

**From:** "Allison Fisher" <afisher@citizen.org>  
**To:** <rw@nrc.gov>  
**Date:** 8/6/2007 5:59:03 PM  
**Subject:** Request to postpone August 14th public meeting

August 6, 2007

William Borchardt, Director  
Office of New Reactors  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

**SUBJECT:** Request for Postponement of August 14 meeting on Calvert  
Cliffs

Reactor Application

Dear Mr. Borchardt,

We, the undersigned leaders of national and Maryland-based environmental and public interest organizations, hereby request postponement of the U.S. Nuclear Regulatory Commission (NRC) August 14, 2007 public meeting on the UniStar Nuclear partial license application for a new reactor at the Calvert Cliffs nuclear power plant site. The scheduled meeting is premature and poorly timed because: (1) the NRC has not yet chosen the processes for review of COL applications and, (2) it is summer holiday season when interested public officials and members of the public, including representatives of our environmental organizations, are unable to attend.

As you know, Unistar has submitted the first partial application for a construction permit for a nuclear power plant since the Three Mile Island accident in 1979. In addition, the application is for one of the most highly populated and environmentally sensitive parts of the country, the Chesapeake Bay watershed. Therefore, it is of critical importance to our organizations and our members to attend all relevant meetings regarding Unistar's license application and to be well-informed regarding the NRC's licensing process.

Significantly, the NRC has not made a final decision on the policies that will govern conduct of new reactor licensing proceedings. A draft policy statement remains open for comment through August 10, 2007. That draft policy statement addresses issues pertinent to the UniStar Nuclear application. These are important issues including: (1) the amount of time that will be permitted between the licensee submittal of various parts of the application, and (2) which events will trigger notice of hearing. As the public comment period on the new policy will close only four days prior to the meeting, the Commission cannot issue a final policy statement prior to the meeting. Even if it did so, it is not reasonable to expect that members of the public could apprise themselves of the final decision before the scheduled meeting. Thus, as there will not be a final decision on the policies governing public participation in the process, NRC Staff cannot possibly fulfill the principal purpose of the meeting stated in the hearing notice--"how the public can participate in the process" of COL review.

The meeting is also poorly timed because it falls at the height of the summer holiday season when many interested members of the public, including representatives of our environmental organizations, will be unable to attend. Given the fact that the submittal of a partial license application will not trigger the commencement of any hearing

process, there is no justification for scheduling the meeting during a time when so few members of the public are likely to be able to attend.

In fact, the scheduling of the August 14 meeting is inconsistent with NRC pronouncements regarding the need for efficiency in the COL review process. As the NRC recently acknowledged, timely and effective handling of the workload associated with the large number of COL applications that are anticipated in the next couple of years will require significant staff and resources. Conducting a premature and poorly attended meeting that will undoubtedly require follow-up responses and a possible second meeting would be a waste of staff time and resources. In keeping with its own policies, the NRC should adopt a more efficient approach in its dissemination of information.

We agree with your statement that it is "important" that "the NRC . . . keep the public near Calvert Cliffs well-informed of [the NRC] review and . . . opportunities to participate in the licensing process." Consistent with this stated objective, we request that the NRC reschedule the August 14th meeting until at least thirty (30) days after the Commission decision on the policies governing the hearing process becomes final, and at a time reasonably calculated to maximize public participation in the licensing process.

Sincerely,

Michele Boyd  
Heavner  
Legislative Director  
Public Citizen \* Energy  
Maryland  
Washington, DC

Michael Mariotte  
Executive Director  
Analysts  
Nuclear Information and Resource Service  
Takoma Park, MD

Paul Gunter  
Director of Reactor Oversight  
Beyond Nuclear  
Climate Change  
Takoma Park, MD  
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Claire Douglas  
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**Mail Envelope Properties** (46B7999A.D16 : 23 : 52502)**Subject:** Request to postpone August 14th public meeting**Creation Date** 8/6/2007 5:58:08 PM**From:** "Allison Fisher" <[afisher@citizen.org](mailto:afisher@citizen.org)>**Created By:** [afisher@citizen.org](mailto:afisher@citizen.org)**Recipients**

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OWGWPO01.HQGWDO01

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Significantly, the NRC has not made a final decision on the policies that will govern conduct of new reactor licensing proceedings. A draft policy statement remains open for comment through August 10, 2007. That draft policy statement addresses issues pertinent to the UniStar Nuclear application. These are important issues including: (1) the amount of time that will be permitted between the licensee submittal of various parts of the application, and (2) which events will trigger notice of hearing. As the public comment period on the new policy will close only four days prior to the meeting, the Commission cannot issue a final policy statement prior to the meeting. Even if it did so, it is not reasonable to expect that members of the public could apprise themselves of the final decision before the scheduled meeting. Thus, as there will not be a final decision on the policies governing public participation in the process, NRC Staff cannot possibly fulfill the principal purpose of the meeting stated in the hearing notice--"how the public can participate in the process" of COL review.

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**Deleted:** The NRC's draft policy does not allow consideration of Unistar's environmental report in a piecemeal hearing, and therefore no hearing is imminent. In addition, the application – which is thousands of pages long – has not been docketed. Thus, it is not clear whether the application is in a state that the NRC staff can even begin its technical review. ¶

We agree with your statement that it is “important” that “the NRC . . . keep the public near Calvert Cliffs well-informed of [the NRC] review and . . . opportunities to participate in the licensing process.” Consistent with this stated objective, we request that the NRC reschedule the August 14th meeting until at least thirty (30) days after the Commission decision on the policies governing the hearing process becomes final, and at a time reasonably calculated to maximize public participation in the licensing process.

Sincerely,

Michele Boyd  
Legislative Director  
Public Citizen – Energy  
Washington, DC

Brad Heavner  
State Director  
Environment Maryland  
Annapolis, MD

Michael Mariotte  
Executive Director  
Nuclear Information and Resource Service  
Takoma Park, MD

Jim Riccio  
Nuclear Policy Analysts  
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Cove Point Natural Heritage Trust  
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**Deleted:** Andy Fellows

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Norma Powers  
Member-Sierra Club Executive Committee  
Southern Maryland Sierra Club  
Dowell, MD

Diane Curran  
Harmon, Curran, Spielberg &  
Eisenberg, LLP  
Washington, DC

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Cc: NRC Commissioners