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1 UNITED STATES OF AMERICA
2 NUCLEAR REGULATORY COMMISSION

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4 PETITION REVIEW BOARD (PRB)

5 CONFERENCE CALL

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7 TUESDAY

8 APRIL 5, 2005

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

MR. RECKLEY: Good afternoon, everyone. My name is Bill Reckley and I am the Petition Manager at the NRC for the 2.206 Petition filed by Nuclear Information and Resource Service, and Westchester County and Rockland County and a number of other Petitioners.

Given the large number and just for the sake of time, I'll only ask you to introduce yourself, if, during the connection to the bridge you feel, for some reason you weren't logged. Otherwise, I'll get the participants from the connection to the bridge.

Umm, with that, I'll turn the first part of this conference call and meeting over to Jim Lyons, who is the Deputy Director of the Division of Licensing Project Management, and is the Chairman of the Petition Review Board.

During the call, if you hear reference to PRB, that's the acronym for Petition Review Board. So, Jim.

MR. LYONS: Okay, thank you for the information. This tele-conference and meeting deals with the Petition filed pursuant to 10 CFR 2.206, on February 23rd, 2005, by the Nuclear Information and Resource Service, on behalf of numerous public

1 interest groups and local government. The letters
2 received on February 10th, from the legislature of
3 Rockland County, February 22nd, from the Westchester
4 County Board of legislatures, requested similar
5 actions that are being considered along with the
6 umbrella petition filed on February 23rd.

7 I would like to take this opportunity to
8 thank Mr. Paul Gunter, the Nuclear Information
9 Research Resource Service for coordinating this
10 conference call and other matters with respect to this
11 petition on the behalf of the other Petitioners.

12 The Petitioners have requested that the
13 NRC take the following two actions. First, issue
14 generic communications to all licensed nuclear power
15 station operators to ascertain whether or not
16 operators currently provide emergency power back-up
17 systems to significant elements of their required
18 emergency notification system.

19 These elements would include the emergency
20 operation center, all sirens, repeaters and other
21 systems, structures or components necessary to
22 successfully notify the public in the simultaneous
23 event of a nuclear power station accident or act of
24 sabotage associated with the failure of the
25 electricity grid, which is the sole power source to a

1 yet to be determined number of emergency notification
2 systems.

3 And, two, modify all operating licenses to
4 require that nuclear power station operators provide
5 and maintain emergency back-up electric power to
6 notification sirens, etcetera, preferably through
7 adjacent or pole-mounted photovoltaic power-charged
8 battery systems, or other means independent of a
9 vulnerable, electrical grid system, so as to ensure
10 the reliable operation and performance of required
11 emergency notification systems.

12 In accordance with the NRC's Management
13 Directive 8.11 on the 10 CFR 2.206 process, the
14 purpose of this meeting and tele-conference is to give
15 the Petitioners an opportunity to address the Petition
16 Review Boards to provide additional explanations or
17 supporting information for their Petitioner.

18 It also provides the opportunity for the
19 NRC staff to ask any clarifying questions. Given the
20 subject matter of the Petition, we also have
21 representatives of the Federal Emergency Management
22 Agency participating in this meeting and tele-
23 conference.

24 The purpose of this tele-conference is not
25 to debate this specific matter of the Petitioner.

1 After this phone call, the Petition Review Board will
2 meet to determine whether the NRC will accept the
3 Petitioner under the 10 CFR 2.206 process, or whether
4 the issue should be dealt with under another agency
5 program.

6 Petition Review Board's meeting today will
7 not determine whether we agree or disagree with the
8 Petition. The tele-conference is being transcribed,
9 so anyone desiring to make a statement needs to first
10 say his or her name clearly.

11 The transcript will become a supplement to
12 the Petition and will be made publicly available.
13 Given the relatively large number of participants in
14 this meeting and tele-conference, I am going to ask
15 Bill Reckley and Paul Gunter to coordinate the
16 statements from the various Petitioners.

17 As time allows, members of the public,
18 Licensees and others on the line will be provided the
19 opportunity to make comments or questions. With that
20 I'll turn it back over to you, Bill.

21 MR. RECKLEY: Okay, one thing I intended to
22 do earlier, can I actually confirm that someone from
23 FEMA is on the bridge?

24 PARTICIPANT: Yes, sir.

25 MR. RECKLEY: Okay, thank you. The number

1 of Petitioners and public involved here, I intend to
2 go kind of in the following order.

3 First with the Petitioners wanting to make
4 (Inaudible) any clarifying remarks, additional
5 supporting information in support of the Petition,
6 I'll start with those here, present, at One White
7 Flint in Rockville, which is Mr. Paul Gunter and
8 Brendan Hoffman from public citizens.

