

NUCLEAR REGULATORY COMMISSION

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U.S. NUCLEAR REGULATORY COMMISSION

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CATAWBA NUCLEAR STATION

LICENSE APPLICATION

PUBLIC MEETING - AFTERNOON SESSION

TUESDAY, JUNE 15TH, 2004

CHARLOTTE, NORTH CAROLINA

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

(3:30 p.m.)

CHAIRMAN: Well, I guess people may be coming late, but they can walk in. It is 3:30, so let's go ahead and go on the record. I am Ann Marshall Young, the chair of this Atomic Safety and Licensing Board. To my left is Judge Andy Burratta. To my right is Judge Tom Elleman. We are here to listen to statements from the public on the proposed license amendment for Catawba that would allow the use of four mixed oxide lead test assemblies at the Catawba Nuclear Station.

I have received e-mails from several people. Frankly, we expected more, but we will wait and see who comes. I received an e-mail from Glenn Cobb who I think is signed in, from Mike Tuckman who is signed in, from Wayne Henry who I don't think is here yet, from Alex Perry, and from William Hooker. The last two, I'm not sure whether they wanted to make verbal statements. They did submit written statements. We will take those who have signed in, Mr. Cobb and Mr. Tuckman first. Also Mr. Todd Carr, is that right, and Mary Boyd signed in, and we have some more.

UNIDENTIFIED SPEAKER: We have one more, Lou Zeller.

CHAIRMAN: Actually, thank you for reminding

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1 me. Lou and Janet Zeller are here on behalf of BRETLE.  
2 BRETLE is a party to this proceeding, and you are mainly  
3 here to observe as is Mr. Steve Nesbit from Duke, and  
4 Susan Newbaugh and Robert Martin are here from the NRC  
5 to listen as well.

6 As was stated in the amended notice of this  
7 proceeding that was published in the Federal Register on  
8 June 7th, we will try to limit the statements to five  
9 minutes. We are here to listen, and unless there is  
10 anything that we need to take care of before we get  
11 started, Mr. Cobb I think was the first one I had on the  
12 list. And we are taking -- we are having this  
13 transcribed, and within a few weeks it should be on our  
14 NRC website.

15 MR. COBB: My name is Glenn Cobb. I'm a  
16 resident of Charlotte, North Carolina, and I'll just go  
17 ahead and read what I have here. I support Duke's  
18 application for a license amendment to use four mixed  
19 oxide lead assemblies in the Catawba Nuclear Station for  
20 the following reasons:

21 First, the mox fuel project will benefit  
22 everyone by disposing of excess weapons which will help  
23 to make the world a safer place.

24 Another benefit of the program is it  
25 requires commensurate reductions in plutonium stockpiles

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1 in the U.S. and Russia.

2 Second, the mox fuel will provide Duke Power  
3 with an economical and elaborate supply of the nuclear  
4 fuel over the coming decade.

5 Third, the safety of using mox fuel has been  
6 demonstrated by widespread use in Europe. European  
7 plants have been using mox fuel for decades. Presently  
8 they have more than 30 reactors using significant  
9 quantities of mixed oxide fuel. France, Germany,  
10 Switzerland, a number of countries are doing this.

11 Fourth, Duke Power has a strong record of  
12 operating its nuclear plants safely and efficiently.  
13 Duke would not use mox fuel unless it was convinced that  
14 it was safe to do so. It is not in their best interest  
15 to do something that would compromise the integrity or  
16 the safety of any of their nuclear plants.

17 Fifth, the mox fuel lead assembly program is  
18 an essential step for plutonium disposition. It would  
19 demonstrate the safety and reliability of using vast  
20 quantities of mixed oxide fuels in the McGuire and  
21 Catawba reactors eventually.

22 Sixth, Duke has analyzed operation of  
23 Catawba with four mox fuel lead assemblies and  
24 demonstrated that the mox fuel has no adverse effect on  
25 the public. The RSD has reviewed these analyses and a

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1 number of other issues related to mox fuel lead  
2 assemblies and has issued a favorable safety evaluation.

3 This atomic safety licensing board needs to  
4 proceed expeditiously toward a determinative decision in  
5 order to allow preparation by all companies and parties  
6 for mixed oxide fuel assembly use to continue in a  
7 timely manner. Thank you.

8 CHAIRMAN: Thank you. Then Mr. Tuckman.

9 MR. TUCKMAN: Good afternoon. My name is  
10 Ryan Tuckman, T-U-C-K-M-A-N. I'm a retired individual.  
11 I have a vacation home on Lake Wiley about three miles  
12 from Catawba Nuclear Station and since being retired  
13 spend as much time as possible on the lake in and around  
14 the plant.

15 In the interest of full disclosure, I think  
16 you know that I was recently the chief nuclear officer  
17 of Duke Power, retired at the end of the year, and was  
18 responsible for the decision of Duke Power to go forward  
19 and participate in the mox program. I thought a couple  
20 of words in support of that might be of value to you.

21 When we looked at mox, when the Department  
22 of Energy was interested in starting a mox program,  
23 there were several things that I was very much  
24 interested in: First, did this benefit the customers of  
25 Duke Power; second, did it benefit the world as a whole,

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1 is it a weapons to plowshares type program; three, did  
2 it benefit our company; fourth, is it safe and going to  
3 be done reliably without jeopardizing our reactors.

