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NUCLEAR REGULATORY COMMISSION

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Limited Appearance

Docket Number: 50-219-LR

Location: Toms River, New Jersey

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Evening Session

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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LIMITED APPEARANCE STATEMENT SESSIONS

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REGARDING: | Docket No. 50-219-LR
AMERGEN COMPANY LLC |
Oyster Creek Nuclear |
Generating Station |

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Thursday, May 31, 2007
Ocean County Administration Building
Room 119
101 Hooper Avenue
Toms River, New Jersey

The above-entitled session commenced at 7:00
p.m. on May 31, 2007.

BEFORE:
Administrative Judge, E. Roy Hawkins, Chair
Administrative Judge, Anthony J. Baratta
Administrative Judge, Paul B. Abramson

ALSO PRESENT:
DEBRA WOLF Law Clerk

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P R O C E E D I N G S

1
2 JUDGE HAWKINS: Good evening. My name is
3 Roy Hawkins. I'm joined on the panel up here by Dr.
4 Tony Baratta, who's a physicist, on my left is Dr.
5 Paul Abramson, who's likewise a physicist but also a
6 licensed attorney.

7 We're administrative judges. We've been
8 appointed to adjudicate the issues raised by six
9 citizen groups in this case, which I'll refer to
10 collectively as "citizens," pursuant to their request.

11 And the citizens challenge an application
12 submitted by AmerGen for a 20 year license renewal for
13 the operation of the Oyster Creek nuclear facility.

14 This evening, the board is not here to
15 adjudicate citizens' challenge. Rather, we're here to
16 hold a limited appearance session and I'd like to take
17 a few minutes to explain the difference between those
18 two functions.

19 But at the outset, I'd like to identify
20 with a little greater specificity the parties to this
21 case. First, as I mentioned, there's six citizen
22 groups, which comprise, collectively, citizens, and
23 those groups are, number one, the Nuclear Information
24 and Resource Service, two, the Jersey Shore Nuclear
25 Watch, Incorporated, three, Grandmothers and More for

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1 Energy Safety, four, New Jersey Public Interest
2 Research Group, five, New Jersey Sierra Club, and six,
3 New Jersey Environmental Federation.

4 The other two parties to the litigation
5 are AmerGen and the Nuclear Regulatory Commission
6 staff.

7 First, let me explain the litigation
8 process, briefly.

9 This board determined that citizens raised
10 an issue that warranted litigation under the governing
11 federal regulation, and that issue is whether
12 AmerGen's UT ultrasonic testing and monitoring program
13 for a portion of the drywell shell is sufficient to
14 maintain an adequate safety margin during the period
15 of extended operation.

16 The board has scheduled an evidentiary
17 hearing, or a trial, to litigate that issue and
18 related issues, and the hearing is scheduled to
19 commence on September 24th, 2007. It will be about a
20 two and a half day trial. We'll be in this area,
21 although the precise location has not yet been
22 determined, but after it has been determined, it will
23 be announced. It will be open to the public.

24 At that hearing, at that trial, all the
25 parties, citizens, AmerGen, the NRC staff, will have

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1 the full opportunity to present their views, to submit
2 evidence, to submit testimony, to create their
3 evidentiary record for the litigation, and to make
4 arguments based on the evidentiary record that they
5 create.

6 Following the hearing, this board will
7 issue a written decision. Our decision can be
8 appealed by any party to the administrative appellate
9 body with the five commissioners who head up the
10 Nuclear Regulatory Commission. Their decision can be
11 appealed by any party to the United States Court of
12 Appeals, and if anybody is dissatisfied with the
13 federal court's decision, they can seek review of that
14 decision in the United States Supreme Court.

15 That's the litigation process in a
16 nutshell, and it's to be distinguished from what we're
17 doing here today, which is a limited appearance
18 session.

19 Federal regulations provide that a board
20 may entertain a written or an oral statement from any
21 person who is not a party to the litigation, so that
22 that party can present his or her position on the
23 issues which may be raised in the litigation.

24 The regulation in this particular case has
25 raised some questions as far as who is a party, who

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1 may speak at this limited appearance session. The reg
2 says any person who is not a party. A party is easy
3 to identify when you have one person bringing suit
4 against another person. Two parties, two individuals,
5 easily identified.

6 Who's a party is not as easily identified
7 when you have a large corporation as a party, when you
8 have six citizen groups who are parties. Should a
9 party be construed as being limited to a board of
10 directors, an officer, a paid employee, a member of an
11 organization? This board, in the interest of being as
12 inclusive as possible in allowing people to speak
13 tonight, but being consistent with the regulations,
14 which say a person who is a party may not speak, this
15 board instructed the attorneys for the parties to
16 provide the board with the name of one party
17 representative for each group.

18 That one party representative for the
19 group would not be permitted to speak tonight, but,
20 rather, anybody else could speak. And I'd like to
21 emphasize that the individuals who are not speaking
22 tonight are not being muzzled or restrained in the
23 expression of their views in any way.

24 Their views are going to be expressed
25 forcefully by the attorneys they've hired at the trial

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1 we're going to conduct in September for two and a half
2 days. They'll be able to present testimony, create a
3 full record. So they are in no means being restricted
4 from presenting their views. Rather, tonight, under
5 the regulation, it's an opportunity for an individual
6 who's not a party to express his or her views, and the
7 regulation recognizes that members of the public,
8 although they're not a party to the litigation, may
9 have a very significant interest in the subject matter
10 of the litigation.

11 So the statements you make tonight are not
12 part of the evidentiary record that will be created in
13 the trial. That record will be created by parties to
14 the litigation. But the statements you make tonight
15 are, nevertheless, very important, they're being
16 transcribed, that's why we ask the speakers who will
17 be talking, or anybody who will be talking to come to
18 the microphone and speak. Comments, statements, oral
19 statements, will be transcribed. They'll be put into
20 the formal docket for the proceeding, and they may
21 help this board, and the parties who are in attendance
22 tonight in the consideration of the issues as they
23 prepare for the litigation.

24 At this point, I do note that several
25 attorneys are in the audience, and I would like to

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1 invite them to step forward and introduce themselves,
2 and introduce as well any individuals that are
3 accompanying them, they would like to introduce.

4 Let's start with citizens, please.

5 MR. WEBSTER: Good evening. Once again,
6 thank you for the opportunity to make a introduction
7 here. I am Richard Webster. I am an attorney up at
8 Rutgers Environmental Law Clinic. We actually are on
9 a pro bono basis. That means without payment, we
10 represent the six citizens groups in the litigation.
11 There are representatives from those groups here
12 tonight who won't be speaking, because they have been
13 determined to be parties.

14 That's Janet Tauro, right here. I see
15 Paul Gunter here. Edith Gbor over here. Any other?
16 That's it. And so -- Abigail is right there -- sorry
17 -- from New Jersey PIRG. And so those people cannot
18 speak here.

19 At the hearing I will represent them as
20 vigorously as possible on the issue that is admitted
21 in the litigation, which is about the frequency of the
22 UT monitoring, but unfortunately, I cannot represent
23 them in that hearing on issues that are outside the
24 contention, and so you won't be hearing from them on
25 other issues.

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1 JUDGE HAWKINS: Thank you very much.

2 Do we have a representative from AmerGen
3 here tonight?

4 MR. FERRARO: Good evening, Your Honors.
5 My name is Don Ferraro. I'm assistant general counsel
6 with Exelon Corporation. With me tonight, I have John
7 Gallagher and John Hufnagel.

8 JUDGE HAWKINS: Thank you.

9 JUDGE HAWKINS: NRC staff.

10 MS. BATY: My name is Mary Baty and I'm
11 counsel for the NRC staff. With me is my co-counsel,
12 Mitzi Young, and then also with us this evening we
13 have the project manager, Donny Ashley, and also in
14 the audience is Mr. Rich Conti.

15 JUDGE HAWKINS: Thank you, Ms. Baty.

16 I'd like to emphasize that the members of
17 this board, my fellow judges, we are not policy
18 makers. Our authority is circumscribed. We
19 adjudicate issues raised by parties during the actual
20 litigation, and therefore, to the extent you'd like to
21 provide information that'd be most helpful to us, for
22 purposes of the litigation that will be conducted in
23 September, it would be helpful to focus comments on
24 the issue that we will be adjudicating which deals
25 with corrosive environment in the drywell shell, the

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1 drywell shell itself, frequency of ultrasonic testing,
2 and so forth.