9 Then up to the New York counties, then the
10 rest of the Northeast, and then the Southeast and the
11 Midwest and the West. And so if you could kind of
12 make an effort to hold your comments, then I'll turn
13 it over to Paul to start the first part.

14 MR. GUNTER: Thank you. Again, my name is
15 Paul Gunter, I'm Director of the Reactor Watchdog
16 Project for new grid information and research service.

17 We appreciate this opportunity and look
18 forward to the transcript. I'd like to begin my
19 remarks today by, first of all, pointing out again
20 that the August 14th, 2003, state blackout event
21 raised significant concerns regarding the reliability
22 of off-site power to nuclear power stations.

23 Loss of off-site power events are safety-
24 significant. And, in that the risk associated with
25 core damage increases when a Reactor Operator's

1 ability to cope with an accident or an act of sabotage
2 is decreased due to on-line power supply safety system
3 grid barriers.

4 It is further our understanding that, with
5 regard to security issues, operational safeguard
6 response evaluations, during the security evaluations
7 for nuclear power stations, they basically assume that
8 all site power systems in nuclear stations are
9 disabled as part of the exercise.

10 However, recurring power blackouts are now
11 both revealed to complicate and significantly degrade
12 emergency response capabilities around many nuclear
13 power stations.

14 That's the results of Licensees sole
15 reliance on power emergency notification systems being
16 power with electricity from the grid. The Petition
17 has identified a number of these events, although it
18 does not represent those events in total.

19 I would like to, at this time, for the
20 record, put in an additional event that occurred after
21 the Petition was filed on, actually on Three Mile Day,
22 March 28th, 2005. The Point Beach Nuclear Power
23 Station lost 59.32 percent of its population coverage.

24 So, and that was due to a power outage.
25 So, I'd like to put that back into the record. The

1 Petition clearly states that recurring power failure
2 to emergency notification systems are the result of
3 adverse weather, earthquakes, mechanical failures, and
4 could potentially result from acts of sabotage
5 associated with a terrorist attack on a nuclear power
6 station.

7 And it's pointing out a yet to be
8 determined number of nuclear power station operators
9 solely who rely on the electrical grid to power
10 emergency notification systems.

11 And an unknown number of Licensees have
12 already battery back-up supplies to emergency
13 notification systems. However, NRC has not identified
14 all of the nuclear power station operators that are
15 vulnerable to emergency notification system power
16 failures, nor has NRC established a standardized
17 operational requirement for Licensees with emergency
18 notification systems that have installed battery back-
19 up systems.

20 Such as the duration of emergency
21 operations, maintenance scheduled, and theft
22 protection, etcetera. The NRC currently does not
23 require that emergency notification systems be made
24 operable independent of the electrical grid power
25 system.

1 Instead, the NRC allows operators to
2 ultimately rely upon mobile route alerting, which
3 requires first responders, police, fire, etcetera, to
4 go into neighborhoods within the emergency planning
5 zone with loud speakers and bullhorns to alert the
6 population to the emergency.

7 In context of the February 23rd, 2005,
8 Petition, NRC has raised the question to the
9 Petitioners of whether mobile, of mobile route
10 alerting is an adequate compensatory action for wide
11 spread emergency notification failure.

12 In response, in such instances such as a
13 fast-breaking accident or an act of terrorism, adverse
14 weather or instances where first responder networks
15 might be otherwise challenged with other duties or
16 role conflicts and abandonment, such as evacuating
17 their own families first, mobile route alerting would
18 prevent significant uncertainty and does not provide
19 reasonable assurance that populations will be alerted
20 to an emergency in a timely fashion, as characterized
21 under criteria identified in NUREG 0654.

22 Per NUREG 0654, Appendix 3-B-2, under
23 criteria acceptance, quote, minimum acceptable design
24 objectives for coverage by the system, it is
25 designated, A, that the capability of providing both

1 alert signal an a information, instructional message
2 to the population of an area-wide basis through the
3 ten mile EPZ within 15 minutes.

4 Additional notification system will assure
5 direct coverage of essentially 100 percent of the
6 population within five miles of the site. And,
7 thirdly, special arrangements will be made to assure
8 100 percent coverage within 45 minutes of the
9 population who may not have received the initial
10 notification within the entire plume exposure EPZ.

11 In context of the February 23rd, 2005, NRC
12 has raised additionally the question of jurisdiction
13 in the matter of back-fitting emergency notification
14 systems with independent power systems.

15 The Petitioners submit the NRC has
16 jurisdiction to address the requested enforcement
17 actions. The NRC issued the initial license to the
18 Power Reactor Operators, per 10 CFR Appendix E-D-3
19 states that by February 1st, 1982, it is the
20 responsibility of each Nuclear Power Station Operator
21 to maintain a radiological emergency plan and, quote,
22 demonstrate that administrative and, underlined,
23 physical means have been established for alerting and
24 providing prompt instructions to the public within the
25 plume exposure pathway for transient and permanent

1 populations. Per the NUREG 0654, criteria for
2 preparation and evaluation of radiological and
3 emergency response plan and preparedness in support of
4 nuclear power plants, Part E, entitled Notification
5 Methods and Procedures, quote.

