

Official Transcript of Proceedings
NUCLEAR REGULATORY COMMISSION

Title: Public Comment Meeting on Revised Sections
of the Environmental Standard Review Plan

Docket Number: (n/a)

Location: Rockville, Maryland

Date: Thursday, August 9, 2007

Work Order No.: NRC-1717

Pages 1-65

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UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

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PUBLIC COMMENT MEETING ON REVISED SECTIONS OF THE
ENVIRONMENTAL STANDARD REVIEW PLAN

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THURSDAY,

AUGUST 9, 2007

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The Public Comment Meeting commenced at
1:21 p.m. in the NRC Headquarters Auditorium, 11545
Rockville Pike, Rockville, MD 20852, Mr. Andrew J.
Kugler, Moderator, presiding.

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

1
2 MODERATOR KUGLER: Thank you for coming
3 today. As most of you know, my name is Andrew Kugler.
4 I'm a Senior Environmental Project Manager in the
5 Office of New Reactors, and I'm leading the project to
6 update the Environmental Standard Review Plans.

7 This meeting today is to talk a bit about
8 the high-priority plans that we've published for use
9 and comment.

10 One of the first things I want to
11 emphasize is, this meeting is not the end of the road.
12 This meeting is an opportunity for you to give us
13 comments, an opportunity for us to provide you with
14 some information about the Environmental Standard
15 Review Plan Update, but right now we'll be open for
16 comments on these until the 14th of September, and
17 I've already received a request that we consider
18 holding a meeting some time after that to talk about
19 what comes out of those comments and what we plan to
20 do with them. So, that's something we'll need to
21 consider.

22 But, this meeting is not your last chance,
23 if you have -- if you'd like to comment on these
24 standard review plans, you'll be able to do so
25 afterwards.

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1 The first thing I'd like to do is ask
2 people to silence their cell phones and pagers, and
3 I'll do the same, just so that these aren't going off
4 in the middle of our meeting. Mine probably wouldn't
5 anyway, because I'm getting no signal, but it can't
6 hurt.

7 In terms of some other administrative
8 things, in case you don't know the restrooms are
9 directly opposite the auditorium, beyond the stairs,
10 if you need to use the restrooms. There's also water
11 fountains over there.

12 The unescorted areas of the building, if
13 you are not familiar with it, this whole area around
14 the auditorium and outside is unescorted, and the
15 lobby level is unescorted. If you needed to go
16 anywhere else, or if you find yourself somewhere else
17 somehow, you need to be escorted, so just keep that in
18 mind.

19 In terms of our meeting format, it's
20 fairly simple today. I'm just going to -- I'm going
21 to give you a presentation. I was asked by NEI to
22 provide you with some information on some of the
23 changes we made, so I've added that information into
24 what I'll present, and once I'm done that we'll have
25 some time for questions, and then, obviously, for

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1 comments as well. Most of the time should be for you
2 to ask questions or make comments.

3 The meeting will be transcribed. We have
4 James over here who will be doing that, so I need to
5 ask that anything you want to say be done to a
6 microphone, either the mic over here on my right of
7 the podium, or I do have a mobile mic here that we can
8 bring out there.

9 Also, when you do speak, please identify
10 yourself by name and by your affiliation, so we know
11 who you are, and make sure that we only have one
12 person speaking at a time, in order to get a clean
13 transcript.

14 We will, of course, include the transcript
15 as part of our meeting summary, so you'll have an
16 opportunity to see what everybody said, and you don't
17 have to worry about scribbling everything down real
18 fast, which is usually what I'm doing.

19 In terms of questions you may have, I will
20 answer questions to the extent that I can. I didn't
21 write all these sections, we had a number of people
22 working on them, and we don't have a lot of those
23 people here, because a lot of them are on the West
24 Coast, but I will answer to the extent that I can,
25 because I was involved at some point or another in

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1 most sections. If I can't answer your question, we'll
2 take that as a question to consider as we are working
3 on the updates.

4 Hopefully, you all have a copy of the
5 agenda. You should also have a meeting feedback form,
6 if you picked one up out front. If you didn't, and
7 you wish to fill one out later, they will still be
8 back there, for those feedback forms do help us to
9 improve our meetings. So, I'd appreciate it if you
10 would fill one out.