3 Let me briefly explain the procedures
4 we'll be using this evening. Some individuals have
5 pre-registered and we'll be calling on them to speak
6 first. After that, we'll move on to anybody else who
7 is registered here this evening.

8 If you do wish to speak tonight, we do ask
9 that you register with Ms. Libby Perch out in the
10 front. All you need do is sign up, and then come in.
11 Your name will be provided to me and we'll call upon
12 you to speak.

13 If anybody wishes to provide views but is
14 disinclined to stand and make an oral statement, we
15 invite you to provide us with your written views.

16 For your convenience, our law clerk, Ms.
17 Debra Wolf, has xeroxed about a 100 pages which
18 contain the information pertinent to this case, and
19 all you need do is put your name on it and put
20 whatever views you would like put into the formal
21 docket for this proceeding.

22 We will be keeping track of your time, and
23 consistent with the Federal Register notice,
24 individuals will be limited to speaking no more than
25 five minutes. Ms. Wolf will be monitoring the time

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1 because we could, it's conceivable, we could run into
2 problems if a cluster of people come a little bit
3 later, that we may have to reduce the time from five
4 minutes to a little bit less, to accommodate all the
5 speakers.

6 For the time-being, we'll go up to five,
7 and I'll let you know if we reduce it at all. If
8 somebody, if their time expires, and they still have
9 more to say, I invite you to supplement your oral
10 statement with a written statement.

11 Ms. Wolf will raise an amber card when one
12 minute is left and she'll raise the red card when your
13 time has expired, and when you see the red card go up,
14 we do ask that you try to wrap up as quickly as
15 possible.

16 As a final note, it's important that the
17 board, the parties, and everybody here, allow each
18 person who's presenting his or her views, to present
19 them in an uninterrupted, unimpeded manner, and I
20 therefore ask you to allow each person to make their
21 statement without distraction, without making any
22 noise or comments, either in support of or in
23 opposition to the individual's viewpoint.

24 I would ask you to turn off any cellphones
25 or electronic devices, as well as my colleagues up

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1 here, and I'm not sure if I addressed -- Judge
2 Abramson had a comment he wishes to make.

3 JUDGE ABRAMSON: I think it's very
4 important that you understand the distinction between
5 this board, which is an adjudicatory board made of
6 judges only, and the NRC. Comments which would
7 ordinarily be addressed to the NRC about general
8 issues such as safety, such as emergency planning,
9 those sorts of things, while we're happy to take those
10 comments and get them into the transcript, and the
11 Commission will have an opportunity to review them,
12 are irrelevant to us as an adjudicatory board.

13 The Atomic Energy Act creates atomic
14 safety and licensing boards, and requires that they be
15 manned by, or femaleed by, whatever the proper word is,
16 "personed" by one lawyer and two scientists. I can
17 assure you that the technical matters that we will
18 adjudicate will be thoroughly vetted and dealt with by
19 this board, and you're looking at a board -- Roy
20 Hawkins didn't tell you but he's the chief judge of
21 our panel, Dr. Baratta is the associate chief for
22 technical matters, and I'm a special associate chief
23 for legal and technical matters. There is not a
24 better-qualified board to deal with these issues.

25 But we are to deal with only those matters

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1 that are to be litigated, which in this case Mr.
2 Hawkins has described for you.

3 So we understand that you have general,
4 other concerns about the plant. They are not relevant
5 to us in the litigation. We are only judges. We
6 don't work for the Commission. We don't take marching
7 orders from the Commission. We don't work for the
8 staff. The staff will participate in the litigation
9 as one of the three parties, the other two being the
10 application and the citizens group.

11 JUDGE HAWKINS: Thank you, Judge Abramson.
12 One final note. I think I probably made it clear by
13 my comments, thus far, but this is the opportunity for
14 you to speak. We won't be responding. It won't be a
15 dialogue. It's the opportunity for your oral
16 statements to be made part of the formal docket in
17 this proceeding.

18 I can assure you that we, and the
19 attorneys representing the parties who are here
20 assembled as well, will be listening both with great
21 interest and with great attention to the relevant
22 information that you do bring forward.

23 With that, let us proceed to the first
24 speaker, and that's Mr. David Most, who's deputy
25 mayor, Lacey Township, and he will be followed by Mr.

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1 William White.

2 MR. MOST: Good evening to the board and
3 all the residents from Ocean County. My name is Dave
4 Most and I'd like to thank the board for giving me the
5 opportunity to speak to you today as deputy mayor from
6 Lacey Township.

7 The Lacey Township committee has full
8 confidence in the NRC's ability to evaluate and
9 oversee the nuclear industry in this country and will
10 support the license approval process for Oyster Creek
11 Nuclear Generating Station under the conditions that
12 Oyster Creek has met the NRC's criteria and safety
13 requirements to license the plant for another 20
14 years.

15 Oyster Creek has been a good neighbor to
16 Lacey Township in the past and we look forward to a
17 continued partnership. Oyster Creek has provided the
18 State of New Jersey with safe, clean, and reliable
19 power, and we look forward to its continued operation.
20 Thank you very much.

21 JUDGE HAWKINS: Thank you, sir.

22 Mr. White will be followed by Ms. Blanche
23 Krubner.

24 MR. WEBSTER: I just have one request. I
25 think Mr. Most is a plant employee. Could we ask the

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1 people to disclose if they have a pecuniary interest
2 in the relicensing process.

3 JUDGE HAWKINS: I will not. If they wish
4 to volunteer that, they may, but as we have instructed
5 everybody, they are appearing and speaking on behalf
6 of themselves, their interest as individual citizens.

7 So if anybody does wish to tell about
8 themselves, any affiliation they have, they're welcome
9 to do so. But we will not impose that requirement.
10 Thank you.

11 Mr. White.

12 MR. WHITE: Good evening. My name is
13 William White. I'm a resident of Ocean County. This
14 is a memento from a past life. It's a photo of a
15 nuclear site. But it's special to me, it has my name
16 on it. Industry Advisory Group, Three Mile Island,
17 April 1979, Bill White, Burns and Rowe. I said it was
18 a past life, Bill White. But that's William.

19 Those of us in the trenches in the sixties
20 and seventies saw Three Mile Island as a enlightenment
21 for the top brass in both Government and industry --
22 badly needed. It was a runaway program, too much too
23 fast, and too little understood.

24 It got the attention of the utility
25 executives in a way that nothing else had before.

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1 They looked around and said: You mean these are not
2 like our coal and oil plants? An accident there could
3 bankrupt us. You got into the game pretty soon,
4 pretty fast. Heating plants were canceled about that
5 time. The fifty remaining, that were in operation,
6 had made major changes to them.

7 There were fifty under construction. They
8 also had significant changes to them. It is well-
9 known that terrific effort was made to develop
10 procedural control over the program. At that time,
11 there had already -- NRC generated a more aggressive
12 program for feedback. When an incident happened
13 somewhere, everybody else found out about it. The
14 lesson was learned. The fix was made.

15 That was a program that'd been ongoing for
16 several years, then, but in a more limited role, for
17 instance, the TMI fire in '75 that lasted for days.
18 Those of us at the BWRs, we heard a lot about it and
19 it had a lot of impact throughout the industry.

20 But the NRC program led to many -- good
21 feedback as a incident happened around the industry,
22 and band aids were applied. It is those band aids
23 that I feel are the reason why the old generation
24 sixties plants are able to limp to retirement.

25 I'm very glad that some of them have

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1 retired. Three of the plants that I worked on as
2 piping engineer, where I started my career, at the
3 Yankee plants, have retired.

4 What I ask is that avarice, or naivete
5 that befalls us here in Ocean County -- the radiation
6 levels at TMI, that I want to talk about, are
7 frailties here, which surround the issue that you are
8 resolving, but specifically to that issue.