6 It shall be the Licensee's responsibility
7 to demonstrate that such means exist, regardless of
8 who implements this requirement.

9 It shall be the responsibility of the
10 state and local governments to activate such a system.
11 That's on Page 45. The NRC is the federal agency with
12 sole jurisdiction under 10 CFR 50.47, emergency plans
13 8.1 governing, quote, the operating license for a
14 nuclear power reactor will be issued unless a finding
15 is made by NRC that there is reasonable assurance that
16 adequate protective measures can and will be taken in
17 the event of a radiological emergency.

18 NRC has sole jurisdiction to modify,
19 suspend or revoke operating licenses, given new
20 information regarding that reasonable assurance that
21 adequate measures can be and will be provided.

22 We contend that the events documented in
23 the Petition constitute new information that
24 reasonable assurance can no longer be assured or
25 provided. With regard to NRC versus FEMA jurisdiction

1 over emergency planning issues, according to 10 CFR
2 50.54(S)(3), quote, the NRC will base its finding on
3 a review of the FEMA findings and determinations as to
4 whether state and local emergency plans are adequate
5 and capable of being implemented.

6 And on the NRC assessments, as to whether
7 the Licensee's emergency plans are adequate and
8 capable of being implemented. Nothing in this
9 paragraph shall be construed as limiting the authority
10 of the Commission to take action under any other
11 regulation or authority of the Commission, or at any
12 time other than specified in this, end quote.

13 So, the regulation expressly states that
14 NRC jurisdiction is not bound to the FEMA findings or
15 any other authority. That, I believe, concludes my
16 initial remarks.

17 MR. RECKLEY: Okay, thank you, Paul.
18 Brendan did you have anything?

19 MR. HOFFMAN: Yeah, I have a little bit
20 that I would like to add. I'm Brendan Hoffman from
21 Public Citizen. First of all, I'd like to second what
22 Paul said.

23 Public Citizen would whole-heartedly
24 support those points. And I'd really just like to
25 emphasize two of those. First of all, the loss of

1 off-site power, the loss of power to the sirens and
2 the risk of a radiological emergency at a nuclear
3 plant, we're not really talking about two random, the
4 confluence of random events here that perfectly may
5 take place at the same time some day.

6 One event can be an initiator to the
7 other. Loss of off-site power, as acknowledged in
8 Regulatory Issue Summary 2004-05, which was issued on
9 April 15th of last year, states that the loss from
10 off-site power events are considered to be a precursor
11 to station blackout.

12 And a station blackout can contribute up
13 to 74 percent of the overall risk at some nuclear
14 plants. So at exactly the time when you would want to
15 have sirens operable, that's exactly the time when
16 you're most likely to have a radiological emergency at
17 that plant.

18 Second point that I would just like to
19 emphasize is with regard to severe weather. Severe
20 weather obviously can play a role in loss of power
21 events.

22 And given that the back-up plan at a lot
23 of these plants is to have patrols go around and
24 manually notify people in neighborhoods surrounding
25 the plant that there is an emergency, those same

1 severe weather events could lead to a loss of power at
2 the sirens and at the stations, are the very same
3 weather events that can interfere with the ability to
4 do those manual notifications.

5 So really I would just like to say that
6 this is a very common sense proposal that's on the
7 table here today.

8 MR. RECKLEY: Okay, thank you. I'd like to
9 start next with Westchester County. You had expressed
10 an interest in providing us additional information.

11 And for those on the phone providing
12 comments, would you please, as you start, restate your
13 name and organization and then provide your comments.

14 Westchester? Is somebody on from the
15 Westchester County Board of Legislators? Okay, we'll
16 come back to Westchester. How about Rockland or
17 Putnam Counties?

18 MS. JAFFEE: This is Ellen Jaffee, Rockland
19 County Legislator.

20 MR. RECKLEY: Okay, did you have a desire
21 to express any additional information?

22 MS. JAFFEE: Well, I did want to at first
23 indicate that we, I support the comments made just
24 prior to my coming on and the Petition.

25 We're very concerned in Rockland about the

1 ability of providing ample and appropriate and timely
2 emergency notification systems, considering the issues
3 that we've had with the backup power and the failure
4 on several occasions of providing that backup power.
5 And the failure of the notification systems.

6 We have great concern about whether the
7 mobile route alerting is an adequate action that would
8 provide appropriate notification and in the event of
9 a system failure.