4 We spent quite a good deal of time studying  
5 this program. I think you know that Duke Power has a  
6 very extensive engineering department, probably does  
7 more work by itself than any other utility that I'm  
8 aware of. We also needed a partner. We partnered with  
9 Bramston, most of the experience in mox in the world.

10 All of this led me to the conclusion that  
11 mox could be done very safely, without any real  
12 problems: Second, it certainly benefited the world and  
13 the customers of Duke Power considerably more than it  
14 benefited Duke Power. It looked like a win-win-win  
15 situation. Little did I realize it was also a win-win  
16 situation for the lawyers in the world. That's neither  
17 here nor there.

18 One of the things we do anytime we have a  
19 new fuel design is we use lead test assemblies. We have  
20 used lead test assemblies numerous times in all three of  
21 our reactors whenever we change vendors or we change the  
22 design of the fuel, and we generally try and get at  
23 least three cycles of operation on our lead test  
24 assemblies. These four lead test assemblies that will  
25 go into the 189 other uranium assemblies have

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1 demonstrated that they will have virtually no effect on  
2 the reactor operation while they are in service.

3 It gives us the opportunity, however, to  
4 check our calculations and check our theories on how the  
5 fuel assemblies will in fact behave. It's very  
6 important that we get on with this program so that when  
7 we go and apply for a full batch use of mox, we have the  
8 experience having operated with our four lead test  
9 assemblies.

10 I very much believe in this project, believe  
11 that it is the right thing to do for all of the  
12 constituencies that I mentioned. I believe that it is a  
13 safe project, believe that we have the expertise both  
14 within Duke as well as our partner companies, as well as  
15 the experiences of the world in operating a mox  
16 facility. So I am very much in support of it and hope  
17 that the ASLB panel will reach a timely decision so we  
18 can get on with our mox lead assembly program. Thank  
19 you very much.

20 CHAIRMAN: Thank you. Is Mr. Henry here  
21 yet?

22 (No response.)

23 CHAIRMAN: Or Mr. Perry?

24 (No response.)

25 CHAIRMAN: Or Mr. Hooker?

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1 (No response.)

2 CHAIRMAN: Mary Boyd?

3 MS. BOYD: Good afternoon. My name is Mary  
4 Boyd, and I'm a resident of Charlotte. I support the  
5 use of mixed oxide fuel because I think it will benefit  
6 both North and South Carolina as well as the world.  
7 Duke's use of nuclear generation has helped keep  
8 electric rates not only reasonable but even low in  
9 comparison to other parts of the country. And indeed  
10 the mox program will help us continue to use nuclear  
11 power to the benefit of the Carolinas, especially as we  
12 try to attract more economic development and provide  
13 jobs for folks in these two states.

14 On a worldwide basis, I think that the mox  
15 program is beneficial because it takes a dangerous  
16 material, left over weapons grade material, and puts it  
17 into a form that can be used for peaceful and good  
18 economic purposes. I do understand that a number of  
19 plants in Europe have used significant quantities of mox  
20 fuel over several decades and that has been done safely,  
21 so I think that we can do that in the U.S.

22 Finally, in addition to Duke's attention to  
23 safety, I know that the NRC will look very closely at  
24 the safety issues related to the use of the mox fuel,  
25 and I have full copies from our regulators and its

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1 ability to do that. So I would urge the ASLB to approve  
2 the use of lead test assemblies at Catawba so that we

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1 can move this program forward. Thank you.

2 CHAIRMAN: Thank you. Mr. Parsh?

3 MR. PACHE: Pache.

4 CHAIRMAN: Pache.

5 MR. PACHE: I signed in as an attendee not  
6 wishing to comment.

7 CHAIRMAN: Okay. Is there anyone else here  
8 who would like to speak? Mr. Zeller, you are a member  
9 of Regal who is a party, but if you wish to speak for  
10 yourself as an individual, that would be fine.

11 MR. ZELLER: I do, yes.

12 CHAIRMAN: You may come up to the podium and  
13 then you, sir, next.

14 MR. ZELLER: Thank you, Judge Young. I  
15 do -- my name is Lewis Zeller and I'm a resident of Ashe  
16 County, North Carolina. I have come here today to talk  
17 to you in opposition to the entire program regarding  
18 plutonium fuel use in commercial nuclear reactors.

19 Since I first began looking into this issue  
20 about 7 years ago, the program has been marked by a  
21 series of events which I think are very disturbing. As  
22 some of the previous speakers pointed out, Duke seems to  
23 pride itself on the program which is designed to reduce  
24 the threat to this region to reduce the threat to the  
25 world from dangerous strategic nuclear materials, that

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1 is, plutonium. And while we applaud the dismantling of  
2 weapons of mass destruction which began a decade ago in  
3 the guise of plutonium fuel, what we are seeing now is  
4 ramping up of the very programs that this is designed to  
5 counter.

6 Now, I know this may be outside of the ken  
7 of the licensing procedure for use of this type of fuel,  
8 which we contend is a very dangerous type of fuel. It's  
9 an experimental fuel. Tests by French scientists  
10 themselves about their use of plutonium fuel are very  
11 disturbing showing failure of the fuel in French  
12 reactors at 400, 500 degrees lower temperature. The  
13 release of radioactive contamination into the atmosphere  
14 in the case of an accident at one of these reactors  
15 would have devastating consequences to the Charlotte and  
16 Rock Hill area.