9 The radiation issues at TMI were extreme.
10 I felt safe there for the many weeks, even though I
11 left a wife and six children behind. The prime reason
12 for that is that the nasty stuff and the total reactor
13 coolant pressure boundary is contained within a four
14 foot thick leak-tight reinforced concrete building.

15 Even the radiation areas outside, which
16 are limited in a PWR to mainly the demineralizer
17 areas, where enclosed in stout solid concrete, well-
18 shielded. Contrast that -- well, let me say, it took
19 that type of construction to give one the confidence
20 to function in that environment, and that's something
21 that I think has stuck with me, and is really, really
22 important in relation to the matter that you are
23 adjudicating on.

24 Contrast that with the Mark One BWR, under
25 similar distressed conditions or anything equivalent

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1 to TMI. The primary containment is a freestanding
2 steel plate vessel.

3 I've seen a lot in the publicity about
4 liners and this and that. It's a steel plate vessel.
5 Most of you know, I see, better than I do about the
6 thickness, but it's somewhere, an inch, or more or
7 less, or that thing -- that's not my issue or my
8 point.

9 The pressure boundary extends outside the
10 containment to the feedwater and main steam isolation
11 valves. Enclosure of the buildings housing
12 radioactive systems and spent fuel, it's just metal
13 siding at the upper levels.

14 The difference between those two
15 arrangements in terms of preventing or coping with
16 accidents is monumental.

17 One of the people I'd worked with at
18 Pilgrim for five years came down to help out at TMI.
19 He put it the best, as far as I was concerned. He
20 said, Bill, if anything like this ever happens when I
21 go back to Pilgrim, and I got the red card and I'll
22 give you a bottom line -- he said: If anything like
23 that ever happens at Pilgrim, I want to handle it from
24 the Prudential Center.

25 That was the headquarters, 40 miles north,

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1 in the Back Bay.

2 There are many other issues with --
3 including the corrosion issue, I'm not even going to
4 mention. But if you guessed that I don't like the
5 Mark One now, I didn't like then, I don't like it now,
6 since we lost our innocence.

7 You have to keep that in mind. You're a
8 very important judicial body. I understand the
9 limitations but that doesn't prevent you from
10 communicating outside.

11 I just want to say I hope -- if this pun
12 dropped out -- give me a half a minute; okay? If this
13 pun dropped out -- and I don't like puns but this one
14 was: I hope the light bulb flashes, referring to this
15 containment as the light bulb. I hope the light bulb
16 flashes at someone's head who's in authority before
17 it's too late.

18 The bottom line is that the "weak sisters"
19 of the sixties are the prime candidates for the
20 accident that could be "curtains" for nuclear power,
21 including the next generation that's just hitting now.

22 What I wonder is why an enlightened
23 nuclear industry is doing that to themselves. Thank
24 you very much.

25 JUDGE HAWKINS: Thank you, Mr. White.

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1 Ms. Grubner. Mr. Garry Black is on deck.

2 MS. GRUBNER: Good evening, Your Honors.

3 My name is Blanche Grubner. I am the president of the
4 Ocean County League of Women Voters. After careful
5 study of the issues, the League of Women Voters of
6 Ocean County has taken a stand opposing the
7 relicensing of the Oyster Creek Nuclear Power Plant
8 because of concerns for the health, safety and
9 security of Ocean County's residents, and the
10 integrity of its environment.

11 The Ocean County League's reasons for
12 advocating the denial of a permit to continue
13 operating the Oyster Creek facility include, one, upon
14 its completion in 1969, the Oyster Creek Nuclear
15 Generating Station at Lacey Township was granted a
16 license to operate for 40 years.

17 Today, it is the oldest operating nuclear
18 plant in the U.S. Its owners, AmerGen, a subsidiary
19 of Exelon, have applied to the NRC for permission to
20 continue operating for another 20 years, a reactor
21 whose design would not today receive permission either
22 to be built or to go online.

23 Two. According to AmerGen's relicensing
24 application, the containment system could fail if an
25 accident were to occur. This means that the public

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1 would be directly exposed to radioactive steam.

2 Three. The National Academy of Sciences
3 has pointed out that Oyster Creek's antiquated, Mark
4 One design, is a potential terrorist target.

5 Four. The evacuation plan is unworkable.
6 Lessons learned from Hurricanes Katrina and Rita have
7 shown the difficulties with evacuation. Traffic
8 congestion on the two-lane roads in the plant's
9 vicinity is already the daily norm. During off-
10 season, it would be impossible to swiftly move out the
11 residents who live in that part of the country.

12 Factoring in the increased population
13 during the summer, there is no way that 200,000 or
14 more individuals could be taken to safety in the
15 middle of a nuclear emergency while emergency vehicles
16 are claiming priority on the inadequate roads, so they
17 can get into the area.

18 Five. Oyster Creek Nuclear Power Plant
19 contributes only 1.7 percent of the energy on the PA,
20 NJ and MD grid. Presently, there is a surplus of
21 available energy on this grid.

22 The extremely small amount coming out of
23 the Lacey Township facility would not be missed, if
24 the plant were to be closed down.

25 Six. Marine animals are killed because of

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1 an outdated and now prohibited cooling system. NJDEP
2 issues an NJPDES's permit every five years. Oyster
3 Creek's permit has already expired. The plant's
4 cooling system is in violation of the U.S. Clean Water
5 Act.

6 A fish kill in 2002 resulted in a \$1
7 million settlement with NJDEP. Lisa Jackson,
8 commission of the NJDEP has said, that if her
9 department issues a new NJPDES permit for the plant,
10 the state will have to require that the operating
11 company replace the company's existing once-through
12 cooling system with lower volume closed-loop cleaning
13 towers, because the latter are the best technology
14 available.

15 Installation of the closed-loop cooling
16 system is required by the Clean Water Act.

17 Seven. The NRC admits that all nuclear
18 plants continually give off some amounts of radiation
19 in the process of daily operations. That means that
20 Ocean County residents are exposed to low-level
21 radiation emissions on a routine basis.

22 The National Academy of Sciences has
23 reported that all radiation, even minute quantities,
24 can cause cancer.

25 And last. By 2009, the Oyster Creek plant

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1 will have completed its 40 year life expectancy. It
2 is the Ocean County League's understanding that the
3 plant's decommissioning fund is sufficient to close
4 the plant, dismantle the site and provide its workers
5 with retraining.

6 The continued operation of this plant will
7 generate more tons of deadly, highly radioactive
8 waste, whose safe disposal this country has no
9 practical, near term, easily-utilized plan. Thank you
10 for your attention.

11 JUDGE HAWKINS: Thank you, Mrs. Grubner.

12 Mr. Garry Black. Ms. Laura Cayford is on
13 deck.

14 MR. BLACK: Hello. I'm Garry Black. I'm
15 from Jackson. I'm not part of any agency group or
16 anything. I'm just me. I do regularly speak in this
17 building to the freeholders, so it's a little unusual
18 for me, right here, so I hope you'll bear with me, and
19 thank you for the opportunity to allow people to come
20 up here and speak of their concerns, frustrations.

21 I've been following this, I've been
22 sitting in a lot of meetings, I've been reading this
23 for some time, and I, as a layman, one thing that I
24 found that was missing in the argument, everybody I
25 keep hearing, and frankly, the scientific integrity of

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1 some of the antinuclear groups really come into
2 question when you see what's behind me.

3 But that's missing, and I think
4 dangerously missing, everybody wants to talk about
5 terrorism with the plant open. Why isn't anybody
6 bringing terrorism when the plant's closed? It
7 doesn't shut off, become un-nuclear and everything
8 just goes away, and butterflies come out. This
9 thing's still dangerous, either way.

10 Any looking into a terrorist attack,
11 again, has to look both ways. The fact is the thing
12 may actually be more of a terrorist target, being an
13 abandoned nuclear plant, than a functioning one.
14 Evacuation won't change, whether it's open or closed.
15 The place is just as crowded. There's no change
16 there.

17 One of the other things I read, going
18 earlier, was the Operation Tooth Fairy, and from what
19 I read in the paper, if it's accurate, the majority of
20 the radiation was found not in Lacey but towards
21 Bricktown. I'm wondering why nobody wants to address,
22 hey, what happened in Bricktown? Or is it not
23 accurate?