11 And, in terms of the copies that I've put
12 in the back, we made 50 copies of the sections that I
13 figured were most critical. I didn't make copies of
14 everything that we updated, because I felt a lot of
15 people would be bringing copies anyway, but these
16 copies are identical to the ones that were being put
17 up on the web and being sent out to some folks
18 directly, so they are no different than what you would
19 have already seen.

20 For the agenda, fairly simple, I'm going
21 to talk about why we were doing this update, talk
22 about the process that we are using for it, go over
23 some of the more significant changes in some of the
24 sections, and then talk about what we are going to be
25 doing next.

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1 I'd prefer, I think, in order to be fairly
2 quick about things, that we hold questions until I'm
3 done my presentation as a whole, rather than stopping
4 along the way repeatedly. I think that will work a
5 little better.

6 Okay, so why are we doing the update?
7 Well, the first thing I want to say is that the ESRP
8 wasn't broken, it wasn't something -- it wasn't a
9 situation where we couldn't use it for licensing, in
10 fact, we've been using them for the early site
11 permits, but we knew there was room for improvement in
12 a number of areas. Some of it was coming from lessons
13 we had learned from the early site permits, and in
14 some cases we knew of changes in laws and regulations
15 that affected our reviews, and there were some other
16 cases where we just haven't used these sections in
17 decades. Good examples are things like need for power
18 and cost benefit. We haven't had to do that. So, we
19 weren't certain how good they were, we thought they
20 were probably in fairly good shape, but we wanted to
21 go through those sections, because they are critical
22 to the review, and we haven't used them.

23 So, that's the sorts of things that we
24 included, as we were looking for ways to improve or
25 places where we might need to improve.

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1 In terms of the process, one of the first
2 things we did was, we sat down or went out to
3 experienced staff, both here and at the Pacific
4 Northwest National Lab, and said, all right, what do
5 we know about, what issues are we already aware of
6 that we need to address. So, we gathered a lot of
7 information that way.

8 We went ahead and looked at recent changes
9 in laws and regulations, to make sure we were aware of
10 everything we should be aware of, and to incorporate
11 those changes.

12 We looked at the lessons we had learned
13 from the early site permits, and worked to incorporate
14 those.

15 We also identified some generic changes,
16 and some of these generic changes, if you were
17 involved with the Safety Review Plan, the standard
18 review plan for the safety review, are very similar to
19 a lot of what they were doing. There were things
20 like, you know, the big footnote at the bottom of the
21 first page, it was a complete rewrite of that. We
22 took out listing the specific branches that had
23 ownership, because by the time you publish it the
24 reorg has changed that branch name again, so we were
25 tired of doing that. We added an OMB statement, and

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1 there were some other odds and ends in there. We took
2 out references that indicated that this was
3 specifically for the Office of Nuclear Reactor
4 Regulation, because now we have two offices using this
5 ESRP.

6 So, those were how we went about figuring
7 out what we might need to change.

8 The next thing we did was, try and
9 determine, okay, what priorities should we put these
10 into. We knew we couldn't do them all at once - which
11 ones were most important. And, we looked at a number
12 of factors. We looked for sections that we knew had
13 problems, from experience. We put those in high
14 priority. We looked for sections that maybe we
15 haven't had any problems with them, but they were
16 always at the heart of what we are doing, things like
17 alternatives, the need for power, these are going to
18 be at the core of what we end up doing. So, even if we
19 think they are okay, let's go back and look at them
20 now and make sure they are okay.

21 We then, using that information, divided
22 the sections up into, basically, four groups. There's
23 high-priority environmental standard review plan
24 sections. These are what we are talking about today.
25 There's a group of moderate priorities, low

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1 priorities, and then there's a group that we said, you
2 know what, these don't need to be changed, they are
3 fine the way they are. The only thing that will be
4 done to them will be to make those generic changes
5 that I was talking about.

6 After we had done that, we went to work on
7 the high-priority sections. We drafted revisions to
8 them, went through a review process internally. Of
9 course, we went through the Office of General Counsel
10 as well, let them review them and comment on them, and
11 made changes, and those are the versions that were
12 published for use and comment.

13 So, that's what we've done so far.

14 In terms of what's going to come next,
15 I'll talk about that at the end, rather than now, but
16 I just wanted to describe what we have been doing so
17 far.

