15 the basis for the staff recommendation to renew or not to renew
16 operating licenses for nuclear power plants.

17 Nuclear power plants can be licensed by the NRC to
18 operate for a period of 40 years. While there is no
19 engineering limitation to that period, the United States
20 Congress in the Atomic Energy Act of 1954 envisioned the 40-
21 year period to be the right balance between the nation's long-
22 term energy planning needs and financial considerations.

23 Congress also envisioned that licenses could be
24 renewed, and stated so in the act. However, it did not provide
25 further guidance, and left the implementation details to the

1 Commission.

2 Since that time nuclear power has grown to be a
3 significant part of the nation's energy mix, making up about 20
4 percent of the electrical energy produced in the United States
5 today.

6 Over the years nuclear technology has matured, and
7 the focus on reactor safety and environmental protection has
8 been strengthened. The industry has expressed interest in
9 renewing the licenses of virtually all of the nuclear power
10 plants to provide safe and economic power for the next
11 generation.

12 The NRC's role in this is not to promote nuclear
13 power, but rather to ensure that the public and the environment
14 are protected, and that nuclear materials are secure.

15 I will discuss more about the status of license
16 renewal in a later slide.

17 This slide depicts the license renewal process. As
18 nuclear power plants progress through their 40-year licenses
19 the NRC initiated the license renewal program and established
20 the regulatory framework to permit renewal.

21 The license renewal program was created in the late
22 1980s to establish a systematic review of those important
23 safety attributes of nuclear power plants that are associated
24 with the aging of these facilities.

25 The safety activities are focused on aging management

1 programs, prepares a long list of systems, structures and
2 components, and require a reassessment of this time-limited
3 analysis that assumed 40 years of use.

4 These activities involve the energy staff
5 development, the safety evaluation report, conducting
6 inspection activities, making independent evaluations of the
7 Commission's Advisory Committee on Reactor Safeguards.

8 This committee was established by the Atomic Energy
9 Act as a collection of experts in the nuclear arena to provide
10 independent advice to the Commission.

11 The reason that the Commission felt that it could
12 narrow its safety focus to aging management programs is that
13 for other aspects of operation there are ongoing regulatory
14 processes that monitor and ensure safety, and have provisions
15 for key programs such as emergency planning and security.

16 In addition to the safety review, the staff conducts
17 an independent review of the environmental impacts associated
18 with continued operation of the facility during the renewal
19 period.

20 The Commission determined that the actions to
21 consider whether or not to renew the license of an operating
22 power plant should allow for a high level of public
23 participation during the environmental review, and decided that
24 the NRC would develop a site-specific environmental impact
25 statement for each license renewal.

1 Whereas the NRC safety activities are governed by the
2 Atomic Energy Act, the environmental activities are governed by
3 the National Environmental Policy Act, or NEPA.

4 The NRC has established its implementing regulations
5 for license renewal in Title 10 of the Code of Federal
6 Regulations, or 10 CFR in Part 54, and the regulations for
7 environmental protection in Part 51.

8 As part of the license renewal program initiated in
9 the late 1980s the NRC undertook a comprehensive review of
10 environmental issues associated with the continued operation of
11 nuclear power plants beyond the term of their current operating
12 licenses, and the specific activities associated with the
13 refurbishment that may be necessary for continued operation
14 during that renewal period.

15 The results of this comprehensive review were issued
16 in 1996 as NUREG-1437, the Generic Environmental Impact
17 Statement for License Renewal for Nuclear Power Plants.

18 In total, 92 environmental issues were identified
19 across ecological, physical, social, and radiological sciences
20 that need to be considered for refurbishment activities and for
21 continued operations.

22 The findings of the GEIS that was issued in 1996 were
23 codified in the NRC regulations at 10 CFR Part 51.

24 In so doing, the Commission indicated its intent to
25 revisit the GEIS and its implementing regulations on a ten-year

1 cycle to determine whether the technical bases or conclusions
2 needed to be updated.

3 As the program has been implemented changes have
4 occurred, and the staff has captured these changes as they were
5 identified in each site-specific environmental impact statement
6 that was prepared to support consideration of each application.

7 The GEIS represented a snapshot in time, and now it's
8 time to determine whether the changes that have occurred should
9 be included in an update to the GEIS.

10 To date the NRC has received 14 applications for the
11 renewal of 30 power reactor licenses, and the NRC has actually
12 renewed licenses for the operators of 16 power reactors.

13 All indications are that multiple renewal
14 applications will continue to be filed every year over the next
15 decade, and virtually the entire fleet of nuclear power plants
16 will seek renewal of their licenses.

17 We are here today to listen to your views, and look
18 forward to your participation in helping the NRC to determine
19 the scope of the GEIS update.

20 I have tried to provide a brief outline of the role
21 of the environmental review in our license renewal activities
22 and its importance in the NRC's regulatory framework.

23 You have an important role in identifying generic
24 environmental issues that we should consider for all nuclear
25 power plants.

1 In our notice for these meetings -- and extra copies
2 are available at the registration desk -- we have guided you to
3 the relevant work product to assist you in understanding how
4 the license renewal process works and the results of this
5 process to date.

6 As we consider changes to update the GEIS, we will
7 continue to evaluate new applications within existing
8 regulatory framework and insights gained from this GEIS update
9 process may very well be implemented in the current
10 applications that are under review.

11 And that's it for my presentation.

12 Were we going to wait until the end for questions?

13 MR. CAMERON: Yes. And while you and Barry are
14 switching the lavalier at this time I would remind everybody
15 that we do have a meeting evaluation form, it's called a
16 Feedback Form, and they're out at the desk outside the room,
17 and they're for any comments you have about the meeting
18 process, and if you want to put in a comment on the substance
19 that will be okay too.

20 As I mentioned, we do have various NRC staff people
21 here, including representatives from the Office of General
22 Counsel, and they will be here after the meeting to talk to you
23 as long as you want to talk.

24 Barry.

25 MR. ZALCMAN: Thank you, Chip.

1 I too would like to extend a warm welcome to this
2 meeting.

3 For those of you that have participated over the last
4 decade or more in developing this license renewal process, I
5 welcome you back. For those of you that have either just begun
6 participating in recent years, or if this is your first
7 opportunity to participate, welcome.

8 This is an important program within the agency. It
9 is a well-established program within the agency, and it's
10 meaningful to continue on John's initial presentation to talk
11 about background, and I will continue with that now.

12 Let me start tonight's discussion with a brief frame
13 of reference dealing with the National Environmental Policy
14 Act. It is the landmark piece of environmental legislation.
15 It was enacted by Congress in 1969, signed into law by
16 President Nixon on January 1st, 1970.

17 And so far as it is that landmark piece of
18 legislation it is the one that expresses the view of elected
19 officials, your representatives in government, that the Federal
20 Government should consider and disclose to the public and to
21 decision-makers the effects of certain of its governmental
22 actions on the human environment.

23 The Nuclear Regulatory Commission has already
24 determined that license renewal, that licensing action is a
25 Federal Action in this case associated with the request by an

1 applicant seeking renewal of its license, warrants the
2 development of an environmental statement.

3 That, in turn, results in the highest level of
4 participation that the public can have in an environmental
5 review at the NRC or any other Federal agency.

6 The Commission also determined that the environmental
7 review for license renewal may have some common attributes for
8 some, but not necessarily all, environmental issues.

9 The Commission directed the staff as John indicated
10 in the late 1980s to begin a systematic evaluation to assess
11 whether or not there were attributes across all facilities,
12 across all designs, that could be evaluated on a common basis.
13 They were in pursuit of an effective process to deal with
14 license renewal.

15 And while Chip may have referred to me as an
16 architect, my work is on the environmental side, and P.T. Kuo,
17 Dr. Kuo has been here from the outset dealing with the safety
18 activities. So, between P.T. and I, we do have a long legacy,
19 and, over time we have developed a wonderful corps of
20 individuals that participate with us, that share in the
21 understanding and implementation of the program.

22 Those environmental issues that could be resolved
23 generically were in fact resolved generically, in the Generic
24 Environmental Impact Statement or GEIS. Just as important,
25 those issues that were unique because of a site-specific

1 attribute of the issue, or a peculiar site setting, unique
2 plant interface with the environment, or variability from site
3 to site, were deferred and they must be addressed when a
4 specific applicant seeks a request for license renewal.

5 They are required to be resolved at the time of
6 license renewal. The burden is placed upon an Applicant to
7 address those issues in its submittal to the agency so we
8 initiate or start our independent environmental review process.

9 And the rule that codified the results of the
10 Generic Environmental Impact Statement also enumerated the
11 requirements placed not only on Applicants, but also placed on
12 the staff in developing a site-specific supplement to the GEIS
13 for each and every environmental impact statement for each and
14 every license renewal application.

15 Each applicant is required to submit an environmental
16 report, a detailed evaluation of those issues that could not be
17 resolved generically, and those issues that are unique to each
18 and every site.

19 Each NRC supplement to the Generic Environmental
20 Impact Statement results from an independent review. We review
21 the information presented by the applicant; we have
22 intergovernmental interactions whether or not an applicant has
23 done that previously; we conduct environmental audits; we
24 conduct interviews; we perform independent analyses; and we
25 engage the public in our review.

1 The NRC relies, in part, on the findings of the GEIS,
2 and the staff assesses whether or not there is new and
3 significant information to bring into question any of the
4 conclusions that were made in the GEIS.

5 NEPA, the National Environmental Policy Act, requires
6 a systematic approach in evaluating environmental impacts
7 associated with license renewal actions. Mitigative measures
8 to reduce those impacts are also evaluated; however small, it's
9 considered to be an impact. And alternatives including the no-
10 action alternative to the proposal must be considered.

11 NEPA and the environmental statements are disclosure
12 mechanisms. It is a tool that Federal agencies use to share
13 with the public and its decision-makers, and, in the language
14 of NEPA and interpretations, and even the President, what the
15 environmental impacts are, what actions are contemplated by
16 that agency.

17 The range of issues originally involved in developing
18 the GEIS, and, again, the review of each and every license
19 renewal application, is comprehensive. For this GEIS update,
20 and for every site-specific review, we establish a team of NRC
21 experts supported by experts at four national laboratories,
22 many of whom are experts in their own right at headquarters and
23 the regions as well as at the national labs.

24 For this GEIS update the team consists of staff
25 experts, some of which are here tonight as Chip indicated, and

1 John. Our contract is with the Pacific Northwest National
2 Laboratory for this specific license renewal application
3 dealing with the GEIS, dealing with the GEIS update.

4 In total there are more than 250 years of
5 environmental and siting experience that are being brought to
6 the table for this effort.

7 This slide gives you a good feel for the number of
8 environmental issues that we consider, and a number of the
9 processes that are involved in either refurbishing or renewing
10 licenses.

11 Now let me briefly address some of the issues leading
12 up to the development of the GEIS. Some of this actually
13 predates me, and I've only been involved in it since the early
14 1990s. The GEIS, NUREG-1437 specifically applies to license
15 renewals. As we consider license renewals, the environmental
16 equilibrium that has been established after some period of
17 plant operation is well understood. The situation clearly
18 differs from new reactor licensing where lands may be
19 disturbed; where new demands may be placed on resources; where
20 new discharges may need to be permitted; such issues would have
21 to be considered individually and cumulatively without the
22 benefit of real operating experience and real interfaces with
23 the environment.

24 As we stated earlier, the Commission envisioned that
25 there were issues that would be common across all operating

1 plants with real supporting information.

2 The NRC staff and its contractors obtained a wealth
3 of information leading up to the 1996 GEIS across the entire
4 spectrum of technical issues as the basis of the initial hard
5 look at environmental impacts. And that effort, just as this
6 and any other NRC effort to develop an environmental impact
7 statement began with the scoping process, and ultimately led to
8 the draft and final environmental impact statement.

9 The NRC establishes significance tests to assess the
10 magnitude of impacts, and considered whether mitigation, in
11 fact, was warranted. From that process the NRC organized
12 environmental issues and categorized them into those that could
13 be generically dispositioned, or we refer to those as Category-
14 1 issues, or those that require a site-specific resolution, and
15 those are the Category-2 issues.

16 For Category-1 issues, the agency bears the burden of
17 proof; for Category-2 issues, the applicants address the
18 Category-2 issues in their environmental report, and the staff
19 must evaluate that and address it in its supplemental
20 environmental impact statement.

21 Even though Category-1 issues have been addressed
22 within the GEIS, the staff looks for new and significant
23 information regarding Category-1 issues during each
24 environmental review, to see if they challenge the conclusion
25 made in the GEIS and the license renewal rule for environmental

1 protection.