24 If this is the plant, the radiation would
25 come out, not just go, oh, this way, I'll pick this

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1 one. It doesn't make sense to me. Again, I'm not a
2 scientist, I'm a layman, and I'm a citizen.

3 And I'm leaning towards keeping it open as
4 long as it can be proven safe. I've heard so many
5 things about this liner, I don't know one way or
6 another now. And again, I have to look at the
7 credibility and the actions of some of the people, and
8 how they present their information, which makes me
9 leaning more to keep it open.

10 But, please, the one thing that was really
11 -- I've not heard at all -- that's why I'm here
12 tonight -- is terrorism's going to be looked at.
13 Please look at it both ways. The thing's just as
14 dangerous either way. Thank you.

15 JUDGE HAWKINS: Thank you, Mr. Black.

16 Ms. Cayford, and Glennon L. Depetris is on
17 deck.

18 MS. CAYFORD: My name is Laura Cayford,
19 and I feel so strongly about this issue, that I'm
20 willing to come down from Asbury Park. Why should we
21 believe AmerGen, when they don't follow through with
22 their commitments? They've said they would test the
23 water from the buckets; but somehow, it was dumped.

24 The magnitude of the reasons why Ocean
25 County should close are mind boggling. There is no

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1 argument that cannot be refuted with facts. Thank
2 you.

3 JUDGE HAWKINS: Thank you very much.
4 Edward Schilling is on deck.

5 MR. DEPETRIS: Thank you for allowing me
6 to talk tonight. My name's Glennon L. Depetris. I'm
7 a councilman from Berkeley Township, Ward 3, which is
8 basically all retirement communities.
9 I come here tonight to speak for the elderly.

10 We are very interested in the outcome of
11 this. We worry about our children, our grandchildren,
12 and the future.

13 Berkeley Township recently passed a
14 resolution which I would like to read to you tonight,
15 if permissible.

16 It was passed on May 21st, 1907 [sic].
17 This is what it states.

18 Whereas the regulatory commission ruled on
19 February the 26th, 2007, that the review of potential
20 effect of terrorism was not required to be considered
21 in the relicensing review of the Oyster Creek Nuclear
22 Power Plant.

23 Whereas the New Jersey State Department of
24 Environmental Protection has filed a petition with the
25 Third Court of Appeals, requesting that an analysis of

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1 the potential impact of a terrorist attack should be
2 included in the relicense review.

3 Gentlemen, as a senior citizen, veteran of
4 World War II and of Korea, I represent my people. We
5 are very concerned that our future, here, in New
6 Jersey, is taken care of in the proper manner.

7 We are not against nuclear energy. We
8 realize that coal and oil generating stations will be
9 eliminated in the future. We have to go to new types
10 of generation of our electrical power.

11 As our generation gets older and a new
12 generation comes, nuclear energy, electrical energy
13 will be needed more than it is today.

14 There are more and more things in
15 electrical use today than we ever had before. We know
16 that in the past, we didn't have the electrical
17 scientists we have today.

18 We ask that you take in consideration, and
19 whoever makes the final decision, that the impact this
20 has on the future generation, so hold on for all of us
21 -- we, as senior citizens are very interested in our
22 future, and we thank you for taking the time tonight
23 to listen to us, to express our opinions, to analyze
24 what we have in mind.

25 We are not basically against nuclear

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1 energy. We are for nuclear energy being used in the
2 proper manner, the waste being stored in the proper
3 manner, and all safety procedures are followed by the
4 nuclear energy installations. We, here, in New
5 Jersey, are only too glad to have the added electrical
6 power added to our grid systems. But we want
7 everything to be kept in a safe, confined area.

8 We ask you to take that in consideration
9 for the future generation, and for our generation
10 which will finally fade away. Thank you.

11 JUDGE HAWKINS: Thank you and thank you
12 for your familiar service. Mr. Schilling to be
13 followed by Beverly Harris.

14 MR. SCHILLING: Thank you, Your Honors.
15 I'm very pleased, very happy to have this opportunity
16 to express a few points that I have developed ever
17 since listening to the first public hearings that have
18 been offered in Ocean County about the Lacey Township
19 plant, which I watched building from the time I first
20 resided in Ocean County, and very enthusiastically saw
21 it come to life to give us energy.

22 However, I have considered, over the
23 ensuring years, that it is a potential source of
24 danger for us here because of the storage of the spent
25 nuclear fuel rods, 120 feet above ground, and then

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1 across Highway 9 because there wasn't enough room in
2 the storage pool.

3 But in doing my research, over the years,
4 in fact, after the first attendant that I made to
5 Lacey High School in 2003, I came upon an article from
6 the Wall Street Journal that was dated April 9th,
7 2002, where the writer, on the editorial page, quoted
8 the Brookhaven National Laboratory on Long Island,
9 which has said that a fire in a fuel storage pool
10 could release enough radiation to render 188 square
11 miles uninhabitable.

12 In addition, the scientific research
13 Center estimates that tens of thousands of cancer
14 fatalities and financial losses exceeding \$50 billion
15 would result from such an accident, from such a
16 nuclear assault upon Oyster Creek.

17 I haven't heard too many people, nor seen
18 too many articles in newspapers, indicating that we
19 are at war, and that we are very much at danger, as
20 evidenced by September 11, and going back a little bit
21 further in time, nobody expected that our Pacific
22 fleet would be destroyed in Pearl Harbor, because it
23 was in a safe harbor.

24 So while I have no immediate solution for
25 the electrical power generation for the PMA grid, I do

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1 believe that the Oyster Creek Nuclear Plant should be
2 retired as of 2009, and until such time as a safer,
3 more reliable energy source is detected, like the
4 experimentation which is going on with plasma energy
5 at Princeton University, and other universities. So
6 as a concerned citizen, I present my case, and I thank
7 you again for giving me this opportunity.

8 JUDGE HAWKINS: Thank you, Mr. Schilling.

9 Ms. Beverly Harris, to be followed by
10 Arielle Parsons.

11 MS. HARRIS: I'm Beverly Harris from
12 Rumson, New Jersey. I get very nervous talking, so
13 this means a lot to me and that's why I'm speaking.
14 I haven't spoken in public since I was in 3rd grade.

15 So this is a very important issue to me,
16 and I'd like all of you to think about, and I'd like
17 the Nuclear Regulatory Commission to tell me their
18 plan for what they will do with the plutonium that's
19 created by the plant, that will last 24,000 years, or
20 longer. It has a half-life of 24,000 years, which
21 means it will be around for 100,000 years, possibly.

22 It's a larger issue than the corrosion of
23 the containment tank. It's a very, very important
24 issue, and thank you, thank you so much for letting me
25 speak.

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1 JUDGE HAWKINS: Well-stated. Thank you.
2 Arielle Parsons, to be followed by Peter
3 Weeks.

4 MS. PARSONS: I'm just a public citizen.
5 I'm also not a great public speaker. I just have
6 several points as you're going into trial, and as the
7 gentleman in black brought up, that he was very non-
8 impressed by the groups bringing this litigation
9 because they have no apparent scientific grounding, in
10 his opinion.

11 I would somewhat concur, but I think the
12 problem is, is that nobody is allowing for an
13 independent safety review, and as this goes to trial,
14 and my understanding, at trials, you would bring an
15 expert witness.

16 Now it seems to me in this case, AmerGen
17 has all the information. They're given credibility
18 because they supposedly have these facts. We did
19 these tests, here's the information.

20 I think if we truly want to be as factual
21 as possible, we really need to have an independent
22 safety review, so they can present -- well you know
23 what? we did this testing and, actually, we did it
24 last month, and these are the results that we
25 obtained. And I think without that information, the

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1 trial is somewhat meaningless in my opinion, because
2 you're really going on the very biased opinion, in one
3 case, and no factual grounding in the other case. So
4 that is one of my points.

5 I just want to say, and I know this isn't
6 the issue, but I know, given that there are AmerGen
7 representatives, I'll speak to the back of the room,
8 and also as was brought up, the evacuation plan. I
9 know that you're looking at a very specific area when
10 you're looking at the relicensing within this law
11 suit.