10 Many of our first alert folks who would be
11 doing this would be certainly involved in responding
12 to other kinds of emergency calls at a time like this,
13 and I don't think that's adequate at all.

14 And the comments before made that very,
15 very clear and I feel that they were appropriate. And
16 we do believe that the NRC is, has the jurisdiction to
17 address the actions that are being requested.

18 And we in Rockland County have great
19 concerns about the adequacy. At this time I just want
20 to have our voice heard and that you are notified of
21 our great concern about the notification system.

22 MR. RECKLEY: Okay, thank you very much.

23 MR. KAPLOWITZ: Mike Kaplowitz, Westchester
24 County in the room.

25 MR. RECKLEY: Yes, sir, go ahead.

1 MR. KAPLOWITZ: Good afternoon. Hello,
2 Ellen Jaffee.

3 MS. JAFFEE: Hi, Mike, how are you?

4 MR. KAPLOWITZ: Good, good, Westchester,
5 sorry I came a little late, I assumed that W came
6 after R. Certainly host county for Indian Point and
7 this really is almost as much a matter of common sense
8 as anything else.

9 You just need to have backup, electrical
10 backup, power backup to these sirens. August 14th,
11 2003, you need to say no more on the east coast.

12 It would be ironic, of course, to have a
13 siren system in place that you spent a lot of time and
14 money on, have a diversion that takes out a power grid
15 and knocks out the 60 some odd sirens just in
16 Westchester.

17 And then a purposeful or otherwise event
18 at Indian Point, that would require the use of those
19 very 60 sirens and not have them, of course, available
20 simply for lack of power.

21 And just at the time that the mobile route
22 alerting entities and individuals and cars and people
23 would be taken with the lack of power or the incident
24 at the plant would be the very time they would not
25 have the ability to go out and, on a mobile route

1 alerting basis, also, be the mobile routing alerting
2 people.

3 So I think without question, in the world
4 of technology and solar panels, you know, not to have
5 a backup to this communication system is frankly
6 crazy. And I'm glad we're having this meeting, but
7 hopefully we can at least, you know, maintain as a
8 matter of common sense and technological sense that we
9 just, you know, the NRC just needs to order it to get
10 it done, and let's move on to other problems.

11 MR. RECKLEY: Okay, thank you, sir. Putnam
12 County or any other New York county?

13 MS. JAFFEE: Well, I guess, this is Ellen
14 Jaffee again. I just wanted to add that I think that
15 it would be appropriate to, for the NRC to respond
16 immediately and insist on the capability within an
17 alert signal that would provide alerting our residents
18 in the area of Rockland County and throughout the
19 Indian Point area.

20 Immediately the, I think it's been
21 outrageous that this, among so many other issues that
22 continue to be raised about the appropriate
23 notification and the appropriate response to an
24 emergency at Indian Point. So I just want to follow
25 up with that. Thank you.

1 MR. RECKLEY: Okay, thank you again.
2 Anyone else in the New York area? Any other
3 Petitioner from the New York area?

4 (No response.)

5 MR. RECKLEY: Okay, any other Petitioner
6 from the Northeast?

7 MS. LEE: Hi, this is Michele Lee at the
8 Indian Point Safe Energy Coalition. I just wanted to
9 add that the NRC grants the petition that there should
10 be standards that are sufficient to really handle the
11 problem.

12 And to ensure that there's, umm, you know,
13 what I'm talking about is there a quest for
14 standardized operational requirements that do have the
15 battery backup systems.

16 Such as adequate duration of emergency
17 operation and schedules that protection, things of
18 that nature. Thank you.

19 MR. RECKLEY: Okay, thank you. Anyone else
20 from the northeast?

21 MR. EPSTEIN: Yeah, this is Eric Epstein,
22 the Chairman at Three Mile Alert. I would like to
23 echo what other Petitioners have said.

24 We strongly support the Petition and feel
25 the NRC does have jurisdiction. We monitor the Three

1 Mile Island, Peach Bottom and Susquehanna plants.
2 We'd like to point to the fact that siren performance
3 in our area, anyway, has been adversely impacted by
4 deregulation and other staffing issues.

5 And I can't speak for other Petitioners,
6 but we have lost two of our EOF Centers because
7 they've been consolidated into one.

8 We have lost staff, and I'm sure the NRC
9 is aware that we've had a number of incidents
10 including criminal charges against Exelon employees
11 for fabricating siren testing.

12 We had an Operator in York County who fell
13 asleep and hit a space bar and shut down 28 sirens.
14 So I'd like to at least sensitize other Petitioners,
15 as well as the NRC, to the fact that we feel human
16 performance can obviously impact siren performance.

17 And it just reinforces the need to have
18 backup power. The other problem we have here is
19 public confidence. So getting sirens to work and
20 function when they're supposed to and having backup
21 power would do a lot to restore public confidence in
22 the NRC.