2 Aside from Category-1 or Category-2 issues there are
3 two issues that were not categorized, and these are ripe for
4 NRC assessment.

5 The scoping process for NUREG-1437, the GEIS,
6 involved public stakeholders as well as governmental officials
7 representing State and Federal agencies. Our notice invited
8 them all to participate again in this effort.

9 The findings and conclusions of the GEIS were
10 codified in NRC Regulations at 10 CFR Part 51. Those are our
11 environmental protection regulations, which again establish
12 requirements not only for applicants, but also for NRC.

13 In all, 92 issues are currently identified with 69
14 considered Category-1 issues, 21 considered Category-2 issues,
15 and two, as I indicated before, uncategorized, they deal with
16 Environmental Justice, and the chronic human health effects
17 from electromagnetic fields.

18 At the outset I indicated license renewal was an
19 important program in the agency, it's a large part of the
20 licensing framework for power reactors today, and has become a
21 large part of its workload.

22 The NRC anticipates that the program will grow to
23 about one application submitted every two months for the
24 foreseeable future.

25 John indicated at least one-third of the nuclear

1 power plants have already applied to have their licenses
2 renewed. During this GEIS update process license renewal will
3 continue.

4 One of the obvious goals is to preserve the
5 regulatory stability that exists to date so that the public can
6 participate in a predictable fashion.

7 The goals for processing applications are clearly
8 defined, and the opportunities for public participation are
9 prescribed at key milestones within the published schedules.

10 For the update project with the ultimate target in
11 2006 the NRC staff has initiated this scoping process early to
12 invite public participation so that the scale of the effort can
13 be accommodated and still meet the Commission's goals.

14 The NRC is seeking your input to help determine the
15 scope of the addendum to the GEIS and identify whether there
16 are any significant issues that should be analyzed in depth
17 that have not been before, any issues that should be
18 reevaluated because of changes, or any issue that should no
19 longer be considered germane to the environmental review for
20 license renewal.

21 The scoping process can also help identify and
22 eliminate from detailed study those issues which are
23 peripheral, unrelated to license renewal.

24 For those which are not significant which I think are
25 covered by other prior environmental reviews, for example they

1 [environmental reviews] don't have to be just those undertaken
2 by NRC (and we perform environmental reviews for operating
3 reactors all the time), some of those environmental reviews can
4 and must inform the environmental review process for license
5 renewal.

6 As examples, the NRC had recently completed the
7 update to the Generic Environmental Impact Statement for
8 decommissioning. The NRC in the next several years anticipates
9 seeing applications for extended power uprates at a number of
10 facilities around the United States; there are sister
11 regulatory agency environmental impact statements; and, for
12 example, those issued by the Department of Energy. Some of you
13 are aware of those as well.

14 The scoping process also invites other governmental
15 agencies to assess whether they should be considered a
16 cooperating agency under the regulatory structure issued by the
17 Council on Environmental Quality.

18 If they have particular expertise on an issue, that
19 may be invaluable to the NRC, we would like to hear that.

20 There are consultation roles under other statutes --
21 The Endangered Species Act, or Historic Preservation, or
22 Coastal Zone Management -- that may have a bearing on generic
23 as opposed to site-specific issues.

24 The purpose of the need for this update is to review
25 the findings and conclusions made by the NRC in 1996, and again

1 in 1999 with the first addendum to the GEIS, to determine
2 whether or not they need to be revisited.

3 Since 1996 new information may have come to light
4 that should be considered to determine whether or not it's
5 significant. Science and the natural environment march on, and
6 our understanding of issues, methods, and assumptions may need
7 to be refined.

8 Experience gained in using the regulatory framework
9 may identify situations where we used less than optimal
10 language and approaches to address issues and state
11 conclusions, and changes in statutes and regulations, policies
12 and practices and, frankly, even the structure of the power
13 market may have a cascading impact on NRC's regulatory
14 framework.

15 To date NRC has received 14 applications for license
16 renewal for power reactors at 17 sites. The NRC has issued 11
17 final EISs, Environmental Impact Statements, and the NRC has
18 acted on eight of those environmental impact statements already
19 renewing the licenses of 16 power reactors.

20 In processing these applications the staff, the
21 public, and applicants have gained extensive experience in
22 using the GEIS and the companion license renewal and
23 environmental protection regulations and rules.

24 The staff continues to compile its lessons learned,
25 and from that list has identified groupings of candidate

1 drivers that may prompt the consideration for change.

2 As a framework, the staff has compiled these seven
3 criteria to help guide whether an environmental topic
4 identified by the staff or by the scoping process, namely by
5 you, is appropriate for consideration for this update project.

6 We are also looking for feedback on the criteria, as
7 well as your specific input characterizing one or more
8 environmental topics, and your description of the bases for
9 consideration by the staff.

10 At the outset it's absolutely fundamental that we
11 begin this process with the GEIS and its Addendum 1 as the
12 starting point, as our frame of reference.

13 It is as important to note that this update effort is
14 not going to serve as a platform for wholesale changes in the
15 license renewal process. Other avenues exist if that's the path
16 of interaction with the NRC that you desire, namely a petition
17 to the Commission for a rule change.

18 On a related point that could serve as an
19 illustrative example, the industry previously petitioned the
20 Commission to amend the rules and eliminate a particular
21 license renewal environmental issue from review, namely severe
22 accident mitigation alternatives, or SAMAs.

23 The petitioner articulated the bases and its
24 rationale for change, the staff sought public input on the
25 proposal, made a recommendation to the Commission, and the

1 Commission denied the request of the petitioner. That is the
2 mechanism to be considered for changes to the underlying rule
3 structure.

4 The focus here is on the 92 issues that were
5 addressed in the GEIS, which in turn were codified in the rule.

6
7 As for the petition I just mentioned, it would not be
8 productive to revisit the SAMA issue as part of this process
9 unless there is a significant change in the rationale presented
10 earlier.

11 As you consider these criteria we believe it would be
12 useful to provide you examples of each. You can reflect on
13 them in preparing your comments either tonight or in written
14 form before the end of the scoping period.

15 So, if you will bear with me for a few more minutes
16 let me identify an example, if I can, for each of these.

17
18 New and Significant. The staff-identified isolated instances
19 of new information that had not been previously considered, for
20 example extremeophiles, but not information that is new and
21 significant. Changes in staff practice have resulted from
22 evolutions that have occurred since the issuance of the GEIS
23 and its Addendum 1, as examples actions related to the
24 investigation of Yucca Mountain to serve as a national
25 repository, and the expression of interest by the industry and

1 Congress for the deployment of new nuclear power plants.

2 Consequently, our environmental impact statements now
3 reflect the Presidential declaration on Yucca Mountain and an
4 alternative involving new nuclear power plants as an
5 alternative to license renewal, as part of our environmental
6 review.

7
8 The second item, Statutory or Regulatory Changes, the
9 NRC is tracking the EPA initiative on cooling water intake
10 structures for existing facilities. As this issue matures it
11 may have a bearing on the conclusions of the GEIS. As a result
12 of prior precedents, NRC is obligated to adopt EPA's technical
13 conclusions regarding the Clean Water Act.

14
15 Industry Structural Changes. Obviously the
16 deregulation of the power market and unbundling of services,
17 that is the generators versus the distributors of power, may
18 have some bearing on the influence or control over activities
19 that the current license-holder may have compared to the
20 original license-holder. We're interested to hear about the
21 environmental topics that may be affected by this, and the
22 rationale for changes in the rule for the GEIS.

23 Keep in mind some utilities still do own both the
24 plant and transmission lines, some others do not, so a single
25 provision in the GEIS may not apply to all of these utilities.

1 Should a change be made to the GEIS to account for merchant
2 plants that do not have a particular service area, and,
3 therefore, do not control the power distribution or
4 transmission line system? This is the question we need to
5 resolve.

6
7 Incorrect Characterization. The GEIS states that
8 license renewal is a major Federal action significantly
9 affecting the quality of the human environment. The Commission
10 was not swayed by arguments for or against the point. Rather
11 it elected to require the staff to develop an EIS, a supplement
12 to the GEIS, for the license renewal action to ensure the
13 public had the highest level of participation on the action.

14 This decision was taken in concert with
15 recommendations from CEQ, the Council on Environmental Quality,
16 the Environmental Protection Agency, the EPA, State officials,
17 and public comments.

18 So the agency today issues an environmental impact
19 statement because we have elected to issue an environmental
20 impact statement associated with license renewal.

21
22 Omitted Issues. As an example, in recent reviews the
23 staff has considered the impacts associated with dredging
24 activities that may occur periodically during the operating
25 life of the facility. Dredging may not be required at all

1 facilities, but where it is necessary, it may be performed at
2 some point during the period of extended operations.

3 Whether it's to be treated generically, because all
4 need an analysis to support the permitting requirements of the
5 Army Corps of Engineers, or site-specifically, it should be
6 addressed in the GEIS, either way. Whether or not it's
7 resolved as a Category-1 issue may be a different outcome.

8
9 Confusion. I talked about severe accident mitigation
10 alternatives before, or SAMAs. SAMAs are evaluated as a site-
11 specific issue unless previously evaluated under another
12 licensing action such as the initial licensing (which has
13 occurred for a limited number of facilities).

14 Associated with SAMAs, the environmental impact of
15 severe accidents was determined to be small for all plants. In
16 reality, the impact from severe accidents is another issue
17 separate from SAMAs. Consequently, the staff will consider
18 whether it's warranted to call this out to eliminate confusion.

19
20 Realignment. Currently, there are 92 issues
21 addressed in the GEIS. Apart from the SAMAs, the severe
22 accident issue just discussed, some of these are solely related
23 to the continued operation during the renewal period; some are
24 related to refurbishment activities; some are related to both.

25 For specific applications the enumeration of issues

1 becomes complicated when, for one or more issues that are
2 supposed to apply to both refurbishment and the renewal period,
3 [an issue may] apply only to the renewal period because no
4 major refurbishment is contemplated. The potential solution is
5 realignment so that one issue is either for refurbishment or
6 for renewal, but not both. The consequences would be an
7 increase in a number of issues, solely for accounting purposes,
8 with an expected improvement in clarity.

9
10 Hopefully, this provides a sense of what the staff
11 experiences during license renewal reviews has been. The list
12 continues to grow as more environmental reviews are conducted.
13 So, we would appreciate not only your input on specific
14 environmental issues, but also reflecting upon the criteria we
15 have identified as targets as we conduct the actual review
16 after the scoping period.

17 As mentioned, we are at an intermediate step in the
18 scoping comment period. All comments from this transcribed
19 meeting and the three other public meetings will be considered.

20 Written comments postmarked by September 2nd will be
21 considered in this scoping process and will have the same
22 weight, as Chip indicated, as comments offered tonight.

23 After the end of the scoping period the staff will
24 issue a scoping summary report that will detail those comments
25 on environmental issues that will go forward as part of the

1 update process.

2 We expect we will receive comments that are not
3 related to environmental issues associated with the GEIS, and
4 some of these comments will be forwarded to other programs for
5 their consideration and response.

6 We expect to issue the scoping summary report in
7 early 2004, depending upon the breadth and depth of the issues
8 posed to the agency. And from this input we will be in a better
9 position to refine the balance of the schedule for both the
10 draft, the finals EISs, and, if warranted, the proposed and
11 final rule changes.

12 We expect to meet the Commission's goal, the ten-year
13 update, in 2006.

14 As I wind down with this background discussion let me
15 reiterate that I'm the NRC point of contact for the GEIS. I
16 have also included Stacey Fox's name as an alternative to me.
17 She may be in a better position to respond to you a little
18 quicker than I since I cover many different programs and
19 projects within the agency.

20 We will be working together to manage the project and
21 the team of experts, some of which are here tonight.

22 The scoping summary report as I previously mentioned
23 will be available to the public on the NRC's Web page, as well
24 as our public document room in the Washington, D.C. area.

25 This slide points out where you can view the

1 associated documents. In addition, we will mail a copy of it
2 to you, and a copy of all future work products associated with
3 this project if you have filled out a card on the way in and
4 would like to be put on the distribution list. And if you
5 haven't, we will be happy to take it on the way out.

6 Beyond today's meeting there are three ways to
7 provide written comments on or before September 2nd: In
8 writing to us through the Rules and Directives Branch; in
9 person if you happen to be in the Rockville, Maryland, area we
10 would be happy to visit with you; or by e-mail. All comments
11 will be collected, considered, and we have already received
12 some.

13 Let me remind you that you do have an important role
14 in this effort. We look forward to your participation.

15 I will say at the outset we may or may not agree with
16 your views, but we will consider them in our work.

17 And with that I think both John and I are prepared to
18 take any follow-up questions you have on the process, what our
19 goals and objectives are, what some of the criteria are when we
20 go forward before you have the opportunity for formal
21 presentations.