12 But I really think that you're all smarter
13 than that. In the back of your mind, you have to keep
14 in mind, if they truly believe the evacuation can
15 happen safely, I would challenge them to have a
16 practice evacuation on a typical day, not we're going
17 to evacuate this neighborhood, okay? It would be,
18 okay, Monday, at 10:00 a.m., wherever you would
19 typically be, you need to get evacuated.

20 And I say that as someone that lives in
21 Pine Beach which is 11 miles from the plant, where
22 Route 9 is my only way out. So I feel strongly about
23 that.

24 Let's see if there's anything else. I
25 guess that's it. Thank you for your time.

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1 JUDGE HAWKINS: Thank you, Ms. Parsons.

2 Peter Weeks. All right. We'll come back
3 to him. Let's go on to Ms. Joanne Faber, to be
4 followed by Patricia Doyle.

5 MS. FABER: Thank you very much for
6 holding this session. Upon the review of the
7 information -- I'm a citizen of Toms River. I'm also
8 a businesswoman. I'm also, by degree, an electrical
9 engineer. I am also, to a degree, a financier, and I
10 would also consider myself a capitalist.

11 There is no argument I can see, that would
12 justify the relicensing of this facility. It was
13 mentioned earlier, that all data has been thoroughly
14 explored. I would question if even data were
15 minimally explored, this would not be proceeding as it
16 is and has been.

17 As a citizen of the United States, I find
18 it disturbing that people have gag orders in which
19 they cannot speak. What country are we living in now?
20 I mean, what country? And I also question -- it has
21 taken six coalitions to bring light to this issue.

22 This issue has always been the same -- the
23 facility is unsafe. As a citizen of the United
24 States, I am very disturbed, more than anything.
25 Thank you.

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1 JUDGE HAWKINS: Thank you.

2 Patricia Doyle, to be followed by Marilyn
3 Fontanetta.

4 MS. DOYLE: In the spirit of disclosure,
5 I am an attorney. I'm here representing myself as a
6 citizen. I am principal appellate court attorney with
7 New York Supreme Appellate Division, First Department,
8 former staff counsel to the Fourth Circuit.

9 So I speak to you as a very concerned
10 citizen, taxpayer, and resident of Forked River Beach,
11 New Jersey, which is the area of Forked River, Lacey
12 Township, right on Barnegat Bay.

13 And I get up in the morning and I see the
14 most beautiful sight in the world, which is six and a
15 half miles of Barnegat Bay, right in front of my
16 house, because I live on the beach. And I turn around
17 and I see a nuclear plant, perhaps three miles away.

18 My family has owned a house in that
19 location since 1966, and at the risk of dating myself,
20 I remember when there really was a farm there, and
21 there was no nuclear plant.

22 But I have to tell you, I'm not anti. In
23 my life, pre government, I was a corporate
24 transactional attorney for a Wall Street firm,
25 LeBoeuf, Lamb, Greene and Macrea. I understand

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1 business. I understand the machinations of business,
2 and that it's necessary for all of us that business go
3 forward. I understand that, completely.

4 But I can tell you, we also understand, as
5 Committeeman Most said, that it is a good citizen in
6 the township of Lacey. That plant, frankly, pays a
7 lot of taxes for senior citizens, that helps them
8 remain in that area where they have lived so long.

9 The plant also provides a lot of jobs.
10 and I don't dispute that.

11 The other side of the coin needs to be
12 looked at, and I specifically raise the issue before
13 you that is not specific to your litigation, but it's
14 an important issue. It's actually a very quiet issue
15 that concerns me, that none of the groups have raised
16 it. So I will raise it today.

17 And it is the tremendous amount of beach
18 erosion that has gone on, I believe contributed, at
19 least in part, if not substantially, by the cooling
20 system that is currently in place at the plant.

21 The beach in front of my house is perhaps
22 one-third of what it used to be. Lacey Township has
23 taken steps with a rock type product. Fifteen years
24 ago, they put it in. That's how evident the beach
25 erosion was to the township.

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1 I actually became involved in this issue
2 when many neighbors of mine expressed concern about
3 the beach erosion and asked the inevitable question
4 that happens when you're a lawyer, that your neighbors
5 come forward to you and say, What can we do about it?
6 And the next thing you know, I was in the middle of
7 the issue.

8 We went about it because we were looking
9 at the state department, the DEP has a type of grant
10 that we felt might help fund some bulkheading, which
11 we felt would be the more permanent solution to the
12 problem that did not seem to be 100 percent in
13 abeyance.

14 And in my travels, and in my research, I
15 tried to be as diligent as I could be. I talked to a
16 few engineers and I read a few reports by the Army
17 Corps of Engineers. I am not an expert. I mean, I'm
18 an attorney. So I say I don't know anything.

19 But I do know that the reports I read, if
20 I read them correctly, indicate that beach erosion
21 occurs because the direction of the river has been
22 reversed since the building of the plant.

23 In my own simple way, the way I understand
24 it is a river should flow in and flow back out. When
25 it does that, in nature's way, it actually builds up

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1 a beach and builds up the sediment. But when you have
2 a river running in the opposite direction of where it
3 should be running, it actually pulls sediment away
4 from the beach.

5 I'm not saying that's the only
6 contributory factor, but I'm saying the evidence that
7 I have read seems to be credible enough, that I would
8 hope that this is an issue raised and studied. Again,
9 I have on the one minute card. This is not anti, but
10 this is please go forward in a responsible way.

11 I think many people are willing to be
12 cooperative citizens with the plant. We ask, and
13 there are many concerned citizens in Forked River over
14 this plant, who may not be here tonight. We ask that
15 they go forward, cooperatively, with all of us. Thank
16 you.

17 JUDGE HAWKINS: Thank you.

18 Marilyn Fontanetta, to be followed by
19 Betty Gumanow.

20 MS. FONTANETTA: Good evening, gentlemen,
21 thank you, and ladies, thank you for hearing us this
22 evening. I don't know if this is within the scope of
23 what you're going to consider, but, certainly, I feel
24 it should be considered by the NRC when they're
25 deciding whether to extend the license of this plant.

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1 And one of my main concerns is about
2 terrorism, and I understand that it is not going to be
3 considered when they're deciding whether to extend the
4 life of that.

5 I can't understand the logic, if any, of
6 doing that. Just today, as I was doing my stock
7 research, I came upon this, a posting of a report
8 which was released by the Department of Homeland
9 Security, on May 21st, 2007.

10 The U.S. Department of Homeland Security
11 announced today the completion of 17 sector-specific
12 plans, SSPs, in support of the National Infrastructure
13 Protection Plan. NIPP. N-I-P-P.

14 NIPP outlines a comprehensive risk
15 management framework that defines critical
16 infrastructure protection roles and responsibilities
17 for all levels of government and private industry.

18 The consequences of an assault against
19 America's vast network of critical infrastructure
20 sites could be dire, both in loss of life and in
21 economic impact, said Homeland Security Secretary
22 Michael Chertoff.

23 Homeland Security President Directive 7
24 identified 17 critical infrastructure and key resource
25 sectors that require protective actions to prepare for

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1 or mitigate against a terrorist attack or other
2 hazards.

3 The sectors are agriculture and food,
4 banking and finance, chemical commercial facilities,
5 and the fourth one listed is commercial nuclear
6 reactors, including materials and waste. Then they go
7 on to dams and defense installations, and so on.

8 The vast majority of the nation's critical
9 infrastructure is owned and operated by private
10 industry. SSPs define roles and responsibilities, and
11 establish the strategic objectives required to achieve
12 a level of risk reduction appropriate to each
13 individual sector. Each SSP also establishes -- and
14 I'm skipping certain sections to be briefer --
15 consultative network to facilitate information sharing
16 among federal, state, local, tribal and private
17 sectors.

18 Strategic objectives include protecting
19 critical sector asset systems, networks and functions
20 prior to a terrorist attack or natural disaster, and
21 then rapidly reconstituting critical asset systems and
22 networks after an incident, planning for emergencies
23 and updating response plans.

24 Now in view of the fact that this is a top
25 national priority, I cannot understand why it is not

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1 being given a top priority when considering whether to
2 extend the life of this, the functioning life of this
3 plan for another 20 years.