18 Okay, so I'm going to try and be brief,
19 going through some of the more significant changes
20 that we made in these various sections, and I'll try
21 and take them, more or less, in order that they appear
22 in the NUREG.

23 As you are probably aware, these are up on
24 the web page now, you can access them if you go in
25 under NUREG 1555, which is the Environmental Standard

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1 Review Plan, you can pull up the individual sections
2 we've updated.

3 Eventually, you'll be in a position to be
4 able to pull up individual sections of the old
5 sections. We haven't quite broken it down like that
6 yet. So, right now, either you pull up the entire old
7 Environmental Standard Review Plan, or you can pull up
8 individual sections that have been revised.

9 In the revised sections, they are drafts
10 for use and comment. The most significant changes are
11 highlighted, to try and make it a little easier for
12 you to identify where the major things are. There
13 were a lot of other changes that were made that just
14 didn't rise to that level.

15 For the introduction, the front section of
16 the ESRP, there is an introduction ESRP that lays a
17 lot of the ground work, and a lot of what is discussed
18 in that section applies to all of the sections in the
19 NUREG. So, that's -- it's really a critical section,
20 and it's a very important one for you to review,
21 because it does lay all that ground work out.

22 There are really only two major changes we
23 made there, and, really, I'd say one of them was
24 really major, and that was, we added a whole section
25 on new and significant information. Now, we've

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1 actually got that even broken up into two parts. One
2 is a general discussion of how we manage new and
3 significant information, how we apply it, and then
4 there's a sub-section that goes specifically into
5 discussing it in the context of a combined license
6 application, referencing an early site permit.

7 The reason it's done that way is that, the
8 concept of new and significant information does not
9 only apply to that approach, to an early site permit
10 leading to a combined license, new and significant can
11 be used for any sort of information from a previous
12 review that we wish to use. We can go back and pull
13 up a construction permit environmental review, and if
14 the information is still valid we can use that, but we
15 do have to make that determination that the
16 information is still valid.

17 And you, as applicants, if you want to use
18 older information one of the things we'll be looking
19 for is that you have established that bridge showing
20 that this information that was maybe 20 years old is
21 still valid today or still useable in some form.

22 So, that's the reason it's set up the way
23 it is, it will be applied to things other than
24 combined licenses and early site permits, but we do
25 then go through and explain that specific case in a

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1 little more detail.

2 The other thing we added into that section
3 was a brief bit of guidance regarding a 60-day
4 sufficiency review. We haven't worked out all of the
5 guidance for that type of sufficiency review yet, that
6 is in the works, and that guidance will be separate
7 from the Environmental Standard Review Plan. It will
8 actually cover both safety and environmental
9 acceptance. My understanding is that, once that
10 guidance is final, and it is still in the works right
11 now, that it will be made public, so you should be
12 seeing that coming out at some point soon.

13 So, those are the two main changes in the
14 introduction.

15 The Environmental Standard Review Plan
16 3.8, I want to mention just briefly because people may
17 be a little confused about what we did there. The way
18 the old version of this was written, it included both
19 a description of basic information to support the
20 review, this is for transportation of fuel, and the
21 analysis of the impacts of that transportation. Well,
22 that's not what Chapter 3 is for, Chapter 3 is a
23 purely descriptive chapter. If we are going to talk
24 about the impacts of transporting fuel, that should be
25 in Chapter 5. So, what we did was, we broke out the

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1 analysis portion and we created a new ESRP, 5.7.2.
2 So, when you see that section, that's why we had a new
3 section, the information in 5.7.2 used to reside in
4 3.8, but it really didn't belong there. So,
5 technically, we didn't really make any changes
6 technically, it was just really an organizational
7 change.

8 Okay. There are a number of sections
9 related to transmission lines, four of them are listed
10 here. We made a number of changes to try and deal
11 with some of the issues we are aware of on
12 transmission lines. In all honesty, I don't think
13 either the industry or we have figured out how to deal
14 with all of these issues, we are still working on
15 that, but we tried to address what we could.

16 One of the things we did in all these
17 sections is talk about the issue of transmission lines
18 that are not owned by the company that is the
19 applicant for a license or permit. This is going to
20 be much more common today. Most companies probably
21 will not own the transmission lines, although in a lot
22 of cases it may be owned by a mother company that that
23 power company is a part of.