22 MR. CAMERON: Thank you very much, Barry.

23 As you can see, that was a pretty comprehensive
24 overview of what the update process is.

25 Now we will answer your questions. Bonnie is back

1 here, if you could just introduce yourself to everybody.

2 MS. FLOYD: I am Bonnie Floyd, and I was just
3 wondering if you have already -- I'm wondering in the ballpark
4 how much is the environmental scoping process costing us, the
5 whole process.

6 MR. ZALCMAN: Let me try and give you a response.

7 The environmental scoping process is probably limited
8 to about three staff months of effort, and probably sixty days,
9 maybe seventy days worth of contract effort, so we're talking a
10 total investment that probably does not exceed \$100,000.

11 MS. FLOYD: Including all the materials, documents,
12 and everything?

13 MR. ZALCMAN: Correct. The key question is to what
14 degree do we get comments that may require a binning process,
15 or a comment response process. That may grow depending upon
16 the level of public interaction.

17 MR. CAMERON: Does that answer your question, Bonnie?

18 MS. FLOYD: That's for the whole period?

19 MR. ZALCMAN: That's for the scoping process, which
20 will be through the issuance of the scoping summary report.

21 MR. CAMERON: Let's to go Rita.

22 MS. KILPATRICK: My name is Rita Kilpatrick, and I
23 just want to hear now what is the agency's reason for pursuing
24 relicensing in the first place, for doing it at all.

25 Are you just saying this is the basic logic behind

1 it? Because it baffles those of us who are working in the
2 industry and are following this very closely. What's your
3 reasoning?

4 MR. TAPPERT: I guess the rationale for -- The NRC
5 doesn't necessarily pursue relicensing. The utilities take it
6 upon themselves to apply for relicensing, and what we try to do
7 is provide a regulatory vehicle that, if they choose to seek
8 relicensing, that it's done in a safe and effective manner.

9 So just to put a different spin on it, what we're
10 trying to do is make sure there's a process to operate these
11 plants for the continued period of operation in a safe manner,
12 and that aging is adequately managed, and the environmental
13 effects are adequately characterized before that decision is
14 made.

15 MS. Kilpatrick: Adequately managed?

16 MR. TAPPERT: Right. Part of the safety review, not
17 necessarily what we do in the environmental space, but as we
18 indicated earlier there are several parts of the review.

19 There's the environmental review, there's the safety
20 review, and there's actually on-site inspections, and the
21 principal focus of that safety review is to ensure that the
22 aging effects of the plant are adequately managed.

23 As I said, they were originally licensed for forty
24 years, and we want to make sure that the systems, the
25 structures and components were allowed to function for an

1 additional twenty years.

2 MS. Kilpatrick: A follow-up question. I heard
3 during the presentation that forty years was chosen to get a
4 balance between meeting energy needs and --

5 MR. TAPPERT: Financial.

6 MS. Kilpatrick: What's going on beyond forty years?
7 What's that about, managing aging?

8 MR. TAPPERT: Right. I mean the original 40-year
9 license was set by the law, by Congress, and part of that had
10 to do with depreciation laws at the time.

11 There's really no engineering reason why the license
12 should be limited to forty years, and we have in fact found
13 that with appropriate programs out there that these facilities
14 can be safely operated for up to sixty years.

15 MR. CAMERON: And I guess one thing that I think you
16 said, John, is that under the Atomic Energy Act a licensee has
17 the right to request their license be renewed, and the
18 Commission is obligated to review that.

19 MR. TAPPERT: To review that and provide a process to
20 effectively review that.

21 MR. CAMERON: All right.

22 MS. Kilpatrick: Is it obligated to approve?

23 MR. TAPPERT: It is not obligated to approve.

24 MR. CAMERON: Very important point.

25 Let's go over here, and if you could give us your

1 affiliation too.

2 MS. STEELE: I am Joanne Steele with Action For a
3 Clean Environment, Oconee Project.

4 I came in after the renewal of the Oconee Nuclear
5 Plant, but I have questions about that process that went on
6 when the time when I wasn't looking at it.

7 But there were some questions that the NRC had for
8 the Oconee Plant, and I haven't seen any documents available in
9 the reading room about the responses in the licensing
10 processes, and some of them and the aging effects of corrosion
11 on structural steel, the rebar, and embedded in the concrete
12 because of the accumulation of ingressive water through the
13 cracks in the concrete that weakens the containment structure,
14 and another thing was thermal fatigue, the effects that it has
15 on the containment heat removal system.

16 And perhaps these things have been -- another thing
17 is providing the effects of temperatures and radiation on
18 structural properties of the reactor cavities of spent-fuel
19 buildings, and the spent-fuel buildings, and I don't know
20 whether it's because of 9/11 that these responses aren't made
21 public so that we don't know of any weaknesses that terrorists
22 can get to, or what the reason is, but as someone concerned
23 about what Duke Energy has to say in response to this, the fact
24 that we might relicense them when we didn't hear how those
25 issues were resolved.

1 MR. TAPPERT: These were questions that the NRC had
2 asked the utility?

3 MS. STEELE: Yes.

4 MR. TAPPERT: As part of a review process, the
5 utilities will send in an application, and during the staff's
6 review of that application it is typical for the staff to have
7 questions, and we send out what we call a request for
8 additional information to help the staff conduct their review.

9 If we sent those out, there is a response out there
10 back to the NRC responding to those, and then the staff makes a
11 safety judgment when they develop their safety evaluation
12 report.

13 MR. CAMERON: Those are made public?

14 MR. TAPPERT: Yes, they should be publicly-available.
15 If you have not found them, we can contact you offline and see
16 if we can assist you in identifying those.

17 MS. STEELE: I would appreciate that, because there
18 are a lot of documents in the -- I mean just because you need
19 them to analyze, it doesn't mean --

20 MR. TAPPERT: We appreciate that.

21 MS. STEELE: So I would like the responses to those
22 things, because I can't see how you can deal with the
23 structural integrity of the buildings themselves without
24 rebuilding the building after so much --

25 MR. TAPPERT: And actually those issues were

1 addressed as part of the safety review, but certainly we can
2 put you in contact with staff who can help you do that, so
3 please after the meeting if you'll just buttonhole one of us
4 and we'll get your information.

5 MS. STEELE: Okay.

6 MR. CAMERON: Thank you. Other questions at this
7 point? Mary.

8 MS. OLSON: This is a compound question. My name is
9 Mary Olson, I'm the director of the Southeast Conference for
10 Nuclear Information and Resource Service based in Asheville,
11 North Carolina. Our home office of course is in Washington,
12 D.C. and in Amsterdam.

13 This is a little bit of a compound question, so I'll
14 review it if you need it.

15 But you mentioned how many renewals there were, but I
16 missed it that you actually granted, and how many was pending
17 now. How many have had interventions, and how many of those
18 interventions have gone to the ASLB?

19 MR. TAPPERT: I would have to look back to the slide,
20 but I believe we have granted 16, and that 30 have applied, and
21 14 are under review.

22 As far as the number that have gone to the ASLB,
23 there are current -- ASLB is reviewing the McGuire-Catawba
24 applications. They have not determined whether that's going to
25 go to hearing yet, but that's before them right now.

1 MR. CAMERON: And further for the record ASLB is
2 Atomic Safety and Licensing Board.

3 MS. OLSON: Do you know the answer as to how many
4 petitions to intervene have been filed of those 30?

5 MR. ZALCMAN: I'm familiar with two other
6 applications. On Turkey Point there was a petitioner that
7 raised issues, individuals were given standing. As I
8 understood it, none of the contentions were admitted.

9 We also had a challenge on the Oconee facility. I
10 think that one was the Chatooga River Watershed Coalition where
11 they had raised a concern regarding one issue, but the
12 Commission directed the staff, and ultimately the Addendum 1 to
13 the GEIS addressed that issue. And it was raised I think in
14 the Federal Circuit, and it was denied.

15 So I think those are the other issues.

16 MS. OLSON: I just want to comment that I am very
17 proud of the Southeast.

18 MR. CAMERON: All right. Let's go to Reverend Utley.

19 MR. UTLEY: Just a quick question. If I could just
20 get clarity on -- you mentioned two categories, Category-1 and
21 Category-2. Who determines those categories?

22 MR. ZALCMAN: A very good question. The structure in
23 developing the Generic Environmental Impact Statement as we
24 developed it through the 1996 time frame originally proposed
25 three categories.

1 The final rule, the final GEIS ultimately dealt with
2 two categories. It is within that review process and
3 developing the draft and final environmental impact statements,
4 and therefore the rule, that we established this framework.

5 The Category-1 had to meet certain conditions that
6 would be common to all facilities, that the level of
7 significance [of the impact] be the same at all facilities, and
8 that no further mitigation was warranted.

9 Under those conditions we could come up with a
10 generic conclusion and ultimately deal with that as the
11 Category-1 issue.

12 The Category-2 issue is one where we couldn't resolve
13 those three criteria, and more importantly, the issues that
14 must be resolved on a site-specific basis. For example,
15 endangered species are unique from site to site to site; you
16 couldn't possibly resolve that generically. So those are
17 preserved for the site-specific review.

18 And the third was the uncategorized issues. The
19 Commission felt that the science was still out, or the
20 regulatory process had not been fully refined yet, so
21 Environmental Justice, the Presidential Order had barely been
22 issued. It took a while for the staff to come to grips with
23 that, and as a matter of fact there's a request in to the
24 agency today to revisit Environmental Justice to see how it
25 applies in licensing actions.

1 The other was the chronic effects of electromagnetic
2 fields. The science is still out, and we're still relying upon
3 the National Academy of Sciences and their judgment until it's
4 defined. If there is a definitive resolution, then we'll
5 consider whether or not we can revisit it as a Category-1
6 issue.

7 So that process in establishing Category-1s and
8 Category-2s fell out of this exact activity [preparation of the
9 GEIS], but it is now within the rules, and that is a process
10 for the rules. It is not an issue that we will consider for
11 GEIS update.

12 If that's an issue that you want to revisit, there's
13 a different mechanism to address that before the Commission.

14 MR. CAMERON: That was Reverend Charles Utley of the
15 Blue Ridge Environmental Defense League.

16 MS. OLSON: I kind of understand what you just said.
17 I don't fully understand what you just said, so forgive me if
18 this question is asking you to repeat something you just said.

19 My name is Mary Olson, and my question is I
20 understand in my point of view why we do a site-specific
21 analysis and Environmental Justice impacts for license renewal.

22 Was there any generic analysis of Environmental
23 Justice done?

24 MR. ZALCMAN: No.

25 MS. OLSON: At all?

1 MR. ZALCMAN: At all. The consideration that we have
2 today is the staff evaluating Environmental Justice under the
3 Presidential Order and the Commission's adoption -- the
4 Commission elected to fulfill an obligation under Environmental
5 Justice, and they revisit that, but we are an independent
6 executive agency. We elected to follow Environmental Justice.

7 MS. OLSON: So you can elect not to is what you're
8 suggesting, but I guess another question though is with regard
9 to environmental impacts that are in the GEIS currently that do
10 have Environmental Justice implications, and so therefore is it
11 correct to say that the agency has not evaluated those?

12 MR. ZALCMAN: No, I would say that the agency did
13 some evaluation, but did not draw a generic conclusion to take
14 it off the table. That's a bad characterization. But it does
15 not lend itself to being resolved as a Category-1 issue. It
16 must be addressed on a site-specific basis.

17 MS. OLSON: Let's be specific. Fuel cycle impacts.

18 MR. ZALCMAN: Fuel cycle impacts --

19 MS. OLSON: Are a generic issue, have an
20 Environmental Justice component.

21 MR. ZALCMAN: Well, the fuel cycle impacts, certain
22 fuel cycle impacts that are associated with matters other than
23 Environmental Justice are resolved. Environmental Justice as an
24 issue has to address the full scope of socioeconomic and other
25 types of activities that fall under that rubric. So if there

1 are --

2 MS. OLSON: So in other words you have kept track of
3 which uranium was mined for which reactor?

4 MR. ZALCMAN: No. What the agency has done is
5 addressed the impacts associated with the entire fuel cycle
6 generically; it has resolved it in Part 51.

7 MS. OLSON: With an Environmental Justice review?

8 MR. ZALCMAN: Without Environmental Justice.
9 Environmental Justice is being considered in its entirety as
10 part of license renewal as a Category-2 issue. The fuel cycle
11 issues that we had resolved previously still stand.