4 Thank you for listening.

5 JUDGE HAWKINS: Thank you very much.

6 Ms. Betty Gumanow. I beg your pardon if
7 I mispronounce your name.

8 MS. GUMANOW: I'm standing here as a
9 senior citizen of Ocean County. I'm also handicapped.
10 I'm legally blind. I live in this community and I
11 represent, not legally, but I speak for a lot of
12 people who are handicapped, blind citizens in Ocean
13 County. We have the largest number of citizens,
14 handicapped citizens in all of New Jersey, who live in
15 Ocean County.

16 Even though you mention that safety is not
17 one of your considerations, I really want to stress
18 that we don't want to be considered another Katrina,
19 results of Katrina. I can't drive, I can't read, and
20 I'm really concerned about what would happen to me,
21 and other people like me in case there was an
22 emergency.

23 So I really think that that's really
24 something that has to be considered in renewing this
25 antiquated atomic energy system here. Thank you for

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1 listening to me.

2 JUDGE HAWKINS: Thank you for sharing your
3 thoughts with us.

4 Mr. Peter Weeks, you may step up and
5 speak.

6 MR. WEEKS: It's become aware to me that -
7 - I don't think that what's going on with the steel
8 and the concrete that's underground in the containment
9 vessel is understood by a lot of people. First of
10 all, cement immediately starts reacting with concrete
11 -- or the cement in concrete immediately starts
12 reacting with steel, as soon as it's poured against
13 it, around it, or with it. Reinforcing rods are
14 historically a problem with reinforced concrete. You
15 see it on bridges every day. You see it in tall
16 buildings in New York City where local law 10 has been
17 implemented to do repairs in this kind of situation.

18 These are situations where one can see
19 them and one can get to them.

20 In the encapsulated part of the vessel, no
21 one can see it and no one can get to it. It's
22 underwater. The tide rises and the tide falls. In
23 those areas where there is corrosion, the corrosion is
24 hidden by the encapsulation of the concrete. It's not
25 easily examined, and to my knowledge, no one has even

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1 taken into account the fact that the cement again
2 causes the steel to rust, and when steel rusts, it
3 oxidizes. It's like ice. It grows. It doesn't
4 shrink.

5 And when they do tests to find out how
6 thick the walls are, they could be in fact testing
7 outside wall to outside wall, and what's in between
8 could be a big rusted void.

9 We've seen it many times. We see a
10 building where there's a lintel over a window, where
11 it's masonry, and the steel's expanded and blowing
12 itself right out of the building. But that's an
13 obvious case.

14 This is not an obvious case, and it's very
15 hard to decipher how far along it is in its
16 deterioration. Also, again, like a bath tub ring,
17 except one that rises and falls with the tide. You
18 have an oxidation range that's very, very active when
19 it's wet, and then it's dry, and it's wet and it's
20 dry, as it goes up and down.

21 And also, the encapsulated part won't show
22 that it's failing. It'll start breaking up and it'll
23 start falling apart, and there's nothing that can be
24 done about it. And then people can't even get to it,
25 to see it. And that's one of the biggest problems

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1 that we have here, since there's no recognition of how
2 severe something could possibly be, after all these
3 years of submersion, number one, and corrosion, active
4 corrosion activity. And nobody's been able to answer
5 that question at this point.

6 It's basically like there's an area of
7 perforation right around that containment vessel at
8 the point between high water and low water, where it
9 keeps active through the whole time, as the tide rises
10 and falls, and nobody seems to be able to answer any
11 of the questions regarding these situations, nor has
12 it even been really raised or addressed, and that's a
13 very critical factor because we know it's leaking, in
14 some form.

15 So where is it leaking from? And concrete
16 doesn't give itself up as far as where that little
17 leak is coming from, and so you have a situation where
18 it could be leaking and seeping, and leaking and
19 seeping from many, many places underneath that
20 concrete, and it couldn't even be found, probably, if
21 you dug the whole thing up, because it's not the kind
22 of thing that shows itself on the surface. It's a
23 very insipid kind of a situation. It's kind of like
24 formaldehyde in a building. It was built into all the
25 products. It was killing you while you were standing

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1 there, which we might be right now.

2 It's the same kind of a thing. You know,
3 it's not easy to decipher what those exact factors
4 are, or where they are, but it has to be looked for,
5 and it should be recognized that it's a very serious
6 problem. Thank you.

7 JUDGE HAWKINS: Thank you, Mr. Weeks.

8 Ms. Clare Winter. Ms. Cathy Sims is on
9 deck.

10 MS. WINTER: Good evening, everyone. My
11 name is Clare Winter. Thank you for listening to us.
12 If AmerGen and the NRC have not done it thus far, and
13 if they are still unable to safely transport and store
14 all the nuclear waste produced in this country, in a
15 safe, permanent repository, why are these companies
16 still willing to build up more and more waste and thus
17 jeopardize the nation's health and safety? My
18 question is: Will we ultimately have to store this
19 waste in everyone's back yards, in the future? Thank
20 you.

21 JUDGE HAWKINS: Thank you.

22 Ms. Sims, and Mr. Andre Brown is on deck.

23 MS. SIMS: Hi. My name is Cathy Sims and
24 I've been following a lot of the issues that have been
25 in the newspapers for many, many years. That none of

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1 it makes sense to me today, why we're even considering
2 relicensing this plant for another 20 years. They
3 don't know what the corrosion level is. They know
4 that it could be extremely dangerous. It could be a
5 huge catastrophe. We know what happened at Chernobyl,
6 which is nowhere near a significant economic place as
7 we are here in Ocean County.

8 It's absolutely ridiculous, why we need
9 this plant to be open, when it's only supplying less
10 than, definitely less than 10 percent, some people say
11 only 2 percent of the electricity on the grid. But
12 even if it was 10 percent, there are things that every
13 average household can do right now, today, in New
14 Jersey, to save 15 to 30 percent of their energy by
15 doing some basic and modern energy efficiency upgrades
16 to their homes.

17 And there are solar energy, renewable
18 energy replacements that can supply the energy that,
19 any additional energy that we may need in this State
20 of New Jersey.

21 We've already got the infrastructure in
22 place. In fact, right now, there are hundreds and
23 hundreds of businesses that are on waiting lists, that
24 have been waiting almost two years to get solar, that
25 want solar, that want to put money into solar.

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1 But the state program has put them on a
2 waiting list for almost two years, and I don't
3 understand why, when we want the energy, it's
4 available, we have clean energy, and we can do energy
5 efficiency to make up any of the deficiency that would
6 happen if Oyster Creek were to shut down today.

7 Now I have another question that I never
8 got answered. Back in August of 05, the plant had to
9 partially shut down immediately because of a large
10 algae and seaweed clump that clogged one of the intake
11 valves, and they never explained how that happened.
12 So I'm wondering if you're even considering that. Was
13 just some unexpected thing that happened in the middle
14 of the summer, that caused a partial shutdown. And
15 there was another problem that resulted from that,
16 which was that the management at Oyster Creek failed
17 to alert the emergency system that was in place.

18 They didn't do what they were supposed to
19 do in case there was a problem. They would have lost,
20 who knows how many hours of time, to get at least some
21 people out. Thank you.

22 JUDGE HAWKINS: Thank you.

23 Andrew Brown, to be followed by Mr. David
24 Sims.

25 MR. BROWN: Good evening. My name is

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1 Andrew Brown, and I am a resident of Toms River and an
2 electrical engineer by trade. As a member of the
3 North American Young Generation in Nuclear, I would
4 like to thank everyone for coming here today.

5 I think this public meeting exemplifies
6 the best of our democratic process at work.

7 Also as a member of the North American
8 Young Generation in Nuclear, I would like to voice our
9 support for the renewal license of Oyster Creek. We
10 believe that the licensee has demonstrated its ability
11 to operate the plant safely, reliably, and securely.
12 We are confident in the ability of its management to
13 ensure the plant complies with the regulatory
14 requirements, and its operators to ensure that the
15 plant is run smoothly, and its maintenance
16 organization to ensure that the components are also
17 operating smoothly, and its engineers to ensure that
18 the plant meets its design basis.

19 We look forward to continuing to
20 participate in the public process as young members of
21 NAYGN, and we thank everyone for participating in the
22 meeting, and thank you very much for allowing me to
23 speak. Thank you.