17 But the overriding concern that I wanted to  
18 bring to you today which I believe no one has brought up  
19 is the fact that the United States is pursuing new  
20 nuclear weapons. In fact, one of the sites that has  
21 been selected for potentially siting the new nuclear  
22 weapons plant could be in Savannah River, the same place  
23 where the plutonium fuel factory is also seeking its  
24 license. Some of those facilities we contend are dual  
25 use facilities. I have just returned from the United

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1 Nations meeting of the regulatory committee for the  
2 nonproliferation treaty. 188 signatories to that  
3 treaty, one of the most successful international  
4 treaties in world history, signed over three decades ago  
5 by the President of the United States to end the nuclear  
6 arms race.

7           So when proponents of this plutonium fuel  
8 program talk about swords into plowshares, at the very  
9 same time, very same agency, the Department of Energy is  
10 seeking to build this new plutonium bomb manufacturing  
11 plant. The United States, the administration, the  
12 present administration in Washington has floated the  
13 figure of 6 and a half billion dollars for new weapons  
14 development in fiscal year 2005. Tens of millions or  
15 hundreds of millions of that would be dedicated to this  
16 new fuel plant.

17           I don't know if you are aware of this, but I  
18 wanted to bring it to your attention and to the people  
19 of Charlotte because it's a lie that the United States  
20 is reducing nuclear proliferation in the world. And at  
21 the United Nations, some of the statements that were  
22 developed by us and others, many citizens from around  
23 the world, Germany, New Zealand, Africa, Russia, see  
24 that the United States has turned on a dime from the end  
25 of the 1990's and is beginning to reassemble its nuclear

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1 weapons manufacturing capability so that there is no  
2 possibility that Duke Energy, that the Department of  
3 Energy or anyone can say that this program will reduce  
4 the threat of nuclear danger in the world. This option  
5 was closed by the administration in 1977 because  
6 reprocessing was seen to be a threat to the United  
7 States and to world peace in 1977. Plutonium fuel  
8 reprocessing was seen as a danger and it was foreclosed  
9 until about a decade ago, and now we see the other shoe  
10 has fallen.

11 I ask you to look outside of the immediate  
12 details of this licensing procedure with which I'm sure  
13 you are well familiar and look around and see what is  
14 happening in the country and in the world and know that  
15 this program is not what it's cracked up to be. Thank  
16 you.

17 CHAIRMAN: Thank you. Sir, I don't think I  
18 got your name, but why don't you come up next and let us  
19 know who you are.

20 MR. SCHENCK: Good evening. My name is  
21 Marshall Schenck. I am --

22 CHAIRMAN: How do you spell your last name?

23 MR. SCHENCK: Schenck, S-C-H-E-N-C-K. I  
24 live in the Ashley Park community here in Charlotte,  
25 North Carolina. As a citizen, I have come forward today

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1 with a few questions.

2 One question is, how will plutonium be  
3 transported into this area? Will it be by highway,  
4 plane or train, and if so, do we guarantee the  
5 transporting of this material into and out of our  
6 community?

7 Another question, how will minority and  
8 minority business people be included in the  
9 developmental process of our growing nuclear power plant  
10 business?

11 Will people responsible for securing all  
12 nuclear power plants, including your commission,  
13 guarantee that terrorists, both foreign and domestic,  
14 will not compromise your failsafe security measures?  
15 What guarantees that none of these materials fall into  
16 the hands of our local domestic terrorists?

17 Will there be a civilian commission that  
18 once established is sort of a checks and balances on the  
19 commission that can respond to the respective community  
20 leaders about questions that the people of their  
21 respective communities have and concerns about the  
22 nuclear power plant and the future? Thank you.

23 CHAIRMAN: Thank you. I see more people  
24 here. Is there anyone else who would like to make a  
25 statement? We will wait here until 5:30 because we

1 realize that some people may be getting out of work.

2 (No response.)

3 CHAIRMAN: I don't see any response, so I'm  
4 assuming that there is no one present who has anything  
5 to say. Even if you haven't signed up, you're certainly  
6 free to make a statement at this point.

7 If not, I guess we can go off the record  
8 until any other persons who may wish to speak appear.  
9 This evening, we will start at 7:00 o'clock. We will  
10 not stay until 9:00 o'clock if there are not once we  
11 finish with everyone who has requested to make a  
12 statement or who wishes to make a statement. But since  
13 we do realize that people will be getting off work  
14 between now and 5:30, we will wait here in case anyone  
15 else appears.

16 Anything else?

17 (No response.)

18 CHAIRMAN: Let's go off the record until  
19 anyone else shows up. Thank you all.

20 (Off the record.)

21 CHAIRMAN: We are just going to go back on  
22 the record for about one minute to just indicate that it  
23 is almost 5:30 and no one else has shown up, so we will  
24 adjourn until 7:00 o'clock.

25 (Adjourned; hearing resumes at 7:00 p.m.)

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1 CHAIRMAN: Okay. I guess it's about 7:00  
2 o'clock, so we can get started. For any who were not  
3 here this afternoon, I am Ann Marshall Young, the chair  
4 of the licensing board, and Judge Ted Burratta and Judge  
5 Thomas Elleman, and we are here to listen as I said  
6 earlier.

7 Wayne Henry who had sent an e-mail I see has  
8 signed in, and Shem Blackley, and Janet Zeller  
9 representing herself, David Mickey, Jennifer Batty and  
10 Louis Zeller.