12 MS. OLSON: Without an Environmental Justice review?

13 MR. ZALCMAN: Except the Environmental Justice issue
14 was still on the table.

15 MS. OLSON: For all issues?

16 MR. ZALCMAN: All issues associated with
17 Environmental Justice have to be resolved as part of the
18 license renewal application.

19 MS. OLSON: We will wait and do that in writing.

20 MR. CAMERON: Okay. Let's to go Jen. Introduce
21 yourself.

22 MS. KOTA: I am Jen Kota, I'm with the Sierra Club.

23 Your response to Mary confused me. What it seems to
24 me she's saying is that if you consider your EIS for fuel cycle
25 complete without the Environmental Justice angle attached then

1 it's not complete.

2 And then again you're saying that you are looking at
3 the Environmental Justice angle for license renewal. This
4 doesn't include the fuel cycle portion? And so therefore it
5 sounds like you're saying that EJ issues for fuel cycle
6 treatment are not being considered at all.

7 So please be very clear, break it down for me.

8 MR. ZALCMAN: Okay. Let me try again. For a license
9 renewal application we identify that there are 92 issues. For
10 a specific application there's no one applicant that must
11 address all 92 issues. Why is that? Some have cooling towers,
12 some don't.

13 And the Commission in 10 CFR Part 51 has addressed
14 fuel cycle impacts, and at the time of the construction permit
15 required that all facilities address that issue, and the
16 Commission is relying upon the conclusions not only that was
17 made part of -- I'll refer to this as W-A-S-H (the predecessor
18 to NUREG documents -- NRC issues NUREG documents today. The
19 series of documents issued before the NUREG series was created
20 was the WASH documents W-A-S-H), those documents provide the
21 technical basis for what we considered in a generic resolution
22 of fuel cycle impacts. The President issued a declaration
23 dealing with Environmental Justice subsequent to that.

24 The agency has elected to consider Environmental
25 Justice in its regulatory actions today. As part of license

1 renewal, Environmental Justice is not one small subset of an
2 issue; it covers a variety of different issues.

3 We address Environmental Justice, those attributes of
4 Environmental Justice that may have socioeconomic impacts,
5 socioeconomic attributes, and we look at those under the
6 umbrella of Environmental Justice.

7 As part of this scoping process if you're telling us
8 that we're not looking far enough, our reach is not far enough,
9 and we should expand the reach to include some other issues
10 that's beneficial to us.

11 MS. KOTA: I simply need to ask you a yes or no
12 question so I can understand your response.

13 Are Environmental Justice issues relating to fuel
14 cycle going to be addressed in any future Environmental Justice
15 issuance by the NRC? A yes or no question.

16 MR. CAMERON: We're going to go to our Office of
17 General Counsel now, but I don't want to lose Jen's question.

18 Barry, do you have anything to say to that?

19 MR. ZALCMAN: No.

20 MR. CAMERON: Let's go to Stu Treby from our Office
21 of General Counsel. Stu.

22 MR. TREBY: Yes. I would like to address your
23 question if I can understand what your question is.
24 Environmental Justice has a disproportionate impact on certain
25 minority groups. Will you identify what is the

1 disproportionate impact that you are concerned about in the
2 fuel cycle?

3 MR. CAMERON: I think that we will try to get a clear
4 answer in writing I think --

5 MS. KOTA: A yes or no --

6 MR. CAMERON: -- to this question.

7 And part of the problem with yes or no, Jen, is that
8 the question has to be very precise, I think, and in terms of
9 Environmental Justice at a specific plant that comes in for
10 license renewal -- Barry, I think at least maybe we can clear
11 up some of this -- Barry, you're saying that Environmental
12 Justice considerations for a specific license renewal
13 application for that plant, they are considered as a Category-2
14 issue?

15 MR. ZALCMAN: That's correct.

16 MR. CAMERON: Okay. At least we can say that for
17 sure, and I think that we need to clarify the rest for you, and
18 as Barry pointed out, if you're suggesting -- and I think that
19 you might be, and you might want to clarify this in your
20 comments --

21 MS. KOTA: I'll clarify it in the comments.

22 MR. CAMERON: Okay. Thank you.

23 Let's go to Rita.

24 MS. KILPATRICK: I have a question about liability.
25 When the public raises a concern before the NRC, and let's just

1 look at in dealing with generic environmental impact, and the
2 NRC does not adequately set up protections that address those
3 concerns that the public raised, who pays for the damage in
4 terms of contaminated waterways that result and the host of
5 environmental impacts that occur that can impact people's
6 livelihood and their health? Who covers that liability?

7 MR. CAMERON: This is an issue that applies to plants
8 generally, not just plants that are under license renewal, and
9 Rita's question goes to liability for any nuclear accident that
10 might harm -- not necessarily an accident.

11 John, do you understand the question?

12 MR. TAPPERT: I think the kind of impact you're
13 talking about would be associated with an accident, and that is
14 not necessarily a license renewal issue, but there is an
15 insurance structure set up -- you've probably heard of the
16 Price-Anderson Act -- all utilities are required to have a
17 certain level of insurance, and above that -- This is to pay
18 for any damages that may in fact occur, all utilities are
19 required to have insurance. There's also a mutual insurance
20 pool among the utilities. Maybe Barry has these dollar values.
21 And above that the federal government has some role to make
22 people whole.

23 MR. ZALCMAN: I was just going to add, Price-Anderson
24 is one element of the Atomic Energy Act that was up for
25 reconsideration in the past year or so.

1 But the pool that John is referring to actually deals
2 with resources that are set aside as premiums, and
3 retrospective premiums to the total of -- my last recollection
4 was over \$8 billion per facility.

5 So the mechanism for dealing with potential adverse
6 consequences and the restoration, or the ability to make
7 individuals whole crosses the entire industry, so if you go
8 more than \$8 billion across all the 104 plants with operating
9 licenses it's a substantial sum.

10 So the mechanism is there. I know there's been some
11 question as to whether or not that constitutes a -- in italics
12 or quotes, a subsidy, I think has been thoroughly ventilated.
13 But that's a Congressional issue, and just as the initial
14 question dealing with license renewal we're obligated -- you
15 know, Congress under the Act, the Atomic Energy Act, -- have
16 established a process to deal with renewal of licenses, and
17 they placed the burden upon the agency, just as they have
18 issued as part of the Atomic Energy Act the Price-Anderson Act,
19 and that is the mechanism in place.

20 Previously I indicated we're not going to change
21 certain elements of rules. This is not the mechanism to change
22 statutes either. But that mechanism does in fact exist.

23 MR. CAMERON: Rita, does that answer your question
24 about the liability provisions for a nuclear incident?

25 MS. Kilpatrick: Okay. I'll address it in my

1 concerns.

2 MR. CAMERON: Okay. Let me put a couple questions
3 up, and a related one before we go to Adele and Mary, and then
4 we'll see where we are and maybe start some comments and come
5 back to some questions.

6 But two questions here: Are there any plans or
7 discussions to remove the SAMA analysis from the GEIS? Barry?

8 MR. ZALCMAN: I addressed that earlier in my
9 presentation where the agency had responded to a petition by
10 the Nuclear Energy Institute, and the Commission denied that
11 petition.

12 At the same time, if you read the preamble to the
13 rule for environmental protection for license renewal going
14 back to the 1996 time frame, the Commission had an expectation
15 that once the Individual Plant Examination and Individual Plant
16 Examination for External Events was completed that the staff
17 should take on an effort to see whether or not it could further
18 resolve SAMA to be a Category-1 issue.

19 And given the evolution, the changes in plants, the
20 IPE and the IPEEE program were intended to identify
21 vulnerabilities, and the plants have addressed vulnerabilities,
22 so that work probably is no longer current. And as a matter of
23 fact, that's part of the issue that we're dealing with in the
24 Catawba-McGuire situation where it represented early '90s work,
25 and the plants don't look like those evaluations any more.

1 They have further addressed risk.

2 So that we don't think can serve as the basis now for
3 reexamining SAMA, and the SAMA process that we think we enjoy
4 today is thorough, it is robust, and it's addressing the issue
5 in a manner that the staff and, apparently, the Commission
6 finds to be acceptable.

7 So this is not the process to address revisiting SAMA
8 unless a member of the public, or the industry wants to provide
9 additional information, a different rationale than they had
10 provided previously. And, if that is the case, then it
11 elevates to a level where it's within the scope of our review
12 maybe we will revisit it.

13 MR. CAMERON: Okay. And the other question was
14 whether there is any plan to change any Category-2 issues to
15 Category-1 issues.

16 And then we'll go to Adele.

17 MR. ZALCMAN: SAMA was the one candidate where we had
18 an IOU in the preamble, the rule. Right now we don't -- we as
19 a staff haven't drawn any conclusion that there's another
20 Category-2 out there that should be reconsidered to be a
21 Categor-1 issue.

22 MR. CAMERON: And indeed the whole point of this
23 scoping process is for people to give us their opinions if they
24 think that it's warranted.

25 MR. ZALCMAN: Absolutely.

1 MR. CAMERON: Adele, could you just introduce
2 yourself and tell us who you're with.

3 MS. KUSHNER: Adele Kushner with Action for a Clean
4 Environment in Northeast Georgia.

5 What has occurred to me under what conditions would
6 an application for a renewal ever be turned down, and has one
7 ever been turned down?

8 MR. TAPPERT: When an application is submitted to the
9 agency again we have the three components, we do an
10 environmental review, and a safety review, and an on-site
11 inspection.

12 If the findings of the safety evaluation conclude
13 that the plant cannot be operated safely for an additional 20
14 years, that license will not be renewed. I mean it's a very
15 thorough evaluation. We have scores of technical reviewers
16 looking at it, on the environmental side we have a team of
17 environmental experts going out in the field and visiting the
18 facility, looking at all those issues.

19 At the end of that process the environmental group
20 and the safety group make a recommendation and the agency makes
21 a decision whether or not to renew that license.

22 To date, all those applications, all the decisions
23 that have been made so far have been to grant that license.

24 That's not entirely surprising. These are very
25 sophisticated operations, our regulations are very clear, the

1 process is laid out.

2 For the utilities who have been adequately managing
3 their facilities and have appropriate safety programs and
4 environmental programs the expectation will be that most of
5 those licenses will be renewed, but that decision will not be
6 made until the end of this very extensive review.

7 MR. CAMERON: Okay. Thank you.

8 MR. ZALCMAN: Chip, before you go to the second part,
9 let me add one item.

10 Let me make sure you understand. As John refers to,
11 we're dealing with a sophisticated industry. If there was any
12 possibility from a licensee's perspective that the plant would
13 not be able to get a license renewal, my expectation is we
14 would not see an application.

15 MS. Kilpatrick: Has that happened?

16 MR. CAMERON: I think in answer to the second part of
17 your question about have we ever denied an application, I think
18 John answered that as no, we haven't.

19 In terms of the question on do we know of any
20 utilities who will not submit a license renewal application
21 because they know they can't meet the regs --

22 MR. ZALCMAN: As a matter of fact, license renewal
23 was still in its infancy, we were developing the regulatory
24 framework. One of the private plants was the Yankee-Rowe
25 facility. In the end they elected to decommission the

1 facility. So there's a situation where it became apparent that
2 the standard that the agency was going to hold them to would
3 not have resulted in a renewed license.

4 MS. Kilpatrick: You anticipated my next question
5 about which ones have closed down, and why. Yankee-Rowe was
6 closed down?

7 MR. TAPPERT: Yes.

8 MR. CAMERON: We're going to get some more here.

9 After Mike Masnik answers this question we'll take
10 one more question and then we'll go to some comments.

11 MR. MASNIK: I'm Mike Masnik, Environmental Section.

12 There have been 23 reactors that have shut down, and
13 in fact we have a CD out on the table there that talks about
14 decommissioning of these facilities, and if you want we can
15 also send you a copy of our Generic Environmental Impact
16 Statement on Decommissioning which details all the plants that
17 have shut down.

18 As Barry said, the utilities are relatively
19 sophisticated, and if there is a chance that the plant will
20 probably not be able to operate for an extended period of time
21 they will shut it down.

22 MR. CAMERON: And, Mary, do you have one more
23 question before we go to you for our first formal comment.

24 MS. OLSON: These are actually two questions. I
25 think they're kind of straightforward, and I did send them in

1 in advance, and I didn't get an answer.

2 What is the technical document used to evaluate the
3 socioeconomic impacts of death that is usually used in SAMA
4 analysis? This not a trick question. I just need to know the
5 answer to that.