24 JUDGE HAWKINS: Thank you, Mr. Brown.

25 Mr. Sims, to be followed by Mr. Greg

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1 Aurienma.

2 MR. SIMS: Good evening, ladies and
3 gentlemen. My name is David Sims, and I install solar
4 systems for a living, that's what I do, and although
5 I think that it's probably a lot less safe to drive a
6 car than it is to operate a nuclear plant, when you
7 operate a car and get into an accident, the entire
8 region isn't destroyed by it, as what happened in the
9 Ukraine when Chernobyl acted up.

10 If that happened, nobody'd have a car.
11 And what we're talking about is a thing called an
12 accident, and they call it an accident because it's an
13 accident. People don't plan them, and it doesn't take
14 much to completely destroy -- I don't know -- most of
15 Central Jersey, it seems like, if something actually
16 did happen.

17 And we're really talking about something
18 that is just not appropriate to guess at, and not that
19 I'm implying that you guys are guessing at anything.
20 Okay? I know you've got all the top experts giving
21 you all the top opinions.

22 I myself, I'm just a technician, and I
23 know that solar energy could do a lot for the state,
24 but it's just not being pushed enough by the state.
25 There are still restrictive zoning ordinances. All of

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1 the senior citizen communities, the gentleman so
2 proudly lives in, have ordinances against solar
3 systems still. Wind projects are the same thing.

4 It's nearly impossible to get a permit for
5 wind. Hopefully, all that will change when the
6 governor comes out with his new energy master plan,
7 but it's not happening yet.

8 I think the facts aren't going to do it,
9 but I know that you judges have a way of seeing
10 through the stuff people "lay on you," and making
11 decisions based on, I think something beyond the
12 facts, which is, you know, the truth, which is any
13 accident of a nuclear sort is just simply going to be
14 a real problem. So I hope you'll take that into
15 consideration more than any fancy pictures that
16 AmerGen is going to draw, and has drawn, and, you
17 know, you'll just not risk the future of the whole
18 country, because I think that the Soviet Union almost
19 completely dismantled itself when Chernobyl went down.

20 It was a major production center, as is
21 this area of the country. So good luck.

22 JUDGE HAWKINS: Thank you.

23 Greg Auriemma, to be followed by Nancy
24 Eriksen.

25 MR. AURIEMMA: Thank you so much for the

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1 opportunity to speak before you. My name is Greg
2 Auriemma. I live within a 50 mile radius of the
3 Oyster Creek plant in Bricktown. I want to categorize
4 my comments into two sections. First of all, the
5 procedure that is being followed tonight, which I
6 vehemently object to.

7 I'm here tonight as a private citizen who
8 lives within an area that could certainly be impacted
9 by any incident at Oyster Creek. At the same time, I
10 am somewhat nonplussed and frustrated by the fact that
11 I am not allowed to speak on behalf of my
12 organization.

13 The First Amendment gives us the right to
14 speak, it also gives us the right to organize, and,
15 you know, not allowing us to speak on behalf of our
16 respective organization I deem to be a lobotomization
17 of democracy.

18 It's kind of like giving the British an
19 opportunity to give a checklist, who's going to
20 participate on the tea party in Boston.

21 So in that respect, I vehemently dissent.

22 In terms of the merits, I think that the
23 debate on Oyster Creek has kind of culled itself into
24 three main issues, perhaps four. The first is the
25 drywell, which came within 1/16th of tolerance. That

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1 is akin to playing Russian roulette with not only my
2 life, but the lives of tens of thousands of residents
3 in Ocean County.

4 Now if we're going to say, well, let's put
5 some additional safeguards in here. Well, they can't
6 even -- when I say "they," meaning Oyster Creek -- and
7 the employers keep buckets handy for examination. Do
8 we really want to entrust the lives of tens of
9 thousands of people for an organization, a corporation
10 that does not even keep buckets available for
11 inspection?

12 The second issue I think which has become
13 most salient is the impact upon marine life. I
14 believe that based upon the Second Circuit decision --
15 and I am an attorney, that clearly, Oyster Creek has
16 to comply with employing the secondary cooling towers
17 that would stop the mass destruction of marine life in
18 Barnegat Bay, and this august body should abide by
19 that decision.

20 The third thing is that the Ninth Circuit
21 has recently ruled that the NRC should take into
22 account the impact of a terrorist attack on those type
23 of facilities.

24 We now have nuclear waste piled close to
25 70, 75 feet in the air. Please don't tell me that

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1 that would not be a target for a potential terrorist.
2 And again, according to the law, as enunciated by the
3 Ninth Circuit, this issue that has to be addressed,
4 that AmerGen and Exelon have not addressed, they're
5 ignoring those issues, they're ignoring the Second
6 Circuit decision, and it has to be something that has
7 to be taken to serious discussion in terms of the
8 ultimate decision that the NRC has to make. And I
9 hope you will take those comments into serious
10 consideration. Thank you.

11 JUDGE HAWKINS: Thank you.

12 Nancy Eriksen.

13 MS. ERIKSEN: I'm Nancy Eriksen from
14 Forked River. I'm on the board of directors of United
15 Way of Ocean County, and I'm here to speak on behalf
16 of Anu Gupta who is the executive director of United
17 way of Ocean County.

18 As of this date, Oyster Creek has raised
19 about \$1.5 million for United Way of Ocean County.
20 Oyster Creek staffs various committees which are vital
21 to the business health of United Way of Ocean County.

22 Oyster Creek allows its employees to
23 belong to the United Way board of directors,
24 obviously, and one of their employees, Phil Scallon,
25 is the president of the board of directors.

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1 Throughout the year, Oyster Creek donates
2 thousands of hours, and thousands of dollars, to
3 United Way of Ocean County, to all their activities,
4 whether it be fund-raisers or various charities.

5 Oyster Creek is a backbone support of
6 United Way of Ocean County. It provides at least 14
7 percent of the annual goal for United Way of Ocean
8 County. They are an invaluable asset to Ocean County
9 and United Way of Ocean County would be in dire
10 straits without Oyster Creek, without their support.

11 Thank you for the opportunity to speak
12 tonight.

13 JUDGE HAWKINS: Thank you very much.

14 I have a Marianne Clemente who's asked to
15 speak. I believe we heard from her already, but
16 seeing as everybody who wanted to speak this evening,
17 for the first time, has had the opportunity, Ms.
18 Clemente wanted to speak a second time and share her
19 views with you, and we have no objection to that.

20 MS. CLEMENTE: Thank you. I guess I
21 really have to thank you for allowing me to speak
22 tonight, because this is the third time that I've
23 gotten to speak. My name is Marianne Clemente from
24 Barnegat. I'm fairly close to the Oyster Creek plant.
25 I am going to, Judge Hawkins, going back to the

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1 question I left you with in the earlier session, about
2 the purpose of this hearing is a limited appearance
3 hearing, and when I asked whether you were going to
4 take into consideration things that people say in your
5 deliberations, you indicated that that wasn't the
6 purpose.

7 But then, beginning today, this evening,
8 you had said that what is being said here would be
9 helpful to you in your further actions.

10 Now I think I may have heard -- again, I'm
11 not a lawyer. I'm just trying to understand it. I'm
12 the type of person that will ask a million questions
13 until I understand it. So bear with me.

14 You had indicated that this hearing was
15 only related to the containment issues, was those
16 parts of the discussions that people have brought up
17 would be brought into your purview. In other words,
18 what Mr. White has presented and what Mr. Weeks has
19 presented. We're talking very specifically about the
20 containment. Is that part of what you would be
21 including in your purview of -- I'm still confused by
22 what we are all doing here.

23 Is it just here to make us all feel better
24 that we're "getting off some steam?" Is that what the
25 purpose is of this meeting, or I'm still a little

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1 confused. Can you help me be unconfused.

2 JUDGE HAWKINS: I have tried to help you
3 already. I've said what the limits of this proceeding
4 are, and one of the principal limits is it's not an
5 opportunity to engage the judges in a dialogue. This
6 is the second time already that I have been brought
7 into one.