11 So Jennifer Batty is the first person then  
12 who signed up, so Ms. Batty, come on up.

13 MS. BATTY: I didn't know that I was signing  
14 up to speak first.

15 CHAIRMAN: Well, you don't have to, but if  
16 you do, if you'd please come up to the microphone.

17 MS. BATTY: Sure.

18 CHAIRMAN: Because as I said before also, we  
19 are transcribing this and it will be in the NRC's ADAMS  
20 system.

21 MS. BATTY: My name is Jennifer Batty. I am  
22 a resident of Rock Hill, South Carolina which is in York  
23 County. I only learned about this hearing today, so I  
24 apologize for the way I'm dressed, my appearance. But  
25 the reason I'm here is because I was very concerned to

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1 hear about the -- excuse me, I'm a little nervous -- the  
2 plutonium situation at Duke. I'm also concerned because  
3 no one who is around me seems to have heard anything  
4 about this. I don't know how it's been publicized, but  
5 of the 20 or 25 colleagues and friends in Rock Hill,  
6 residents that I spoke to today, none of them knew that  
7 this was going on. They were all kind of unnerved to  
8 hear about it.

9 CHAIRMAN: I think there was -- just to  
10 interrupt -- I do think there was a press release, so I  
11 think it was in the news.

12 MS. BATTY: I don't know. I did a key word  
13 search on three of the major newspapers in the area  
14 today for plutonium and for Duke and I did not find  
15 anything, but anyway, that's as may be. One concern I  
16 have is that I don't feel like it has been well  
17 publicized. And I went on line today and did my own  
18 research about it, and what I read really concerned me.

19 Probably the key concerns that I have is,  
20 number one, I don't feel safe living in Rock Hill  
21 knowing that the nuclear facility is going to process  
22 plutonium because it's an unproven. We don't have the  
23 evidence or I wasn't able to find anyone who said, oh,  
24 this is safe, this has been done before, so that was a  
25 concern for me.

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1           The second thing is that it's being funded  
2 by taxpayers, and again, that goes back to I don't know  
3 how much information is being put out there. And I  
4 would also like to say that Duke Energy has a wonderful  
5 history I think of giving back to the community and I  
6 applaud them. I just -- I am very concerned about their  
7 participation in this. I know that the Virginia Power  
8 Company was going to participate and they pulled out  
9 citing economic concerns. And since a large part of  
10 this is being funded by taxpayers, I feel like we are  
11 the ones footing the bill for Duke Energy to reap the  
12 benefits. And that's really what I wanted to say, so  
13 thank you.

14           CHAIRMAN: Thank you. Actually, I guess I  
15 should have called Mr. Henry first because he had  
16 actually filed a notice or request early on. Mr. Henry,  
17 are you here?

18           MR. HENRY: Yes. I'm sorry, I thought I had  
19 requested the evening session, but this will work out  
20 fine.

21           CHAIRMAN: It doesn't matter. That's fine.

22           MR. HENRY: I appreciate the opportunity to  
23 be here. My name is Wayne Henry. I'm a long-time  
24 resident of Charlotte, North Carolina. I grew up in  
25 Lancaster County, actually the town of Lancaster which

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1 is adjacent to Mecklenburg County here and to York  
2 County here and the Catawba station.

3 I have been involved pretty significantly  
4 with nuclear since December of 1966 when I had my  
5 interview with Admiral Rickover and continued to work in  
6 that field for a long, long time.

7 Somewhat of a segue, I guess I would like to  
8 say and I'm sure you know this project has a long  
9 history itself. It is in fact part of a signed  
10 agreement by two governments. I think that's a  
11 significant part that some people seem to forget. After  
12 lots of careful study, and the highest positions in two  
13 governments signed this and basically the treaty says  
14 this is the right thing to do.

15 The objective of that of course is to make  
16 the world a safer place by getting rid of plutonium, and  
17 that wouldn't necessarily be all of it, but this is a  
18 significant first step to get rid of most of that that  
19 is controlled by the U.S. and Russian governments.

20 Briefly, I see that we have got two goals  
21 involved with this project: one, make the world safer;  
22 and two, to keep the Carolinas safer. I have got  
23 briefly two reasons why I think the public should  
24 support this. Duke Power has an outstanding record in  
25 and a commitment to nuclear safety, and two, the Nuclear

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1 Regulatory Commission has an outstanding record in and  
2 responsibility for nuclear regulation and oversight.

3 Thank you very much.

4 CHAIRMAN: Thank you. Mr. Mickey.

5 MR. MICKEY: Thanks. I'm David Mickey, and  
6 I'm got just a few comments that I have written down and  
7 I think I'll read these.

8 CHAIRMAN: Go ahead.

9 MR. MICKEY: My name is David Mickey. I'm a  
10 resident of Davidson County, North Carolina. I speak  
11 today as a citizen and a taxpayer but also as a consumer  
12 of electricity generated at the Catawba Nuclear Station.  
13 As a citizen, I am concerned about safety and  
14 proliferation of nuclear weapon materials. As a  
15 taxpayer, I'm concerned about government subsidies to  
16 the nuclear power industry. As a consumer, I'm already  
17 paying an excessive price for electricity from Catawba.

18 The proposal to use mox fuel at Catawba  
19 illustrates many of the problems associated with both  
20 nuclear weapons and nuclear power. Plutonium is not  
21 easily managed. It's dangerous to manufacture,  
22 transport and protect. It magnifies the problems of  
23 dealing with radioactive waste. Radioactive waste  
24 obligates the responsible countries to safeguard their  
25 citizens for thousands of years that get passed on to

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1 our children and their children far into the future.  
2 The United States and Russia, having created this  
3 material, are now faced with how to manage it.