6 MR. ZALCMAN: I thought I did respond to your e-mail.

7 MS. OLSON: I did not get it. Sometimes they have
8 problems.

9 MR. ZALCMAN: I'll check to see. I can't verify that
10 it was received, but we did have a response to that.

11 To steer you in the right direction, two documents
12 would be useful to you. Certainly the staff's environmental
13 standard review plan -- that's NUREG-1555 -- has a specific
14 section for license renewal in its Supplement 1, and if you
15 will stop by the front desk before we leave tonight we'll make
16 sure you get a copy of the CD.

17 The second document that would also be of benefit to
18 you is the reg analysis handbook, and I don't have the exact
19 number, but it's a NUREG-BR number, that provides -- that's
20 NUREG-BR-0184.

21 MS. OLSON: The other thing I would like to hear a
22 commentary on is the nuts and bolts of the relationship between
23 the GEIS provision and GALL, and I understand you may have
24 answered the e-mail, but I have two people who are waiting for
25 this answer.

1 MR. ZALCMAN: Let me try and address that very
2 quickly.

3 GALL, G-A-L-L, which is Generic Aging Lessons
4 Learned, that document has been prepared, it's a compilation of
5 accepted practices to consider aging mechanisms and management
6 programs to manage the effects of aging.

7 It is part of our safety activity, it is not part of
8 the environmental review. It is to become a very useful tool,
9 a generic tool so that applicants consider whether or not they
10 have programs in place that would align with those acceptable
11 practices.

12 So GALL will be to the safety side very much what the
13 GEIS is to the environmental side.

14 MR. CAMERON: Let's go to some -- Peter, did you
15 have a quick question?

16 MR. SIPP: Yes, thank you. Pete Sipp, I'm with GANE.

17 Barry, in your presentation you talked about the
18 attributes of data. Can you describe the issues --

19 MR. ZALCMAN: The attributes dealing with the
20 technical issues? Everything from the air, the water, the
21 noise, the visual, the aesthetics, the hydrology, the surface
22 water, the ground water, how much we take out of the water and
23 how much we put into the environment -- not we, the license-
24 holders -- the radiological sciences dealing with the health
25 physics and exposure to workers, to the public, the ecological

1 sciences, everything from terrestrial and aquatic species,
2 effects on human health, the whole panoply, and we tried to put
3 that in that one slide that lays out all the technical issues.

4 But if you look at the GEIS and just look at the
5 table of contents there's pretty good alignment on those issues
6 covering these, you know, the physical, the social, the
7 radiological, ecological sciences. They're all there.

8 MR. SIPP: Thank you.

9 MR. CAMERON: Thank you very much, Barry.

10 Let's take some formal comments, and we'll come back
11 for some more questions in a little bit.

12 What I would like to do is ask Mary Olson to speak to
13 us first, and then Rita Kilpatrick, and Joanne Steele.

14 MS. OLSON: I am Mary Olson, and I'm with the
15 Southeast Office of Nuclear Information and Resource Service.

16 We are a National and International organization, and
17 we have regional offices in Asheville, North Carolina.

18 I just wanted to give a little bit of instruction.
19 We have 59 sheets of posterboard that are just going to be
20 moved from this pile to a pile over there, handing it across a
21 human conveyor belt.

22 Now, each of these sheets has 36 little coffins on
23 it, and each coffin reads John Doe, a Standard Man, or ten to
24 twenty Baby Does.

25 Now, when you take 36 times -- I think it's 36 sheets

1 -- it comes out 1,236 which is the number that the Nuclear
2 Regulatory Commission told us in 2001, July 30th, a Federal
3 Register notice, if in fact 103 reactors operating on that day
4 were operated for twenty years this is the number of cancer
5 deaths associated with producing the fuel for those 103
6 reactors to operate for twenty years.

7 Now, the initial license is for forty years, so that
8 would be 2,472, but we kind of thought you would get the idea
9 from 39 sheets so we didn't have to bring more.

10 You have to double the number for forty years of
11 operation, and then with the additional twenty years which is
12 what we're talking about here, the additional 1,236 on top of
13 2,472 we come up with 3,708, 3,708 deaths from cancer
14 associated with sixty years of operating 103 reactors.

15 Now, I'm kind of rubbing this in, but the reason I'm
16 doing it is because these are fuel cycle only, these are fuel
17 cycle only, and they have been evaluated as a generic impact.

18 And so my comment on this question of Environmental
19 Justice tonight is to ask who are these people? Who are these
20 people? Fuel cycle, fuel production, who are these people?
21 And I want to bring to your attention that there's a new
22 coalition of Navajos who are saying not us, not us any more.
23 If you look at fuel cycle, you will look, and you will look,
24 and you will look, and you will have a hard time finding white
25 people, you will have a hard time finding rich people, and so I

1 am challenging the Nuclear Regulatory Commission to reconsider
2 whether socioeconomic impact is the correct parameter for
3 Environmental Justice, since these people are not rich and they
4 are not white. They are dead. And if they're babies, there's
5 a lot more of them than 1,236.

6 So that's my next comment, and always my next comment
7 to the Nuclear Regulatory Commission, the standard man is not
8 an adequate indicator for your impacts on the environment, we
9 don't care about your regulations under NEPA, we care about
10 your impacts, and your impacts on babies are many times greater
11 than your impacts on standard men.

12 And I will tell you, and I will tell to go to those
13 meetings where they are meeting with the Environmental
14 Protection Agency, and if you go on behalf of your licensees
15 and keep the EPA from having a standard for baby cancers, ooh,
16 daddy-o, we're going to bust your a--. So don't do it. You
17 need to come clean and have standards that reflect the
18 population you are mandated under law to protect.

19 So who are these people? Who are they? You don't
20 tell us, you don't look, you don't ask. We are looking, we are
21 asking, we are standing with the Navajos and saying no more, no
22 way.

23 A couple more quick comments because I want to
24 respect your time.

25 They're still dying, see? It isn't even all done

1 because it's over time, right? They could still be dying from
2 the first twenty years.

3 Now, there was an interesting thing that happened
4 with Yankee-Rowe in the initial consideration of license
5 renewal, and I think we really have to take this update
6 opportunity on the GEIS of license renewal to reflect on the
7 response, but you know it's like a dance, you know it's like
8 you do something, we do something, you do something, the
9 industry does something, we do something. It's a dance, and
10 you know the public really got involved in Yankee-Rowe, and
11 different things happened than anyone thought was going to
12 happen.

13 So we then have to look at what NRC did. And quite
14 frankly your rules are not anticipating the problems that are
15 occurring.

16 In honor of Jess Riley who was one of our members who
17 I represented in the license intervention for the Duke reactors
18 I have to say that he was quite right in saying that the NRC's
19 regulations do not anticipate what you don't anticipate.

20 And how can they? How can you anticipate what you
21 can't anticipate? But what we can find out from this
22 experiment called nuclear power that has been going on for
23 about forty years is that, excuse my French, but s--- happens.
24 Stuff that you didn't anticipate happens. Ocone after
25 relicensing happens. Davis-Besse after inspecting other

1 reactors happens. South Texas happens.

2 And other things happen, like people who go and look
3 at Indian Point's tubes in their steam generators and look at
4 the wrong part, and they turn the darn thing back on, boom, it
5 bursts right in the middle where they weren't looking.

6 Summer, ooh daddy-o, could have been a big one,
7 looking in the right place with the wrong equipment.

8 And still the industry is ready and able to rise to
9 the challenge of dealing with stuff that quite frankly is
10 beyond its design basis in about 25 years.

11 All NRC is doing is giving out passes. You know,
12 they can't meet the design basis, and so what happens, Amnesty
13 International? No. Amnesty Irrational, where in three years
14 42 reactors reported over 500 cases of not meeting their own
15 design criteria. And what happens? NRC does nothing.

16 Yankee-Rowe could not meet its own design criteria,
17 it closed. What happened? The license renewal rules no longer
18 require it, you simply assume that they do.

19 So this interaction between the public getting
20 involved in Yankee-Rowe, the industry doing what it does to
21 generate electricity, and collect money, and pay your bills
22 results in what, a rule that simply assumes that everything is
23 okay until and unless it fails.

24 And I know you're going to contest that, but quite
25 frankly why were the cracks at Oconee discovered after renewal?

1 Why was Davis-Besse allowed to go for five years with
2 corrosion?

3 I'm going to wrap it up, but I want to offer a couple
4 of very concrete statements about things that are not in the
5 rules. However, before I do those I want to say that our
6 recommendation is that instead of using this process to extend
7 licenses on the basis of the experience that I have cited here,
8 and a whole lot I haven't, we believe that if the industry is
9 following its mandate to protect public health and safety and
10 to limit the liability of the industry and do the industry a
11 favor you should shorten the operating licenses to 25 years and
12 facilitate either phase-out or, you know, if they're trying to
13 get new ones we'll see if that works.

14 So the only additional items that I can tell you that
15 I think really are missing in your rule, whether it's for 25
16 years or 60 years, one is climate change considerations, and
17 I'm not suggesting that these are the attributes that the
18 industry is talking about when they say they are here to
19 protect us from climate change, I'm suggesting that the severe
20 weather and parameters of our climate that are changing impact
21 reactor operations, and if you look at Catawba having to warn
22 the Public Service Commission in South Carolina that they might
23 have to go off line because of the drought lowering the water
24 levels in the Catawba River, raising the temperatures in Lake
25 Wylie, making it nearly impossible for them to cool their

1 reactors you will have a concrete example of why this should be
2 included as both the generic and site-specific bases.

3 I have already mentioned that you need regulations at
4 the generic level that reflect all of the population -- baby
5 cancer rates, child cancer rates, and I'm going to get real
6 explicit here, I had fibroid tumors ten years. Women bleed a
7 lot, we are different than men. You have to look at women too.

8 There needs to be the standard woman, the standard
9 child, the standard infant, and the standard fetus in addition
10 to the standard man, and the standard elder, and then we'll
11 quibble about whether they're correct.

12 Okay. And then finally Part 70. I don't know why
13 the Nuclear Regulatory Commission decided to do a generic
14 treatment of plutonium fuel, but you all did. You have rules
15 for anybody who builds a plutonium fuel factory, so what about
16 Table B-1? It only applies to LEU I need to remind you.

17 It's not that I'm endorsing plutonium fuel, but I am
18 suggesting that uranium has no bearing on plutonium.

19 Thank you.

20 MR. CAMERON: Thank you, Mary, and thank you
21 assistants.

22 Rita Kilpatrick.

23 MS. KILPATRICK: Good evening. My name is Rita
24 Kilpatrick, and I am the Georgia Policy Director for Southern
25 Alliance for Clean Energy. We have offices in Atlanta,

1 Savannah, and Knoxville.

2 Our organization prior to a merge that I worked with
3 was called Georgians for Clean Energy, and prior that Campaign
4 for a Prosperous Georgia.

5 We gave extensive public comment in oral comment, and
6 written comment form on the relicensing of Plant Hatch. We
7 chose not to intervene quite frankly because the expedited
8 process we viewed to be essentially a done deal for relicensing
9 approval by the NRC, and not conducive to public input. So we
10 just generally gave our detailed comments outside of
11 intervention.

12 And quite frankly while we're daunted by the entire
13 process of relicensing. Plant Hatch was the first reactor I
14 believe in the nation of its type, a boiling water reactor, to
15 seek and then receive license approval, or license renewal
16 rather.

17 And Plant Hatch does have serious problems that it
18 faces. It has a cracked core shroud, it has a problem with
19 overflowing waste, the ISFSI which was set up, the independent
20 spent fuel storage installation was a concern that we raised
21 during relicensing process.

22 We were told that that along with a host of other
23 major issues were really not part of the scope of the site-
24 specific analysis that would be taken up to look at the
25 relicensing of Plant Hatch, but rather those were generic

1 issues.

2 And so here we are today wondering what the scope of
3 this really is. The kind of separation that occurs in putting
4 issues in categories has been very challenging for us to even
5 follow, and to know where is the opportunity when you're
6 looking at a site-specific review and you're raising these
7 profound questions of environmental impact, and safety impact,
8 and a host of other impacts, including economic, when we're
9 told that's really outside the scope we're wondering where are
10 we supposed to provide that concern then, because each plant is
11 being brought up in an individual basis for review and ultimate
12 approval, and as has been said there really hasn't been one
13 denied yet it just raises concerns for us as to what the real
14 process is, and the public has -- we're not alone. There are
15 other public commentators that raise concerns.

16 And honestly in looking at the results, the findings
17 that the agency came out with we felt that our basic concerns
18 were not addressed, and we were very dissatisfied by the
19 analysis provided back to the public of this or that concern
20 has been taken up by the agency and this is how the agency
21 feels the problem fits in.