8 I'm going to decline. I've already
9 addressed it twice in the introductory comments, which
10 you heard. I already answered the question once and
11 I will refer you to Mr. Webster, because I'm sure he
12 clearly understands the purpose.

13 MS. CLEMENTE: Okay. And in terms of it's
14 very disconcerting to hear someone get up and speak
15 from United Way in terms of the money that the Oyster
16 Creek helps them raise. Instead of talking about
17 people's lives in this county, they're concerned about
18 the money.

19 JUDGE HAWKINS: Thank you, Ms. Clemente.
20 Is there anyone else who would like to
21 speak orally? I would you to step outside and sign
22 the register and we look forward to your return.

23 MS. COSTANZO: My name is Grace Costanzo.
24 I know I spoke this afternoon, but I would like to
25 address the question that the gentleman had earlier,

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1 regarding why we haven't looked at leaving the spent
2 fuel on site, how dangerous that would be, even if the
3 plant is closed. Okay. We have 40 years of spent
4 fuel on site. It's, as they said earlier, as I said
5 earlier, it's got a life span of, could be millions of
6 years, being deadly radioactive. I'm a little bit
7 nervous because I haven't got anything written.

8 Anyway, spent fuel that's on site now,
9 okay, if, some day in the future, the experts, nuclear
10 experts, come up with a plan to either bury this
11 waste, to safely transport it somewhere, maybe they'll
12 go to the moon -- who knows? -- then what's there now,
13 okay, will take a lot of people to do that.

14 However, if you're going to put another 20
15 years of that deadly radioactive spent fuel on site at
16 400 feet off of Route 9, it's another 20 years of it.
17 We already have tons and tons there now.

18 I mean, what's going to happen? Do we
19 need more nuclear spent fuel on site? I don't think
20 so. So closing this plant would really be the ideal
21 situation for now. Okay. Main Yankee was closed.
22 They have a legacy and they don't like it, but the
23 next how many generations, we don't know. We have a
24 legacy that we're giving to our children, our
25 grandkids, the future generations, of deadly nuclear

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1 fuel right in our back yards.

2 And one of the ladies said, Where are they
3 going to put it, in the back yard? We don't want any
4 more of this fuel. We don't need any more of this
5 fuel. We don't need the plant. We don't need
6 anything from Oyster Creek. We need Oyster Creek to
7 be shut down. That's what we need. Thank you.

8 JUDGE HAWKINS: Thank you, again, Ms.
9 Costanzo.

10 Is there anybody else?

11 Mr. White.

12 MR. WHITE: Thank you.

13 JUDGE HAWKINS: Mr. White, do you think
14 you'll be able to present your comments in four
15 minutes? Would that be enough?

16 MR. WHITE: Thank you; appreciate it.
17 Okay. There's a flaw in the rulemaking that governs
18 the nuclear relicensing, 10 CFR 54. I wondered why
19 red flags were not coming up in the staff's review and
20 the ACRS review with regard to the efficiencies in the
21 Oyster Creek type plant.

22 And I found that flaw in a three letter
23 acronym, CLB, Current Licensing Basis, which in effect
24 is the original licensing basis plus whatever happened
25 in the meantime.

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1 What that means is identifying the current
2 licensing basis as adequate. This allows the staff to
3 miss very obvious things. For instance, special
4 separation of redundant components has been known to
5 be a tremendous risk reducer.

6 Only became aware as, from, starting with
7 the Browns Ferry fire, and so forth. If you ever know
8 an aged plant with two diesel generators, 100 percent
9 redundant, but adjacent to each other, relying on one
10 oil tank, why would the staff not ask that another
11 diesel be located the other side of the plant to give
12 redundancy.

13 The co-location of merging these
14 generators, without which the lights are out, is
15 extremely deficient for this plant. But the
16 relicensing process, or license renewal process, this
17 is that type of thing.

18 There are other issues in the old
19 generation BWRs that are perhaps more complex, but
20 nonetheless, real problems, and they're being missed
21 in the review process also. I understand that they're
22 beating the limitations of your evaluations and
23 adjudication, but I'm looking for opportunities to
24 bring these things to the forefront, and to life.

25 A second type issue is the core cooling

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1 systems have been improved under the generation of
2 BWR, after the vintage plants of the sixties. What's
3 missing therefore, when the improvements are made,
4 mean that the old generation still requires the
5 reactor coolant pressure to be lowered in the event of
6 a small pipe break in the containment. A large pipe,
7 a small pipe break, the pressure has to be lowered.

8 You follow that sequence through, with
9 perhaps an operator miscue, you find echoes of the TMI
10 event very scary. Parallels are just ominous.

11 And therefore, with those parallels, TMI
12 happened from a very simple event -- condensate pump
13 trip. It wasn't even a pipe break. Feedwater
14 isolated. Take it from there to a small pip break in
15 this congested containment. And I've been inside
16 those containments. Believe me, they're congested.
17 A small pipe break is going to do damage to redundant
18 systems.

19 It will not respect the single failure
20 criterion of 10 CFR 50, appendix A, which says we're
21 safe, provided there's only one single failure.

22 Those, and there are many others, but the
23 point is 10 CFR 54, following the GALL Report, muzzles
24 independent assessment and evaluation from the staff
25 and ACRS. CLB is a major problem and a major issue.

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1 Someone needs to get to it before you really have a
2 problem. Thank you very much.

3 JUDGE HAWKINS: Thank you.

4 You may have four minutes as well in the
5 interest of fairness.

6 MS. CAYFORD: I just want to reinforce
7 what Marianne Clemente said. United Way, or a school
8 district, or any such group, is not really having the
9 welfare of citizens, in general, in mind, if they let
10 themselves be used by Oyster Creek.

11 Thank you.

12 JUDGE HAWKINS: Refresh my memory on your
13 name, please.

14 MS. CAYFORD: Laura Cayford.

15 JUDGE HAWKINS: Thank you.

16 Anybody else?

17 If not, the board is grateful for
18 everybody's expression of their viewpoints tonight,
19 they were well-articulated and really an expression of
20 deep convictions and very sincerely held views.

21 We thank you, and this session is now
22 closed. Oh. Judge Abramson would like to say a few
23 words.

24 JUDGE ABRAMSON: Before we close out,
25 there are a couple of things that I think we should

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1 all note. First of all, the vast bulk of the comments
2 we've heard this afternoon and this evening are
3 addressed to matters well outside the control of this
4 judicial body, as some of you have noted.

5 What I would suggest is two things. First
6 of all, there are members of the staff here. For
7 those of you who aren't aware of this, Nuclear
8 Regulatory Commission staff reviews the application.
9 They're the one who I assume will be taking note of
10 your comments, and to the extent that you are
11 concerned that they are not taking note of your
12 comments, I would encourage you to contact the staff,
13 in writing, or contact the Commission, in writing, on
14 those issues you have raised today.

15 Second, to the extent that you're raising
16 policy matters, we don't make policy, and you're
17 wasting your breath on us, but they should be heard by
18 the staff, and they should also be taken up with your
19 elected legislators.

20 And finally, for those of you who have
21 commented about this board muzzling people, we've done
22 no such thing. In fact, what this board has done is
23 stretch the limits of the regulations to allow as many
24 people as possible to comment, narrowing the number
25 who are limited, or restricted from commenting to one

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1 single representative per party.

2 JUDGE HAWKINS: Ms. Wolf reminded me that
3 she did also kindly make a number of copies of the
4 Federal Register, which are outside on the table. So
5 if anybody, after this limited appearance session,
6 remembers something that they wanted to be included in
7 the formal docket of this proceeding, please pick up
8 a copy of that Federal Register and it contains
9 instructions on how to submit a written view.

10 That concludes this session. Thank you
11 very much.

12 [Whereupon, at 8:32 p.m., the public
13 session was concluded]

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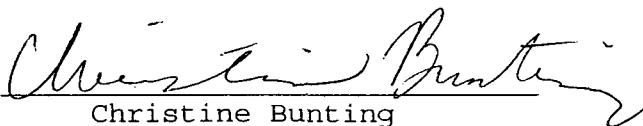
Name of Proceeding: Oyster Creek Nuclear

Limited Appearance

Docket Number: 50-219-LR

Location: Toms River, New Jersey

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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