23 MR. RECKLEY: Okay, thank you.

24 MS. SHAPIRO: Hello, this is Susan Shapiro
25 from Rockland Citizens Awareness Network. I'd like to

1 concur with what everyone has just said and also make
2 the point that if you were relying on our first
3 response and go and alert people in these areas
4 without proper backup electricity for the sirens, then
5 basically the public will not be notified.

6 And then you would be operating, the NRC
7 would be allowing Indian Point, for example, to be
8 operating without its proper, without proper
9 regulation and without proper protection for the
10 public health and safety of the region.

11 So we are requesting that you quickly
12 enact this and make it happen.

13 MR. RECKLEY: Thank you. Anyone else from
14 the northeast?

15 MS. RAINWATER: Yes, this is Lisa Rainwater
16 at River Keeper. And we were under the understanding
17 that there was a question as to whether the NRC
18 actually had jurisdiction over this matter and we
19 apologize for being a bit late,

20 But if you could clarify that in
21 concluding comments or make reference to that during
22 this call that would be greatly appreciated.

23 MR. RECKLEY: Okay, I don't know that it
24 was phrased exactly that way. I initiated this, I
25 guess. This is Bill Reckley. I simply, in talking

1 with Paul Gunter, as far as organizing this call,
2 mentioned that an issue is that you have two federal
3 agencies involved.

4 And I don't think I, but if I said it I
5 did not mean to state it as firmly as NRC doesn't have
6 jurisdiction. It was jut a matter of coordinating
7 between two involved federal agencies.

8 Did River Keeper have anything else, and
9 especially additional information or supporting
10 information that wasn't in the Petition?

11 MS. RAINWATER: Well, I mean, it's well
12 known to those working on the issue and I think with
13 the NRC and FEMA as well that since the Witt Report
14 came out in spring of 2003, and the counties have
15 refused to certify these plans for the last three
16 years, that in the eyes of the public (Inaudible) to
17 operate without a backup emergency evacuation plan.

18 The siren issue that we're faced with at
19 this point only compounds that problem. And so I
20 would concur with my colleagues sitting at the table
21 with me right now, that we hope that the NRC and FEMA,
22 if in fact they also have jurisdiction over the
23 issues, work in a very quick and speedy manner in
24 order to address these concerns and ensure public
25 health and safety.

1 MR. RECKLEY: Thank you. Any other
2 Petitioners in the northeast?

3 MR. DOPRAY: This is Raymond
4 Dopray(Phonetic), I'm a New York City Fireman. I'm
5 also a volunteer in Rockland County.

6 And just to chime in and reiterate that
7 it's vital that these sirens work. As a professional
8 first responder in the Bronx, we have our own issues
9 with computer networks, what have you, to alert us
10 that there's an event that we have to respond to.

11 But, around here, like in Westchester, a
12 lot of these companies are volunteers and they depend
13 solely on these sirens to respond. So it's absolutely
14 vital and I just wanted to say thank you for having me
15 on the call.

16 MR. RECKLEY: Okay, thank you, sir. Any
17 other Petitioners from the Northeast? Southeast?
18 Midwest? West?

19 MS. BECKER: Yes, this is Rochelle Becker
20 with the Alliance for Nuclear Responsibility in
21 California.

22 And in 2003, our sirens did not work.
23 Fifty-six of the 131 sirens did not work, when we had
24 an earthquake in this community.

25 To assume that our first responders are

1 going to be able to get to people with rock slides and
2 fissures and gas breaks is irresponsible. And we
3 wholeheartedly support the Petition going forward and
4 the NRC adopting all recommendations. Thank you.

5 MR. RECKLEY: Thank you. Any other
6 Petitioners from the West?

7 (No response.)

8 MR. RECKLEY: Okay, at this time, are there
9 any questions from either the NRC staff collected here
10 or people on the lines, of the Petitioners?

11 (No response.)

12 MR. RECKLEY: I see none here. FEMA did
13 you have any questions that you wanted to pose to any
14 of the Petitioners?

15 FEMA PARTICIPANT: No, sir, not at this
16 time.

17 MR. RECKLEY: Okay, thank you. How about
18 regional, NRC Regional Offices?

19 NRC PARTICIPANT: No questions from Region
20 1.

21 MR. RECKLEY: Okay, given that this is a
22 little different than the normal Petition Tele-
23 conference, in that it's also a Public Meeting. Are
24 there any citizens, not Petitioners, who believe they
25 have anything to add to the discussion or questions

1 they would like to pose. And we'll go in the same
2 general order we went before.

3 Anyone public, members of the public from
4 the New York area?

5 MS. SHAPIRO: This is Susan Shapiro again
6 from Rockland County. I think that we, not many of
7 us, already spoke. But what I would like to request
8 is that in addition to having this meeting, that the
9 NRC would have a meeting in our area to discuss the
10 entire evacuation plan.