22 I can go through a host of items if this is what you
23 all want to hear today, the water concerns, water impacts
24 certainly that affect us at the Georgia plants, and this is
25 true throughout the Southeast Region.

1 As we know, the nuclear energy industry has an
2 enormous thirst for large quantities of water resources, and
3 that's been very well documented. You can pretty easily
4 compare fuel types across a host of environmental factors
5 ranging from water quantity, water quality, going on to air
6 quality, air quantity, land use, et cetera.

7 And when you look at these from not just the cleaner
8 alternative fuels that are starting to come onto the market
9 now, but also the traditional conventional fuels, the nuclear
10 fuel ranks the worst, and it ranks the worst for good reason
11 that it has the biggest impact on the environment.

12 And from a major accident standpoint I raised the
13 question about liability earlier. There are questions of
14 liability that link to accidents. Looking at the CRAC2 report
15 that we hold up frequently that was issued through a
16 subcommittee of the Oversight Investigations Committee on
17 Interior and Insular Affairs, which by the way Dick Cheney was
18 listed as a member of, there are a lot of very specific
19 documentations of what the peak early fatalities are projected
20 to be, the peak early injuries, peak cancer deaths, fatality
21 figures, et cetera for individual plants throughout the
22 country, and those numbers are very high.

23 But even if you don't look at this problem from an
24 accident or a catastrophe point of view, we are hearing a lot
25 of concerns about cumulative impacts that we don't feel the

1 agency is properly looking at. When decisions are made around
2 relicensing the outcome in the Hatch relicensing was from the
3 NRC saying specifically that Federal agencies other than NRC,
4 and State regulatory agencies, and owners of plants will
5 ultimately decide whether the plant will continue to operate.

6 At the State when we talk to them about this if they
7 have the authority to move to get these plants closed on a
8 reasonable time line they indicate that that's really the NRC's
9 purview, that that's really outside their control.

10 So when you go through this relicensing and look at
11 impacts and such and come out with findings if you can offer
12 something for the States to actually work with, something
13 concrete that lays out here's what options you have that's very
14 clear to them, because they act like it's very confusing.

15 They may know full well that they have the ability to
16 take care of these problems, but they kind of put their hands
17 up and say we can't do too much here.

18 I can go on into various other issues relating to
19 transportation and of course the more recent security concerns
20 that have direct impacts on the environment and the potential
21 to do quite a bit of damage, but I don't want to spend more
22 time than I'm given here, so I'll just do that.

23 Or organization plans to submit writing.

24 MR. CAMERON: Is there anything that you would want
25 us to attach to the transcript at this point?

1 MS. KILPATRICK: I can offer you this CRAC2 report if
2 you don't -- I'm sure you have that, but --

3 MR. CAMERON: I don't think it would be readily
4 available, so if you want to --

5 MS. KILPATRICK: Sure. [See attached]

6 MR. CAMERON: If you would like to go through in
7 summary fashion the rest of your concerns.

8 MS. KOTA: You can have my time, Rita.

9 MR. CAMERON: I think if we have time later on I
10 think we do need to clarify perhaps the statement that is made
11 usually by the NRC that, well, even if we grant license renewal
12 it's really up to the State and the utility about whether the
13 plant can operate, because I think that the way we present that
14 is probably a little bit misleading and leads to confusion of
15 the type you alluded to, so we'll try to clear that up.

16 Do you want to summarize --?

17 MS. KILPATRICK: Can you clear it up for us right now
18 what is that statement? Who has the authority to deal with
19 these problems?

20 MR. CAMERON: Let's go to either Barry or John to
21 tell us expressly what the NRC means when they make the
22 statement.

23 MR. TAPPERT: That's something that you will hear
24 with every site-specific license review, and we make the
25 statement that even if the NRC grants the license that does not

1 necessarily mean that plant will operate for sixty years. What
2 it means is they have a license to operate for sixty years to
3 operate that plant, and whether to operate that plant or not
4 will not be made by the NRC, but by the utility and other
5 decision-makers in the community.

6 It's like granting a driving license. If you have a
7 driver's license, that doesn't necessarily mean you're going to
8 drive, and if the utility decides it's no longer economical to
9 operate that facility they may very well terminate that license
10 earlier and not operate it. The State utility commissions have
11 a lot of authority over what plants operate.

12 Barry, do you want to add anything on that?

13 MR. ZALCMAN: No.

14 MR. TAPPERT: Does that answer your question?

15 MS. KILPATRICK: Sure. I mean just for example the
16 Public Service Commission in Georgia sort of takes the stance
17 that it doesn't have a whole lot of control over the ISFSI
18 handling, and that's really outside their purview. And if you
19 all decide that's something that the reactor needs --

20 MR. TAPPERT: I can't actually speak to statistics of
21 the licensees as a group. We can probably get back to you.

22 MS. KILPATRICK: Okay.

23 MR. CAMERON: And usually the public service
24 commissions are dealing with questions of economics, and rate
25 recovery, and issues like that. They're not addressing the

1 situation from a safety standpoint, which is within the NRC's
2 exclusive purview.

3 The way we have said this at the meetings I think has
4 caused some confusion.

5 MS. KILPATRICK: Yeah, it varies because I have
6 worked at a commission office where they do have nuclear safety
7 in their overview, or oversight responsibilities, so it varies
8 by State as to whether the PSC has that. In Georgia it's
9 housed with the environmental agency.

10 I guess our sense is if -- we're very concerned about
11 the situation just related to the ISFSI issue at Hatch.

12 We've got the situation now where there's this long-
13 term vision of developing Yucca Mountain storage. That's not
14 going to help in terms of offering any reduction on the ISFSI
15 front with Plant Hatch for years because it won't be in place
16 for so long into the future, so when we're looking at
17 relicensing issues and bringing the ISFSI questions up as to
18 how do you handle this we're setting up a parking lot outside
19 the reactor because the spent fuel capacity inside the reactor
20 has been maxed, it's getting ready to be maxed out, as was the
21 case when relicensing was going on we asked a basic question
22 what's going to happen? how are you factoring this in? and
23 we're told we're sorry, it just doesn't relate right here, it's
24 out of scope.

25 Then our question is where does that get addressed if

1 not through the relicensing process. And so we're very
2 frustrated that we haven't had a mechanism to address those
3 ISFSIs yet with the NRC.

4 Transportation is related. When these storage
5 facilities are set up which we call DOMs, they are little dump
6 sites that are not that little, they're highly dangerous sites,
7 when you set these up you're looking at transportation at some
8 point down the road which affects a lot of points in Georgia
9 out beyond the reactor community. So that was another question
10 I think was sort of pushed aside that's not an issue for
11 relicensing to look at.

12 There are other specific concerns we had related to
13 environmental analysis that we felt were important to be looked
14 at. They relate to looking at drought impact. We have in
15 Georgia the issue of drought, those concerns come up some
16 seasons, and flooding comes up, so flooding impacts are an
17 issue as well, looking at the dams upstream and where there
18 could be flooding occurring and some breakage that can be
19 devastating below, to the reactor area below.

20 So considering those -- discharge temperatures, I
21 spoke a little earlier about the water, excessive water
22 consumption, looking at the water that is permanently lost to
23 the environment because these plants don't just run and then
24 spit all the water back into the river.

25 Anyway, those are some of the concerns as I said

1 we're planning to submit some written comments on, so we'll
2 take these up in a more comprehensive fashion then.

3 MR. CAMERON: Thank you very much, Rita.

4 Next we're going to go to Joanne, Joanne Steele.

5 MS. STEELE: I am Joanne Steele with Action for a
6 Clean Environment in Northeast Georgia.

7 For the past year I have had a half-time staff
8 position of researching the Oconee Nuclear Power Plant and
9 issues around it, so it's been sort of a quick study, and
10 there's a lot more that I need to know, but what I've found out
11 is that we're definitely concerned.

12 And I share Rita's concerns about how everything has
13 been compartmentalized within the Nuclear Regulatory Commission
14 and other agencies, the Department of Energy, and Department of
15 Defense, and all of these agencies that are related to the
16 whole atomic energy/atomic weapons scenario which I feel like
17 are so tightly connected. I don't really believe in the
18 friendly atom, I think it's a charade to keep the atomic
19 weapons going, because as has been stated in the past here the
20 cost of, the true cost of nuclear energy makes no sense, and
21 it's only 20 percent of the energy in our country, and yet we
22 have these huge agencies and the different departments that are
23 supposedly overseeing the whole process, and yet we get
24 incomplete answers to our questions, or referred to some other
25 I-don't-know-where to try to answer them.

1 So my concern with this environmental impact
2 statement process is that it doesn't answer, or doesn't address
3 all of the issues, all of the environmental issues of
4 relicensing the nuclear power plants.

5 For one thing I've asked questions about the vessels
6 themselves that are not replaced, that cannot be replaced, and
7 in the refurbishing that goes on right now at Oconee they have
8 three vessel heads, one of them has been replaced, Unit 3.
9 They can replace all six of the steam generators, but they
10 cannot replace the vessels that hold the reactor cores, or the
11 fuel rods, and the vessels expand and contract, and expand and
12 contract, and age, and they become brittle, and I haven't had
13 any kind of satisfactory answers as to how the integrity of
14 that whole vessel is tested. And so if anyone can help me with
15 that I certainly would like to know how the integrity of the
16 entire vessel itself top to bottom, inside and out is tested
17 for the strength and flexibility and holding that powerful
18 radioactive chain reaction that goes on in the fission process.

19 And also I share the concerns about the nuclear
20 waste, and the response I get from Oconee is, well, we just
21 store it on site, and have a capacity to store it until we are
22 given permission, and then it's the Department of Energy
23 responsibility, it's not the utility's responsibility any more
24 to handle it, so then it goes to a different agency to handle
25 it and they just pay money to handle that.

1 You know, the so-called Yucca Mountain repository
2 is going to be the solution, but it doesn't have the capacity
3 to handle the waste that we have all around the country from
4 all the different sites right now, and to continue for another
5 twenty years that is an environmental, that is a very serious
6 environmental concern of what is going to happen with all of
7 this waste, and it goes across the board from energy to weapons
8 production, and it's all tied in with from having learned how
9 to navigate atoms this past year and looking at all the things
10 that you all deal with it deals with all of that stuff,
11 everything from the little gauges and monitors that have -- you
12 know, probably even these lights that glow in the dark, to the
13 spent fuel, to the making of nuclear weapons and the waste
14 products from that.

15 So what to do with the waste, how can that be a
16 separate thing from the relicensing process, how the waste is
17 being handled is just beyond me to understand, so I would
18 suggest that you all make that a much more prominent part of
19 the environmental impact study that's done. It's the really
20 responsible handling of the nuclear waste from the whole
21 process, from the mining of the uranium, and the water that's
22 contaminated in that process, all the way to the disposing of
23 the waste after the fuel rods are removed and stored.

24 I have grandchildren, and I come from a large family
25 who has had a lot of problems with cancers, and birth defects,

1 and miscarriages, and things like that that haven't occurred in
2 the past.

3 My parents, when I look when I looked at the
4 radiation fallout from nuclear bomb testing they were in high-
5 exposure zones, and they say that a lot of this, a lot of the
6 problems identified as exposure to radiation can come up in the
7 third generation, which is my children, and I'm seeing it in my
8 sister's and brother's children who have died from different
9 things that could be attributed, but how do you trace it back.
10 Like Mary was saying, who are these deaths, and who are these
11 people, and how can you have a flag on them to say this person
12 was exposed and so their child has leukemia, or this person.

13 It just seems criminal to think that we have so many
14 other alternatives for energy use and energy efficiency that we
15 as a people, whether you work for the NRC, or you work for Duke
16 Energy, or whether you work for some church, or whatever other
17 people, it's time for us to look for a cleaner way to keep our
18 lights on and our air conditioning, because we're killing our
19 children and their children with this process.

20 And if you are about safety and regulating safety I
21 plead you to reconsider the process that you go through for
22 relicensing these plants.

23 MR. CAMERON: Thank you, Joanne.

24 Jen.

25 MS. KOTA: I have a special guest to come with my

1 presentation, we'll have to wait for him.

2 Before I begin, I would like to ask the people here
3 who are employees of the NRC some questions if you don't mind.
4 I just kind of wondered, and if you say yes just raise your
5 hand.

6 Who here working for the NRC has an engineering
7 degree? All those with an engineering degree raise your hand.

8 No. No one has an engineering degree?

9 MR. CAMERON: Jen, the people would like to hear your
10 comments rather than going through this quiz. I mean if you
11 want to ask people questions on --

12 MS. KOTA: Well, I'm going to see who has a degree.
13 So I would like to ask these questions real quick.

14 Who has an engineering degree? No one?

15 Okay. Who in the group has ten years? Twenty years?
16 One person with ten years. Anybody with the NRC for twenty
17 years?