4 There are other options to immobilize  
5 plutonium that do not involve converting it to a fuel.  
6 Questions having already been raised about the safety of  
7 this proposal and I ask that they receive complete,  
8 satisfactory answers before any action is taken.  
9 Meanwhile, we have a responsibility to resolve the  
10 critical demands of arms reduction and arms  
11 proliferation. Plutonium fuel is not a solution. It  
12 does not reduce nuclear risk. It does not minimize  
13 radioactive waste. It does not even reduce the cost of  
14 electricity or lower our taxes. I urge you to consider  
15 safer alternatives and delay testing until these issues  
16 are fully resolved. Thank you for the opportunity to  
17 come here.

18 CHAIRMAN: Thank you. Ms. Zeller, were you  
19 going to speak on behalf of yourself?

20 MS. ZELLER: Please. My name is Janet  
21 Zeller, and I appreciate this opportunity to address the  
22 ASLB.

23 CHAIRMAN: If you want, you can try to lower  
24 it. It looks like there is a knob about halfway down.

25 MS. ZELLER: Can somebody help me? Bless

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1 your heart. Thank you so much.

2 Plutonium fuel is more dangerous than  
3 uranium oxide fuel. This is a fact that is almost  
4 universally acknowledged. The U.S. Department of Energy  
5 in its environmental reports has concluded that in some  
6 accident scenarios, that 8 percent more deaths would  
7 result if there were that particular accident with  
8 plutonium fuel in the Catawba reactor. That means that  
9 every decision that your board makes has to assume and  
10 be sure of that nothing can go wrong.

11 First, I would like to say that I am  
12 concerned that plutonium fuel is -- has characteristics  
13 that in the course of the operations in the reactor  
14 cause it to be different from uranium oxide. This means  
15 that there is a level of unpredictability that at this  
16 point nobody in the whole world can actually get a  
17 handle on. And so that level of unpredictability,  
18 coupled with the Department of Energy's own conclusion  
19 that plutonium fuel is more dangerous in both daily  
20 operations and accident conditions, means that your  
21 responsibility as the licensing board is incredibly  
22 awesome and I use that in the traditional sense of the  
23 word.

24 Second, I have over the last 20 years  
25 developed a mistrust of Duke. One of the reasons is

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1 their application for exemption from the security  
2 requirements. Only the highest, most rigorous security  
3 regulations should be in effect with the use of  
4 plutonium fuel. Again, nothing can go wrong with the  
5 additional dangers.

6 The post 9/11 security standards should be  
7 in place. It's outrageous that there would be even an  
8 attempt to somehow diminish or fail to live up to the  
9 highest standards of security. Other people today have  
10 mentioned terrorism, and it is I think a grave concern.

11 Plutonium fuel transport is being  
12 deregulated with so-called harmonization of the  
13 transports internationally with the agreements with the  
14 Atomic Energy Commission and other countries across the  
15 world. The United States regulations are being wiped  
16 down, and so that means that your decision about a  
17 license for this lead test assembly and ultimately for a  
18 full load will mean that there will be many more  
19 communities in danger on the transport routes, whether  
20 across the Atlantic or across -- over land or over rail  
21 in this country.

22 The -- it seems that to me, that a goal of  
23 nonproliferation should mean that plutonium  
24 accessibility to terrorists for spectacular detonation  
25 or perhaps for access of nuclear materials should be of

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1 the highest priority. And so I know that's not  
2 necessarily in your purview, but it is another  
3 indication that your decisions have to be so absolutely  
4 sure that nothing can go wrong.

5 Finally, I would like to say that the tide  
6 of history is turning. We have seen a reduction in the  
7 support in Congress for plutonium fuel, witnessed last  
8 week a 165 million dollar reduction in the plutonium  
9 fuel budget in subcommittee, witnessed the Russia not  
10 moving forward with the plutonium fuel program. It's  
11 absolutely stasis on that side of the world with the  
12 other country that we are involved with in the bigger  
13 picture there. The general accounting office is doing a  
14 thorough top to bottom review of plutonium disposition  
15 which means that everything is again on the table with  
16 the Congress's general accounting office. And so the  
17 tide of history has begun to turn here. The G-8 refused  
18 to support with funding the Russian plutonium fuel  
19 program.

20 And so, again, you are in an awesome  
21 responsible position of making a decision here which is  
22 like being on a train moving forward with the strictures  
23 of the regulations that keep you from looking right or  
24 looking left or looking all around to the bigger  
25 picture, and yet we see this bigger picture being

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1 brought in by Duke and their supporters as a reason for  
2 you moving forward on this train. And so what I'm  
3 urging you to do is to look at where this is  
4 realistically, technically. Is plutonium fuel as safe  
5 or safe enough, predictable enough for use in any  
6 reactor in this country? Is the additional widespread  
7 proliferation of plutonium along all of the transport  
8 routes and heaven knows where that might actually end up  
9 with the support for the plutonium worldwide economy?  
10 And so I ask you to look at the bigger picture, and in  
11 doing that to also, as I know you will do, look at the  
12 technical and security questions that are before you  
13 with this project. Thank you.