11 And I know that's not what's on the table
12 right now, but I'd like to present that.

13 MR. RECKLEY: Okay, we'll pass that onto,
14 to those responsible here and in the regional offices
15 and they'll want to contact you separately, I believe.

16
17 Any other members of the public from the
18 northeast? Southeast? Midwest or West?

19 MS. BECKER: This is Rochelle Becker with
20 the Alliance of Nuclear Responsibility, again. And I
21 did also mean to mention that when our 56 of 131
22 sirens didn't work during an earthquake, the NRC gave
23 the utilities here a (Inaudible) for emergency
24 planning.

25 And the reason was that the sirens had

1 worked the other 364 days of the year, so the days
2 that they didn't work was just a glitch. And we're
3 just wondering what it takes to get something other
4 than a (Inaudible) when your sirens don't work during
5 an emergency.

6 MR. RECKLEY: Okay, actually, the NRC
7 people collected here aren't involved in that
8 particular issue, so I don't think we're able to
9 answer that question. Let me take it and we'll get
10 back to you separately.

11 MS. BECKER: Okay.

12 MR. RECKLEY: Any comments from either
13 Licensees or NEI, if you're on the line?

14 (No response.)

15 MR. RECKLEY: In hearing none, I'll turn it
16 back over to Jim Lyons to wrap this up.

17 MR. LYONS: Thank you, Bill. I'd like to
18 thank Paul and Brendan for coming here to our offices.
19 In a way it's helpful to have people here in the room
20 and to talk to.

21 I appreciate everybody who has
22 participated in this conference call for sharing their
23 views and sharing their information. It's very
24 helpful for us to gather this information.

25 We'll use this as we deliberate on, first,

1 whether or not to accept this as a 2.206 Petition or
2 whether to address it in some other form, to the
3 Agency.

4 But we will address these issues, one way
5 or the other. Either in a 2.206 arena or in another
6 process. And so, you know, I just want to let people
7 know that these issues will be addressed, at least in
8 some form as the Petition Review Board.

9 Once we make that determination, if we
10 decide to proceed, then we will develop a plan for
11 addressing the issues and getting back with you.

12 We'll keep you informed of our progress as
13 we move forward and hopefully we know we can come to
14 a quick resolution to this issue.

15 MR. GUNTER: Jim, could I ask you a
16 question?

17 MR. LYONS: Sure.

18 MR. GUNTER: This is Paul Gunter. Can you
19 give, or someone with the 2.206 process give us just
20 an overview of what would transpire if the Petition is
21 accepted? What are your procedures?

22 I understand that, in fact, this would, if
23 it's accepted, would convene a Hearing? Is that, can
24 you, can you, can you give us a -

25 MR. LYONS: No, it would not convene a

1 Hearing.

2 MR. GUNTER: Well, can you give us a
3 thumbnail sketch, if you would, of how, how events
4 would unfold toward the resolution, given if the
5 Petition is accepted?

6 MR. LYONS: Let me see if I can do that,
7 and I'll have the other staff here to correct me if I
8 go astray.

9 But once we decide that a Petition should
10 be on a 2.206 process, we then develop a plan for
11 resolving those technical issues, for answering the
12 issues, and determining whether or not the action that
13 is requested will be taken.

14 And if we decide that the Petition should
15 be granted and that that action should be taken, then
16 we would notify you of that and we would take that
17 action.

18 If we determine that we weren't going to
19 take the action that is requested, we would inform you
20 that we weren't going to take that action. We'd
21 inform you of our reasons and we would, and if we took
22 other action that in, in maybe in lieu of the action
23 you requested, we would inform you of that.

24 So I think that's the basic. Herb Berkow
25 probably -

1 MR. BERKOW: Herb Berkow, just some
2 clarification. The fact that we may accept this for
3 review under the (Inaudible) doesn't mean that we're
4 going to grant the request.

5 (Inaudible) position would be fully
6 described and will direct the decision, and is our
7 basis for granting it or not granting it.

8 *(36:19)

9 And we would get the comments and
10 (Inaudible). What I would like to suggest is that we
11 give you a copy of our Management Directive 8.11,
12 which explains in detail the entire process.

13 MR. GUNTER: I have a copy. I guess what
14 I'm driving at is how, how do you develop a
15 relationship with technical staff? And are we, the
16 public, privy to communications between the Review
17 Board and technical staff in discerning whether or not
18 this is a viable Petition and what actions you're
19 going to take.

20 I mean that's, we wanted, we, in order to
21 have confidence in the process, we need to see your
22 deliberative process on this particular issue. And I
23 think that with the broad public involvement and
24 concern, that it would behoove the Agency to provide
25 us with a transparency to see the deliberation and I'm

1 wondering if that's something that you can accommodate
2 and can be accommodated under the Management
3 Directive?