18 Thirty years? Yea. Over thirty years? Okay.

19 Thanks.

20 Now, the reason that I'm so pleased about engineering
21 degrees, which I didn't see any of, or thirty years, is because
22 there was a defensive attitude that brought these nuclear power
23 reactors on line that seems to be missing, and I don't know, I
24 guess you and Barry may have noticed that I have an attitude,
25 but I want to tell you that my attitude comes from a very

1 important place, and I think it's something that you need to
2 pay attention to as an organization.

3 I have never been to a meeting where NRC was present
4 where they have forgotten to say that they were neutral about
5 nuclear power. Never. You have always said that, always.

6 And I have never been to a meeting where you have
7 said you are neutral, neither pro or con about nuclear power in
8 which you haven't said pleased and positive things about
9 nuclear power.

10 Now, I want you to walk the talk. I know you're
11 representing that you have more important things to think
12 about, but in these public meetings I don't want to hear Barry
13 or John, or Roger, say things about nuclear energy has been
14 good for you. I don't want to hear any of you say nuclear
15 power is so economical. These are published in your
16 statements, you need to strike them from anything you write
17 because it's your role to appear to be nonpartisan to the
18 public, and you are answerable to the public.

19 You need to get your industry-friendly jargon out of
20 your minds before you come and see us, because you're not the
21 industry, and we don't need to talk to you like the industry.
22 We are stakeholders, so please take that into consideration.

23 Now, Blinky is up here for a very good reason, a
24 couple of good reasons. When we look at the fusion sediment
25 produced each year by a 1,000-megawatt nuclear power plant it

1 amounts to about 4 million curies, and since the half-life is
2 about thirty years it becomes a very limited case over the
3 year.

4 If we assume 99 percent containment, and that's a
5 pretty high figure I think you will all agree, if we look at
6 the hundred nuclear power reactors that we have operating, and
7 an extent of 25 years, the amount of the curies released by
8 those hundred power plants in 25 assuming 99 percent
9 containment is equal to four Chernobyls.

10 If you assume a life for these nuclear power reactors
11 beyond 50 years, that would be eight Chernobyls. 99 percent
12 containment, guys. You're not getting there.

13 In any case, I would also submit Blinky is here
14 because Blinky absorbs -- I think he lives in water -- a high
15 amount of tritium by organic molecules inside his little body,
16 much like a fetus inside of a woman would have high amounts,
17 high amounts of tritium found in its little body.

18 Now, there are cells that are like the ovaries in a
19 female, the nervous system of any female which are not
20 regenerated quickly is along themselves. So this means that
21 the tritium in those cells will be around practically for the
22 lifetime of this individual. So we're talking long-term
23 genetic defects, we are talking mental impairment.

24 How many of you listen to music from another
25 generation which -- In any case, as far as the tritium in-

1 utero involves special dosimetric considerations. Also fetal
2 cells require rapid -- from organic tissues, and certain things
3 provide very little or no subsequent cell proliferation. That
4 would be the central nervous system, that would be the ovaries
5 and a woman's fetus.

6 These things are dangerous, you need to stop your
7 jargon.

8 Moving right along, with the reactors we have 103
9 predeployed dirty bombs. Anyway, what can we do with all your
10 impact statements regarding terrorism. This is a heavy issue,
11 dudes.

12 The GEIS needs to be upended to allow it to be
13 generic. Actually I don't like it.

14 You said in your important aspects that you were
15 looking for things that had to do with -- let me look at my
16 notes, I can't even read my notes --

17 Okay. I'll just read. Generic places important
18 aspects out of reach of merely the stakeholders, and that's the
19 sensibility that's an important aspect to any nuclear process'
20 accessibility to the process by the stakeholders that are local
21 to the plant. Unless the NRC wants to pay people the air fare,
22 travel, to come to these meetings you need to stop this generic
23 attitude of yours and go right down elbow to elbow with people
24 and talk to them about their plants.

25 This is a farce. We don't, we're not paid for in all

1 cases by a specialist group, we are not paid for by NGOs. We
2 are here because we are concerned, we're here because we're
3 talking for the 14,000 members of the Georgia Sierra Club, and
4 they have concerns.

5 We're here because a nationwide Sierra Club of half a
6 million people have causes to give nuclear power because of
7 some of the unsolved issues with nuclear power. You need to
8 take it to the people, and not going to the individual sites
9 about everything doesn't look too good, guys.

10 I was just confused about this thing that you're
11 neutral. That is the big issue with me.

12 I think I've made enough statements, I'll submit some
13 in writing, but before we go further can I hear a nodding of
14 the heads about not working for the industry? Like we need to
15 hear the word safe, like we need to hear the word economical
16 because we just need a neutral stance.

17 Thank you.

18 MR. CAMERON: Thank you, Jen.

19 We will now go to Adele. Adele, you don't want to
20 speak

21 MS. KUSHNER: No, I don't want to speak.

22 MR. CAMERON: We will go to Peter, and then Reverend
23 Utley.

24 MR. SIPP: Thank you.

25 I want to talk about on Page 16 of the transporting

1 spent fuel, the pamphlet, and on Page 16 on the lower right-
2 hand part of it where it talks about for the purpose of this
3 study all of this material was assumed to be released from the
4 cask, although in reality a large part of the fungible fraction
5 would plate out or adhere to the surface within the cask.

6 And as Rita mentioned about criticality of the
7 vessels, I think that should be put in the information the next
8 time.

9 And also you did this quite a few times yourself, I
10 know it's real common to save the environment, and where T-H-E
11 has the way of separating the subject from, the topic from
12 where we live, and I think it would be real good in your
13 information also for the NRC to place, it would take the same
14 amount of space in the sentence, take out "the" and put in
15 "our" -- I can't find any examples in front of me right now --
16 but when you say our environment then it has to do with us
17 personally because we can't live here without it. And that
18 would be a help.

19 I think that the situation about Davis-Besse in Ohio
20 is really unfortunate. I know that the Babcock & Wilcox
21 company manufactured that reactor vessel, and a reactor in
22 Texas where the bottom, a big part of it has got problems, and
23 so to restore the public's confidence in the NRC when utilities
24 with a B&W reactor vessel comes up for an extension, a license
25 extension, tell them, yeah, you can have one, but you've got to

1 buy a new reactor vessel, period. It's just that simple. You
2 want us to really look, look at the NRC, they're looking out
3 for us. And that's what you tell them.

4 And I guess, Chip, I should maybe submit that in
5 writing perhaps, this whole thing, or --?

6 MR. CAMERON: We have it, Peter. You don't need to
7 present anything more unless you want to amplify on it, and add
8 to it, and if you want to do that we would welcome it. But you
9 don't need to if you don't want to.

10 MR. SIPP: Okay.

11 MR. CAMERON: What you've told us has been captured,
12 and it will be on the transcript.

13 MR. SIPP: Okay. Well, thanks for that.

14 MR. CAMERON: The transcript will be available before
15 the close of the comment period. If you want to look at what
16 you said and decide whether to submit more, do that.

17 MR. SIPP: Well, thank you. In a nutshell that's
18 what needs to happen, because we the public would like to know
19 that the NRC is in fact really looking out for us because I
20 know the NRC crowd at Davis-Besse were there in response to
21 finding a football-sized hole in a six-inch-thick head with
22 "Oh," and so that tells us that they didn't really know, or
23 they did know and they tried to hide the fact, and they were
24 letting the owner of the -- they were letting the people at
25 Davis-Besse get away with it, and it's just real fuzzy there.

1 So we were really worried that it could be worse somewhere
2 else, and we would love to know with confidence that that's not
3 going to be the case any more.

4 And that's really it. Thank you very much.

5 MR. CAMERON: Thank you, Peter.

6 Reverend Utley.

7 MR. UTLEY: Gentlemen, I'm here just to tell you that
8 you have an awesome responsibility, and I don't envy the seat
9 that you're sitting in, but you're sitting there as a regulator
10 and one who has to take this information back.

11 I think it is important that you look at a few
12 things. Not only do I represent the Blue Ridge Environmental
13 Defense League, but I also represent the High and Algin Park
14 Improvement Committee.

15 I think that's important for me to tell you because
16 it also represents not only poor blacks, but poor whites. And
17 when I look at the implications of having a generic, and the
18 term kind of bothers me because it tells me that I'm missing
19 something. When it's generic you know I can go to the doctor
20 and he says I can have the real thing, or you can get this
21 generic, but it also tells me that something may not work as
22 well as the original intent.

23 So I would like for if it's going to be generic let's
24 put everything that's conceivable that will cause a problem for
25 the patient to be addressed.

1 And in particular when we look at Plant Vogtle, it's
2 in Burke County east of the Mississippi, the poorest county,
3 evacuation routes all go through EJ [Environmental Justice]
4 communities, a community even though now is one of the
5 poorest, yet it's bounded by a big nuclear factory.

6 But this company has an opportunity to do generic
7 stuff, we're looking to meet all the obligations to those
8 farmers, we're going to meet all the obligations to the babies
9 that haven't been born and hope to be born.

10 One thing about it, when we do things in a generic
11 form we have to be sure that we cross all of the Ts and dot all
12 of the Is, and I for one, if I could, I would afford the best
13 of life, but I can't.

14 But whenever I have to take a generic anything I try
15 to take one that's representative of the original. But all I'm
16 saying is today I want to give you something to take back, and
17 it is that all of you sitting here at some point in your life
18 have liked to have had an extended family, which means that you
19 want babies, you want a husband, or you want a wife, you want
20 grandchildren, or you want generations to follow after you, but
21 it also makes sure that those things happen.

22 I have to reflect it as I see it, and then I'm going
23 to close because I won't have a sermon until Sunday, and that
24 is that it always goes to the first born boy to carry on the
25 legacy of the family. Am I right about it?

1 So if we intend to have our strong boys looking after
2 our young ladies then we must provide for them, irregardless of
3 where they come from, irregardless of socioeconomics,
4 irregardless of black, white, poor, or whatever, during that
5 impact statement be it a generic or the original, must address
6 those things.

7 So I'm asking that if it's an EJ issue it should be
8 not put on the back burner, or not left up to the plant,
9 because I would write anything I wanted to if it was my plant,
10 because my job other than as a minister I am counselor by
11 profession, but I am also one who looks at children, and when I
12 study kids we do a thing called an SST. That's where a child
13 is having problems learning in school.

14 And I look where that child comes from. Most of them
15 have been exposed to some form of radiation. Most of them I
16 have been informed have been exposed to less health care.

17 Now I represent a community that has 240 known deaths
18 that's been related to chemical exposure -- disproportionate I
19 should say -- and that is not fair, because if they could they
20 would have moved, but they couldn't move.

21 But it's up to us, the gentlemen here in particular,
22 and where appropriate, ladies, you are too, to fight the battle
23 for those who cannot fight, to speak for those who cannot
24 speak, and to stand for those who cannot stand.

25 So I tell you now just let us put some faith in your

1 ability to do what you've been designed to do. All of us are
2 brothers of one another, like it or not, and we have to take
3 care of one another, and if I can take care of Charles Utley I
4 can take care of you. Let us take care of one another.

5 It's good to have good power. Yes, I came from
6 kerosene lights. That works too. So we'll have to also learn
7 that we can't have everything, but the things that we can have
8 let's have them in a clean, wholesome environment.

9 We're all God's children as Martin Luther King would
10 say, black children and white children.

11 And I'm going to sit down, because you know when I
12 visit the hospital, have you ever been able to determine when
13 you went to the maternity ward whether it was a black baby, a
14 Japanese baby, or a white baby that was crying. When you can
15 answer that then you've answered yourself.

16 Thank you.

17 MR. CAMERON: Thank you, Reverend Utley.

18 I'm going to ask the NRC staff whether there's
19 anything that they heard that they would like to clarify for
20 people.

21 And I guess the second item on the agenda is while we
22 have some more time are there any outstanding questions that
23 Mary has? I mean that people have.

24 Let me ask Mary or John or others whether there's
25 anything that they want to add at this point.

1 MR. TAPPERT: There was an awful lot of issues that
2 were raised, and we sure appreciate those comments, but rather
3 than try and respond to each of those issues right now we
4 certainly want the staff to speak to people one-on-one if you
5 have any additional questions.

6 MR. CAMERON: I think that there were some issues
7 brought up that I'm thinking, one popping into my head that
8 Joanne asked about the stability of the whole reactor unit.