14 CHAIRMAN: Thank you. Mr. Blackley.

15 MR. BLACKLEY: Judge Young, Dr. Burratta,  
16 Dr. Elleman, I appreciate the opportunity to make this  
17 limited statement before your panel. My name is Shem  
18 Blackley, B-L-A-C-K-L-E-Y. I live in south Charlotte,  
19 Mecklenburg County. And in the spirit of full  
20 disclosure, I am a retired Duke employee. I have been  
21 retired a good many years but served in the design of  
22 power plants through the 1960's, '70's and '80's and was  
23 intimately involved in the licensing and construction  
24 permitting of Catawba as well Duke's other units.

25 I am not going to speak to any technical

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1 issues today. I simply want to express my convictions  
2 regarding the common sense of going ahead with this lead  
3 assembly demonstration at Catawba as a part of the  
4 overall program of plutonium disposition as a part of  
5 the treaty between the United States and the Russian  
6 federation. It simply makes sense to me to safely make  
7 disposition of this material that is not useful in any  
8 other way but as a dangerous weapon to put it into a  
9 commercially available fuel that can be used in  
10 commercial power plants here or around the world.

11 It makes sense that this mox material for  
12 electronic generation is economical. It will allow Duke  
13 and hopefully other future users to lower their cost of  
14 fuel by use of the mixed oxide fuel and continue to  
15 contribute to the economic availability of electric  
16 energy in this area and others.

17 I have the highest level of confidence in  
18 the Nuclear Regulatory Commission staff and their  
19 reviews of the technical issues and all of the other  
20 issues. I also have a high level of confidence in the  
21 Duke management team, both at the corporate level and at  
22 the station, in and to the technical and operating team  
23 that operate these plants. Duke has demonstrated in my  
24 mind very amply that they can safely and efficiently  
25 generate electric power over a long period of time.

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1 Their experience dates back more than 30 years.

2 I will try to frame my confidence in down to  
3 earth terms of personal investment, and I don't mean  
4 monetary investment. I of course have some professional  
5 investment in this, but I have a real personal  
6 investment and I mean in persons, people. My wife and I  
7 live within 20 miles of the plant. Our four married  
8 children and their spouses and their 12 -- our 12  
9 grandchildren live within 20 to 30 miles of the plant.  
10 We expect to continue to live in this area, to work in  
11 this area, to go to school in this area and to take our  
12 recreation here, and I don't know how I can personally  
13 vote any more confidently in favor of this lead  
14 disposition. I thank you for your time.

15 CHAIRMAN: Thank you. I don't have any  
16 other names on the list, but there are other people so  
17 go ahead and just identify yourself.

18 MR. CAPRANICA: My name is Tony Capranica.  
19 I live in Kernersville, North Carolina.

20 CHAIRMAN: Can you spell your last name?

21 MR. CAPRANICA: C-A-P-R-A-N-I-C-A.

22 CHAIRMAN: Thank you.

23 MR. CAPRANICA: Like Mr. Henry, I was  
24 Mr. Rickover's native. I started back in '69 and I  
25 continued in the nuclear field since then. I

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1 typically -- my particular expertise is the movement of  
2 nuclear fuels, refueling a plant, also over road  
3 shipments, whether new or irradiated. I have done that  
4 for years. I will continue to do it safely, fairly  
5 transparent to the public.

6 The French and Germans have over 20 years'  
7 worth of technology with mox fuels. They seem to have  
8 gotten a pretty good record with it and I'm sure they  
9 have shared their knowledge with Duke Power. When it  
10 comes right down to it, I cast my vote 16 years ago when  
11 I bought a house inside the five mile loop of population  
12 at McGuire, so I'm for it.

13 CHAIRMAN: Thank you. Any others of you who  
14 are present and have not spoken are welcome to speak.  
15 We would like to hear what have you to say. If not,  
16 then we will wait a few minutes and see if any other  
17 people come, but we will be adjourning prior to the 9:00  
18 o'clock closing as we stated in the notice if we don't  
19 see any other people coming. I think everyone who had  
20 written a request to make a verbal statement has now  
21 appeared. I do have written statements from one or two  
22 people and one person who has inquired but whom I have  
23 not heard from again, Mr. William Hooker.

24 We will wait about five minutes and then  
25 adjourn. Does anyone here know of anyone else who is

1 planning to come?

2 (No response.)

3 CHAIRMAN: Well, thank you all. I think you  
4 are all good citizens to come out and make your opinions  
5 known and we appreciate it and have enjoyed listening to  
6 you.

7 (Pause.)

8 CHAIRMAN: Ms. Floyd, you haven't got anyone  
9 else on your list, do you?

10 MS. FLOYD: No.

11 CHAIRMAN: Are you going to make a  
12 statement?

13 MR. JOCOY: Yeah.

14 CHAIRMAN: Okay, come on up. We were just  
15 about to adjourn so you're just in time.

16 MR. JOCOY: That's kind of like calling the  
17 phone company for service and they pick up on the first  
18 ring. Oh, my goodness, how about that. My name is Greg  
19 Jocoy, and I live --

20 CHAIRMAN: Could you spell that?

21 MR. JOCOY: G-R-E-G-G, last name J-O-C-O-Y.

22 CHAIRMAN: Thank you.

23 MR. JOCOY: I don't mean to be yelling at  
24 you guys, and there is some of the Duke folks. I live  
25 at 203 Pond View Lane in Fort Mill, South Carolina. I

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1 am here today to read a statement from Mary Olsen of the  
2 Nuclear Information Resource Service and also to deliver  
3 off-the-cuff comments on behalf of the York County,  
4 South Carolina Green Party. I'm sure you are looking  
5 forward to that. I will try to make them meaningful.