4 MR. BERKOW: Well, the Management Directive
5 does provide for a separate meeting with the
6 Petitioners, if we believe that that is necessary for
7 us to do our review.

8 I think that you would like to be
9 interactive with the staff throughout our entire -

10 MR. GUNTER: Not necessarily interactive,
11 but it's about transparency of the deliberative
12 process. That's the concern.

13 MR. RECKLEY: This is Bill Reckley again.
14 The process tries to build that in. Obviously,
15 whenever an organization has discussed, and some of
16 those are internal and some of those are public
17 meetings, in terms of interactions with the technical
18 staff, the technical staff are actually part of the
19 Petition Review Board.

20 So that interaction is ongoing in real
21 time. Once we reach the next decision of either
22 accepting or not accepting, then we talk to you,
23 Petitioner, before we send you any piece of paper.

24 And so we will interact with you
25 throughout this process. Herb mentioned that when

1 it's accepted and we (Inaudible), we talk to you in
2 real time, as we're doing that, as to the status and
3 what our position is. You get an opportunity to
4 comment on any draft Director's Decision that's
5 prepared.

6 And so, in terms of interactions, I think,
7 if you look through the Management Directive, at
8 almost every step, there's an opportunity for the
9 Petitioners to interact with the staff, provide
10 additional information, comment on what our meanings
11 are at the time.

12 MS. SHAPIRO: Can I ask what is the, Susan
13 Shapiro. What is the time frame of this, as we're
14 listening to this call right now, there appears to be
15 no opposition to this Petition.

16 And if there's no opposition, what would
17 the time frame be to have a resolution of this.

18 MR. BERKOW: This is Herb Berkow.
19 (Inaudible) by the staff as an indication that we've
20 decided to accept the Petition. That will be decided
21 in a closed PRB session following this meeting.

22 MR. GOLDBERG: As Jim said in the
23 beginning, the purpose of this meeting is not to
24 discuss the merits of the Petition, it's only to give
25 the Petitioners an opportunity to give us whatever

1 additional information and justification they have.

2 There are no decisions made in this
3 meeting. But to further answer the question in terms
4 of time frame, if it's accepted under Management
5 Directive 8.11, then an acknowledgment letter will go
6 out which states that is being treated (Inaudible).

7 And the Management Directive provides a
8 goal to the staff to have a proposed directive
9 decision I think 120 days from the acknowledgment
10 letter.

11 So you can expect that if it's accepted as
12 a Petition, when you get that acknowledgment letter,
13 the staff will be attempting to have a proposed
14 directive decision available for comment within 120
15 days of that acknowledgment letter.

16 MR. RECKLEY: That was Jack Goldberg from
17 Office of General Counsel.

18 MR. BERKOW: Herb Berkow again. Our
19 process requires that the Petition Manager keeps the
20 Petitioners informed on a regular basis of our
21 progress, or of any schedule changes or any problems
22 that might come up.

23 MR. LYONS: Okay, this is Jim Lyons again.
24 I guess, with that, if there are no other questions -

25 MR. EPSTEIN: Jim this is Eric Epstein, I

1 just have a very brief request.

2 MR. LYONS: Okay.

3 MR. EPSTEIN: Because I'm not really sure
4 how this process works out. Is it possible to gain
5 identification of the people that are participating?

6 And is it possible for anybody who is
7 participating who opposes this Petition, to identify
8 that position now?

9 MR. LYONS: Well, the staff is, again, as
10 we've said a couple of times, not really taking a
11 position. And so in response to that part, I guess,
12 the answer would be no.

13 In terms of participation, that will be
14 identified in the transcript, the people who were on
15 this call and the people who spoke.

16 MR. EPSTEIN: I guess my question to you is
17 that nobody, for the record, has identified opposition
18 to the Petition, during this -

19 MS. FAISON: This is Charlene Faison from
20 Entergy. We are not in agreement with this Petition,
21 for the record.

22 MR. LYONS: Yeah, but a bit of a tangent
23 here again. This, you know, really this is a call
24 with the Petitioners to try to get additional
25 information.

1 And that's really the sole purpose of the
2 call.

3 MR. RECKLEY: And as provided in the
4 Management Directive, this is not an opportunity to
5 debate the merits and to argue various positions.

6 It's totally irrelevant if anybody
7 expresses they're disagreeing or not. The Petition is
8 here, we can supplement it by this PRB Meeting
9 transcript, and this information is provide toward the
10 Petition and the staff will evaluate the merits of it
11 and reach a decision.

12 It doesn't matter whether anybody else
13 expresses agreement or disagreement.

14 MR. BERKOW: This is Herb Berkow. Let me
15 ask Paul Gunter a question. Would it be useful for us
16 to make copies of our Management Directive available
17 for Petitioners?