9 There may be some offline things that we can do
10 there. P.T., do you want to --?

11 MR. KUO: I will speak to her after.

12 MR. CAMERON: Okay. Good. P.T., I forgot to add
13 that he is branch chief, and being the branch chief of the
14 license renewal and environmental review program his
15 responsibility is not only the environmental aspect, but the
16 safety aspect of license renewal.

17 And, Mary, did you have something?

18 MS. OLSON: Yes.

19 MR. CAMERON: Okay. Here we go, two outstanding
20 questions.

21 MS. OLSON: My first question is from something that
22 was said earlier this evening. I'm wondering where in the
23 records of the world we can find out who has been asking for
24 evaluation of Environmental Justice in NRC licensing, and
25 whether that document is available.

1 MR. ZALCMAN: Just to respond to that, there was a
2 letter that was sent in to the Commission from the Nuclear
3 Energy Institute. I don't have the exact date on that, but I
4 think it was certainly within the first quarter of the year,
5 this year [Actual date was December 20, 2002], and there is an
6 effort to respond to that.

7 The Commission did in fact direct the staff to take a
8 harder look at that issue, and my presumption is that it was
9 part of a staff requirements memorandum which would also be
10 made public.

11 MS. OLSON: I have one more question, but I want to
12 make a brief comment at this point, and I'm sure we will follow
13 this up in a more formal manner.

14 But we rarely, though we do express not only our
15 appreciation but our pride in the Nuclear Regulatory
16 Commission, and certainly the decision about Environmental
17 Justice impacts of the Louisiana Energy System's proposal for
18 Homer, Louisiana is something that we take pride in as an
19 organization having worked with the local affected community in
20 helping them with their struggle, but we also have repeatedly
21 taken pride in announcing the Nuclear Regulatory Commission's
22 backing of the Atomic Safety Licensing Board decision on the
23 Environmental Justice portions of that case.

24 So as I say, I think we will take the opportunity to
25 make some of that more formal.

1 My other question from this evening is about Waste
2 Confidence, and I admit that I haven't read the most recent
3 thing, and I'm asking you now whether Waste Confidence was ever
4 updated, or will be updated in relation to twenty additional
5 years of reactor operations across the fleet, because the base
6 case scenario that the Department of Energy used for the Yucca
7 Mountain scenarios did not assume license renewal, and there is
8 not currently a second repository program.

9 MR. ZALCMAN: A quick response.

10 In the last update of the Waste Confidence decision
11 -- and for those of you who want to look at it, it's in 10 CFR
12 51.23 -- the Commission found no dramatic change with the
13 information that was used in judging adequacy of the position
14 they held previously, and in fact they drew the conclusion that
15 waste could be managed safely for at least twenty years after
16 the end of current operating license, including license
17 renewal.

18 And that Waste Confidence decision is revisited on a
19 periodic basis. The Commission does have a commitment to do
20 that.

21 MR. CAMERON: Joanne.

22 MS. STEELE: I kind of got sidetracked. I tend to do
23 that when I get talking.

24 But one of the things that I wanted to ask about, and
25 again I just don't know which compartment different things go

1 in when we're talking about environmental impact -- I just
2 thought that that would be B.U. -- I got the 2001 radiation
3 monitoring report from the Oconee Plant, and I haven't seen the
4 2002, maybe it's out and available, but I haven't found it, I
5 would love to have a copy of that.

6 But it was a 93- or 97-page report from the different
7 sites around the plant in a ten-mile radius and on with the
8 vegetation, and air, and water, and sedimentation, and things
9 like that that they test for isotopes, and I was having a hard
10 time trying to figure out where the hot spots were, but I
11 thought I had circled a few, and I sent them to Dave Close who
12 is on the board of the Institute for Energy and Environmental
13 Research, and he was saying that the way that the monitoring is
14 done and compiled that it dilutes the findings, so that it was
15 hard to really see exactly where some of the problems were, but
16 that he did notice that there were high levels of tritium in
17 some of the places, and high levels of cesium and sediment in
18 some places from the Oconee plant, but ways of tracing that
19 back to events and situations that caused that were hard to
20 follow in the way that monitoring and records are kept, so I
21 guess my question is how can it be traced back, and when the
22 three-eyed fish reminded me of that question that I had had
23 originally, and I do bring it up, but a more clear way of
24 monitoring releases and the accumulation of some of the
25 radioactive isotopes that get released from the plants during

1 operation, what was in place and what's available to us to see
2 those things.

3 MR. CAMERON: I don't know if anybody wants to
4 respond right now, but someone certainly can -- Mike, do you
5 want to talk offline?

6 MR. MASNIK: I will talk to her.

7 MR. CAMERON: All right. Jen.

8 MS. KOTA: My father is an engineer, he's a rocket
9 scientist. He and his slide rules put the first rocket on the
10 moon. That is why I'm interested in who is an engineer in
11 here, because I have an inherent faith in engineers, not that I
12 necessarily think that the NRC is doing every single thing I
13 would wish it to do. So that question was a matter of
14 establishing faith.

15 And I appreciate anybody who held their hand up to
16 bother to answer my questions.

17 I would like to try it one more time. Who in here is
18 an engineer? Anybody? I thought you might be.

19 Anybody else an engineer in here?

20 Thank you very much.

21 MR. CAMERON: All right. And as I mentioned in the
22 introduction for John Tappert and Barry, engineering,
23 definitely an engineer, acts like an engineer -- No, I'm
24 sorry.

25 [Laughter.]

1 MR. CAMERON: Rita, did you have a question?

2 MS. KILPATRICK: Yes.

3 MR. CAMERON: All right. We're going to go to Rita
4 for a question, and I think we have a couple of offline so-to-
5 speak conversations that are going to take place with P.T.,
6 Michael, and I'm sure there's other issues that you guys have
7 heard that you want to talk to people about.

8 Rita.

9 MS. KILPATRICK: My question has to do with the
10 assessment that occurs during relicensing, the relicensing
11 process, assessment of the need for energy.

12 And we addressed this some in our comments knowing
13 that for Plant Hatch for example the Georgia Public Service
14 Commission goes through a long-range planning process that it
15 approves with a Southern Company affiliate every three years,
16 and we know that the big picture was not including a relicensed
17 Hatch, and the energy needs were stepped out and addressed
18 through alternative supplies for the future, and it occurred to
19 us that the NRC is not really the agency that would necessarily
20 have the expertise to even address that question.

21 The FERC deals with that, and the SEC in some ways
22 deals with holding companies, but the NRC that's not your area
23 of expertise, yet it's a category addressed and brought up as
24 environmental issue because obviously the extension of the life
25 of a plant has tremendous environmental impact, an adverse

1 impact over many years.

2 You mentioned during introduction topics such as
3 merchant plants and issues that need to be resolved, and
4 unbundling, and services, and deregulation, and you know these
5 are really big issues, and how is this being tackled if there's
6 not that base of expertise to address those questions as part
7 of relicensing.

8 MR. ZALCMAN: Let me address it from two
9 perspectives.

10 The first is you're absolutely right in terms of the
11 role and responsibility of the agency. There are a limited
12 number of times where the agency looks at need for power, and
13 it's predominately in the environmental area.

14 But quite directly it is not in license renewal; the
15 Commission already has determined the need for power is not
16 part of the license renewal equation before the NRC. Need for
17 power is the domain of States, the PUCs, the PSCs that pass
18 judgment on need, and set rates, that's their responsibility.

19 The NRC looks at need for power at a stage when the
20 environmental consequences, or environmental changes would be
21 the greatest, for example at a construction permit phase for a
22 new plant that would be contemplated under NRC's regulatory
23 framework for Part 50, 10 CFR Part 50 there is a construction
24 permit, and at that stage the NRC looks at need for power only
25 insofar as there's a reasonable expectation that some public

1 good would result from this undertaking, and this undertaking
2 results in disturbance of land, consumption of resources in
3 terms of construction, and, ultimately, the operation of the
4 facility.

5 Under that licensing framework, 10 CFR Part 50,
6 there's a construction permit, and then there's an operating
7 license. That operating license review does not consider need
8 for power either. Once the environmental consequences have
9 been borne already the Commission has determined there is no
10 need to revisit the need for power, because if the need for
11 power was not there as determined by the Sstates this plant
12 would not be coming online.

13 For license renewal, the power is in use today, and
14 it serves traditionally as a baseload facility. That power is
15 used today. The expectation is, if you take a look at the Vice
16 President's Commission on energy for the next generation, that
17 more plants will need to be built to provide power for the
18 United States.

19 If you remove existing facilities from the power
20 base, even more plants will be built, so the presumption is
21 today there is a need for power. That plant is online
22 delivering power. If you remove it from license renewal, that
23 power will need to be replaced, and that is why the view that
24 we look at for alternative energy for license renewal is to
25 replace a baseload capacity, and delivery of demand. You turn

1 on the plant, it runs for its cycle; it's a baseload plant,
2 it's delivering it today, the expectation is that need is
3 there.

4 MR. CAMERON: And in terms of the expertise issue,
5 even --

6 MR. ZALCMAN: We don't look at it for license
7 renewal. At the time when we were faced with construction
8 permits we had the capability, and the expertise is only so far
9 as to determine that some public good will come out of this
10 exercise; it is not to do the full economic analysis.

11 MS. STEELE: If you don't look at it in license
12 renewal, why is it on the application? There is a category on
13 it, and we saw what the company said and -- Are you saying
14 it's not an issue?

15 MR. ZALCMAN: I'm saying need for power is not an
16 issue for license renewal.

17 MS. STEELE: Then why do you ask for that
18 information?

19 MR. ZALCMAN: I don't believe we ask for the
20 information.

21 MS. STEELE: Okay. Well, I'll submit that. It was
22 in the company's application material I believe when we were
23 looking through that and commenting on it, and if -- I guess
24 the basic point would be it should be in there for that to be
25 factored in, but to be factored in according to how the State

1 is planning for the future energy needs, and if there's
2 planning done and replacement power that does not rely on any
3 relicensed nuclear energy then why look at this in the first
4 place?

5 MR. ZALCMAN: Let me make one quick response to that,
6 and I think that touches upon the point that John Tappert was
7 making previously, that the ultimate province for the decision
8 of whether or not this plant will operate is the domain of the
9 license-holder and traditionally State regulatory commissions.
10 It is not the NRC.

11 We are making the safety judgment, we are making the
12 environmental judgment that the impacts would not be so great,
13 and in fact that the plant can operate safely during the
14 renewal period, but that can ... is not ... must operate the
15 plant; that is not our determination.

16 MR. CAMERON: And there is part of every
17 environmental impact statement on license renewal where we look
18 at alternative power sources, and that may be what you may be
19 thinking about, and I know that Eva Hickey back here from
20 Pacific Northwest National Lab has done a lot of those
21 analyses, and maybe -- I don't know, Rita, if you have time
22 maybe the two of you could talk after the meeting about that
23 particular aspect of it.

24 I guess from a facilitator's point of view I would
25 just like to thank all of you for your interest that you

1 definitely have shown, and also for your courtesy.

2 And I'm just going to ask whether Barry, P.T., John,
3 anybody has anything to say to close the meeting out.

4 MR. ZALCMAN: Let me follow up on a point that Chip
5 made with Peter that in fact everything that you've presented
6 today builds the record. This transcript becomes part of the
7 record as we move forward.

8 We hope that you take the opportunity to reflect upon
9 what you've heard today, and have the time and interest to take
10 some of the material that we've brought along with us to help
11 put this in proper context.

12 But the scoping period ends on September 2nd, so you
13 have the opportunity if you want to embellish your thoughts, or
14 if you want to encourage others to respond to provide the
15 background information that we need to be able to consider
16 issues. We are focused on the technical issues associated with
17 those 92 issues, or if there's a 93rd or a 94th, or, if there's
18 some reason to remove one of the issues, let us understand the
19 technical details and the bases for that, and that's really
20 going to assist us in doing our job.

21 Thanks.

22 MR. TAPPERT: I would just like to thank everyone for
23 coming out tonight. You are an important part of this process.

24 As Barry says, the scoping period will continue until
25 September 2nd, and the means to contact the NRC was on the

1 slides earlier. So we certainly encourage you to send in any
2 additional written comments that you may have.

3 We appreciate the commitment that you have taken, and
4 the investment of time not only to come out here tonight, but
5 obviously you're heavily engaged in these issues and a lot of
6 personal time has been put into becoming informed, and we
7 appreciate that as well.

8 MR. CAMERON: I guess we're adjourned.

9 MR. TAPPERT: Oh. People with the name tags will be
10 staying around after the meeting. If you have any questions
11 we'll be happy to talk to you.

12 [At 9:40 p.m., Tuesday, July 8, 2003, the meeting was
13 concluded.]

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