6 What I'm going to start off with here is the  
7 message from Mary Olsen, to Atomic Safety -- please, I'm  
8 over 40 so I have got the over 40-itis, I may do this a  
9 few times -- to Atomic Safety Licensing Board panel,  
10 Judges Young -- I don't know, you've got to try and  
11 figure out which one of you is which. You know who you  
12 are.

13 CHAIRMAN: I'm Young, this is Elleman and  
14 this is Burratta.

15 MR. JOCOY: Okay. Judges Young, Elleman and  
16 Burratta, from Mary Olsen, Director of the Southeast  
17 Office of Nuclear Information and Resource Service, the  
18 Nuclear Information and Resource Service, NEARS, is a  
19 national organization based in Washington, D.C. with  
20 members in all 50 states. The NEARS mission is to  
21 promote a sustainable non-nuclear energy policy and  
22 serve the needs of grass roots groups and individuals  
23 working towards the same end. The only regional office  
24 of the organization is located in Asheville, North  
25 Carolina.

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1 Judge Young, I personally regret that I am  
2 not able to attend the public hearing in Charlotte  
3 tonight due to personal circumstances. Nuclear  
4 Information and Resource Services is very appreciative  
5 that the Atomic Safety Licensing Board is holding this  
6 public session in North Carolina and thank our members  
7 Greg Jocoy and Nancy Jocoy, that' my wife who is not  
8 well so she is not here, for reading this statement into  
9 the record.

10 NEARS is also very thankful that the board  
11 has recognized the concerns raised by the Blue Ridge  
12 Environmental Defense League and initiated this hearing  
13 process thereby including minor prospectives for the  
14 benefit of the federal regulators of this highly  
15 experimental program then the information provided by  
16 Duke. That didn't come out too well, but I hope you got  
17 the meaning. NEARS commends the Blue Ridge  
18 Environmental Defense League for their enduring work to  
19 protect the people, natural resources and environment of  
20 the southeast.

21 Nuclear Information and Resource Service has  
22 participated in the federal surplus weapons grade  
23 plutonium disposition program since 1996. The reason  
24 NEARS committed resources to this issue is because the  
25 mox -- because of the mox option as weapons grade

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1 plutonium fuel was tagged at that time. Information  
2 from our sister organization, World Information Service  
3 on Energy, on the use, risks and cost of plutonium fuel  
4 in Europe was sufficient to alarm NEARS members  
5 nationwide. The information that if the Chernobyl  
6 reactor had been fueled with mox plutonium fuel twice as  
7 many radiation-induced cancer fatalities would result  
8 due to the higher concentration of transuranics, plutonium  
9 and elements heavier than it in the core was a  
10 sufficient basis for NEARS to determine that the mox  
11 option for surplus weapons grade plutonium was not an  
12 acceptable option.

13 NEARS is confident that since the Nuclear  
14 Regulatory Commission has the mandate under law to  
15 protect public health and safety, and given that mox has  
16 the potential to inflict so much more damage, the NRC  
17 will reject the use of mox plutonium fuel in large  
18 commercial power reactors.

19 The second reason that NEARS was compelled  
20 to take action on Duke's proposal to use experimental  
21 weapons grade plutonium fuel in the reactors ringling  
22 downtown Charlotte is the specter of terrorist action  
23 against the nuclear reactor. It is the assessment of  
24 NEARS that the use of fuel that is more dangerous than  
25 the fuel in other nuclear power reactors increases the

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1 likelihood that the Duke reactors would be a more  
2 attractive target in hostile action.

3 NEARS was prevented from filing this concern  
4 formally in the context of the current Duke license  
5 amendment proceeding since NEARS does not have the  
6 resources to undertake dealing with classified documents  
7 that would be required to pursue a security based  
8 contention. Nonetheless, NEARS finds that the  
9 combination of a dramatically increased period of  
10 terrorist activity with the plan to use more dangerous  
11 fuels is a nexus that cannot be dismissed and is  
12 incompatible with protecting the public health and  
13 safety of the people of North and South Carolina and  
14 indeed the world.

15 When the regulator considers risk of hazards  
16 and damage, the regulator also considers measures that  
17 might mitigate or modify the project risk. The NRC and  
18 Duke are wrapped in a process of trying to justify a  
19 plan to move forward with fuel that is twice as deadly  
20 in proportion to the amount of mox in the core of the  
21 reactor. Mitigating measures are being considered to  
22 address the routine factors that might lead to a major  
23 reactor accident. The hope is to reduce the risks  
24 associated with using fuel that is more hazardous.  
25 However, terrorist actions cannot be projected. This is

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1 the basis for the NRC's decision to preclude any such  
2 events from consideration in environmental impact  
3 analysis.

4 While security measures may be increased at  
5 nuclear reactors to attempt to mitigate the increased  
6 threat of hostile attack, there is no way to take the  
7 effective target off of Catawba and McGuire relative to  
8 the rest of the U.S. reactor fleet if mox plutonium fuel  
9 is used. The fact that the major release of the reactor  
10 core of any of the four Duke reactors near Charlotte  
11 would inflict more death and disease to civilian  
12 populations and cause massive economic impacts is not  
13 only a stigma for Duke, it is a magnet for anyone who  
14 wants to cause such harm.

15 The concentration of the increased hazard  
16 due to mox plutonium fuel and the increased terror  
17 activity at this historical period cannot be mitigated  
18 in this case since the two sums together are a systemic  
19 synergism that spells -- means motive and plot for a  
20 disaster. It is not possible to make such a motive and  
21 reduce it to possibilities. It is either there or it is  
22 not. Since we cannot know in advance, prevention is the  
23 only sure path.