18 MR. GUNTER: If you want to give me the, I
19 have the URL for the Management Directive. I can
20 submit that to the server. I'll do that.

21 MR. BERKOW: That would be useful.

22 MR. KAPLOWITZ: Hi, I'm Mike Kaplowitz,
23 County Legislator, Westchester County. Just a little
24 curious to the Entergy Representative. Could she
25 state the reasons that Entergy is opposed?

1 MR. RECKLEY: We would really prefer not to
2 get into that kind of discussion. Again, the purpose
3 of this call was to seek if there was additional
4 information. And as Jack Goldberg from (inaudible)
5 mentioned, it's basically not a debate here between
6 either the staff and the Petitioners, and especially
7 not between Licensees and the Petitioners.

8 MR. KAPLOWITZ: No debate, sir, I
9 understand. She just made an affirmative statement
10 and I just wanted her to flush out the rest of that
11 statement.

12 MR. RECKLEY: And I'll ask her not to.

13 MR. KAPLOWITZ: Could you ask her if she,
14 let her at least decide not to?

15 MR. RECKLEY: That's not part of our
16 process for this call.

17 MS. BECKER: Rochelle Becker, Alliance for
18 Nuclear Responsibility. If this call is going to
19 Petitioners and the utility, of course, is sitting
20 there listening, I'm wondering if you had meetings
21 with the utilities in which there will be a transcript
22 and a way we'll be able to listen in as well.

23 MR. RECKLEY: If we have any interactions
24 with anyone else, it will be in a public forum and you
25 would be invited to participate.

1 MS. BECKER: Would we be able to see their
2 opposition in writing, then?

3 MR. RECKLEY: If the Petition is accepted
4 and they choose to submit something in response to our
5 acceptance of the Petition, then that would be part of
6 the public record, yes.

7 MR. KAPLOWITZ: Sir, if I might, this is
8 Mike Kaplowitz again. I appreciate your point of view
9 and all, but you asked our opinion, you then went to
10 citizens and asked for their opinion.

11 You allowed the Respondents to make a
12 statement. At least can I ask the lady whether she
13 would be willing and able to at least continue her
14 comments, since you have us all full reign and we
15 appreciate that.

16 She should have equal reign since she's,
17 and further more, since she's had the benefit of
18 hearing our comments, it's fair and reasonable,
19 frankly, that we have the benefit of hearing her.

20 MR. RECKLEY: And I'll just, I'll answer
21 that one last time. That if we accept the Petition
22 there will be a notice in the Federal Register, and
23 everyone, including Licensees, would have an
24 opportunity to comment.

25 We're really trying to avoid this turning

1 this into a broad base debate of the issue, because
2 the point here is to submit additional information for
3 the staff to consider in its initial decision whether
4 to accept it as a Petition, and then we go on to the
5 next step.

6 MR. DOPRAY: This is Raymond Dopray from
7 the Fire Department of New York, again. I have to
8 agree with Mr. Kaplowitz and Ms. Shapiro and the
9 fellow from the Three Mile Island organization. It
10 sounds like you are avoiding the issue.

11 MR. RECKLEY: I would ask everyone to meet
12 their obligations and read the Management Directive.
13 Staff is following the Commissions Policy in
14 conducting this meeting.

15 And the Petitioners and the members who
16 are permitted, have an obligation also to adhere to
17 the Commission's policy on the conduct of this
18 hearing.

19 MS. RAINWATER: This is Lisa Rainwater at
20 River Keeper. Just as a question, what is the policy
21 in terms of allowing Licensees to sit in on these
22 phone conversations.

23 And if there is a policy, and is there
24 also the ability for them to make comments, which this
25 woman from Entergy was cut off.

1 So I guess we need clarification as to
2 what NRC's policies are for this.

3 MR. RECKLEY: In the policy they are
4 allowed to listen in and ask questions, but not, they
5 are not to make statements.

6 PARTICIPANT: Purely out of intellectual
7 curiosity the words out of her mouth were which of
8 those twos? Is it an assertion that a statement
9 rather than a question that she asked?

10 MR. RECKLEY: That's because she was
11 responding to assertions that no one opposed the
12 Petition, and she was just correcting that statement.
13 That's the extent of her statement.

14 MS. BECKER: That is correct.

15 MR. RECKLEY: Again I feel somewhat
16 responsible for losing control here, but I think we
17 were trying to wrap this up. Jim?

18 MR. LYONS: Again, yeah, I'd like to thank
19 everybody for their participation. We will be getting
20 back to the Petitioners on our decision of whether or
21 not we're going to accept this as a 2.206 Petition.

22 And with that, I again thank everybody and
23 say goodbye.

24