24 Nuclear Information and Resource Service  
25 reminds the Nuclear Regulatory Commission that it will

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1 someday be remembered by the people of Charlotte. NEARS  
2 hopes that with the help of the Atomic Safety Licensing  
3 Board, the NRC will be remembered as their protector.  
4 The only way for this to be possible is for NRC to  
5 reject this plan to test and subsequently use plutonium  
6 mox fuel. Blue Ridge Environmental Test League and  
7 their able team deserve the accolade of people protector  
8 tonight. NEARS congratulates BRETLE in this hearing  
9 process. Respectfully submitted, Mary Olsen, Director,  
10 Southeast Office, Nuclear Information and Resource  
11 Service. And I assume there is someone I should give  
12 this to.

13 CHAIRMAN: You can give it to me.

14 MR. JOCOY: Thank you..

15 CHAIRMAN: And please thank Ms. Olsen for  
16 sending that.

17 MR. JOCOY: I will. Now you guys get the  
18 benefit of my off-the-cuff comments. I'm sure that Mary  
19 just said an awful lot of what I would want to  
20 communicate with you, but let me kind of bring it down  
21 to real personal, like even just this evening type of  
22 experiences.

23 As I was pulling in today, I was trying to  
24 find a parking space that wasn't \$2.00 for the first  
25 half hour and \$2.00 for every half hour thereafter. And

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1 I saw an entryway into -- a cargo entryway into one of  
2 these nice big buildings downtown, and it literally had  
3 just a couple of bars sitting across it. And it crossed  
4 my mind, I mean, I know that when they attacked the  
5 World Trade Center the first time, they drove a truck in  
6 and they parked it and walked away from it. But now  
7 they are not doing that. We are not even prepared to  
8 protect a downtown building from somebody just smashing  
9 through with a truck and doing something horrible.

10 Drive out to Plat Springs Road in Columbia,  
11 that's one of the areas that I service in my small  
12 business, and drive down Plat Springs Road and you will  
13 come to the airport out there. And there is a section  
14 that's very close to the road, and they fuel and load  
15 UPS planes and Federal Express and stuff like that right  
16 there, and it's literally -- I mean, an SUV going right  
17 through that fence and drive up and hop on board.

18 We haven't done the things that we need to  
19 do to really prepare our country to prevent these kinds  
20 of random terrorist acts. And as long as there is any  
21 increased risk that my family has to face, we are not  
22 going to have in place the kinds of things that we need  
23 to to prevent that type of possibility from being real  
24 before this plutonium fuel is put into these power  
25 plants. And since we can't build my confidence that we

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1 can protect our community, I would really rather you not  
2 put plutonium fuel into that reactor.

3 There is just -- and I realize this may well  
4 be outside of your scope of what you are permitted to  
5 do, but, you know, just like juries have nullified in  
6 the past and said we don't care if the person is guilty  
7 or not, we're going to find him innocent or guilty, I  
8 don't care if you tell the people why you are not going  
9 to allow it or not. If you are concerned about  
10 terrorism, find any excuse that you need to to keep this  
11 thing from happening. I don't care how you do it, but  
12 it's just really dangerous for me and my family and the  
13 people who live in the area surrounding the power  
14 plants, so thanks.

15 CHAIRMAN: Thank you. Since you came in at  
16 the last minute, I guess we better wait a few more  
17 minutes and make sure there are not any other people who  
18 have any other additional comments.

19 (Pause.)

20 CHAIRMAN: Does anyone know the young woman  
21 who was asking about information? Did any of you know  
22 the young woman who was asking about information who was  
23 sitting over here? It just occurred to me and now she  
24 is gone, but I was going to tell her that -- Jennifer  
25 Batty, that she can look on the NRC website for

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1 information. I think I did mention ADAMS.

2 UNIDENTIFIED SPEAKER: I gave her the  
3 information.

4 CHAIRMAN: Oh, good, thank you.

5 UNIDENTIFIED SPEAKER: I gave her  
6 information, too.

7 CHAIRMAN: Also, I guess before  
8 Mr. Hannah -- I should say Mr. Hannah is the public  
9 information person for the region here, right?

10 MR. HANNAH: (Nods head.)

11 (Pause.)

12 CHAIRMAN: Does anyone here know of anyone  
13 else who is planning to come that we should wait for? I  
14 see you shaking your head.

15 All right. Then that would conclude this  
16 proceeding. Again, we appreciate everyone coming out  
17 and making your opinions known and sharing your time  
18 with us.

19 (Adjourned.)

20

21

22

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CERTIFICATE

This is to certify that the attached proceedings before the United States Nuclear Regulatory Commission in the matter of:

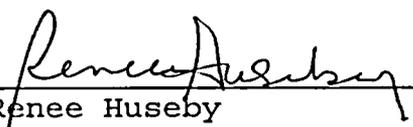
Name of Proceeding: Catawba Nuclear Station

Public Meeting: Afternoon  
Session

Docket Number: N/A

Location: Charlotte, North Carolina

were held as herein appears, and that this is the original transcript thereof for the file of the United States Nuclear Regulatory Commission taken by me and, thereafter reduced to typewriting by me or under the direction of the court reporting company, and that the transcript is a true and accurate record of the foregoing proceedings.

  
\_\_\_\_\_  
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