24 However, there will be some situations in
25 which there is no relationship whatsoever between the

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1 transmission company and the power generating company,
2 so we are trying to accommodate that as best we can in
3 these ESRPs.

4 In Chapter 9, in 9.4.3, we also tried to
5 focus that section more on transmission line routing.
6 In the old version, it talked about routing, but also
7 had a lot of discussion about reviewing the design of
8 the transmission lines, the towers, the lines
9 themselves, things like that. We didn't feel that
10 that was really an area that was of a lot of value, in
11 terms of our review time, because the impacts to the
12 environment of the tower design are pretty limited,
13 but the impacts of the routing of the transmission
14 line are critical.

15 So, the focus of this ESRP has been
16 shifted to really just the routing portion of the
17 transmission system.

18 Now, this, as I've mentioned, this is an
19 area that I don't feel that we really have all the
20 answers to yet, so this is certainly an area which we
21 would welcome a lot of comments from industry, in
22 terms of your views on what can be done, when it can
23 be done, options for carrying it out.

24 One thing I would like to point out, I'm
25 not sure everybody understands why we are looking at

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1 transmission lines. We don't license them. We are
2 licensing a power plant, so what do we care? But,
3 underneath we have to look at the whole project. The
4 transmission line is interdependent with the building
5 of the plant. You are not going to build a
6 transmission line if you don't build a plant, and you
7 are not going to build a plant and not have any
8 transmission lines to get the power out. They are
9 inseparable. So, even though we don't authorize the
10 transmission lines, we must include the impacts of
11 those lines in our review. So, that's why we still
12 have that in our review standard, and what we are
13 trying to work with is, okay, now that we know,
14 everybody, hopefully, understands why we have to
15 address it, now we need to figure out how we are going
16 to do it, because I know in a lot of cases the power
17 -- or the company that's applying for the license to
18 build a plant is not in the position to tell us yet
19 what the route may be, it hasn't been decided. So, we
20 need to figure that out.

21 I will tell you, one of the plants, and we
22 looked at the final environmental statement for the
23 construction of the original plant that was an
24 existing plant at the site, and trying to figure out,
25 well, what did they do 30 years ago, and the answer,

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1 in at least that final environmental statement, was
2 that they had to do transmission line routing at the
3 time they did the review for the construction permit.
4 So, things have probably changed a lot, maybe back
5 then it was easier to do that, to determine your
6 routing early, and you didn't care that you were going
7 to lay out money for that early, and in today's world
8 you don't really want to do that, but somehow we are
9 going to have to work through these issues and find a
10 way to address the concerns of industry, and at the
11 same time allow the staff to perform its required
12 review of the environmental impacts.

13 One other thing I'll point out, in terms
14 of the problems we run into reviewing transmission
15 lines, part of it is writing the Environmental Impact
16 Statement, but that's not all that we have to deal
17 with. We also have requirements placed on us to
18 consult with some agencies regarding some of the
19 environmental impacts we deal with.

20 For example, Endangered Species Act
21 requires us to consult with Fish and Wildlife, or
22 Marine Fisheries. Well, we might be able to estimate
23 impacts for the Environmental Impact Statement just
24 based on it will be somewhere around this county, we
25 don't know exactly where. But, when we go to Fish and

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1 Wildlife or Marine Fisheries, we can't really function
2 that way very well. We go to Marine Fisheries and
3 say, well, it's going to go through there somewhere,
4 but we don't know where. They are going to say, well
5 then, you are not ready to consult with us, you don't
6 have the information yet.

7 So, that's one of the tougher nuts to
8 crack I think, in terms of dealing with these issues.
9 I just want to make sure folks were aware of that.

10 Changes related to ecological resources,
11 I won't spend a lot of time on this one. Mostly, this
12 was clarifications, because the changes we were making
13 reflect the way we've been doing our reviews in the
14 recent Environmental Impact Statements that we've been
15 working on. They reflect laws that have been enacted
16 since the last time the ESRP was updated.

17 So, it's not a dramatic change in terms of
18 what we actually do, but it is a change in terms of
19 documenting that in the Environmental Standard Review
20 Plan and making clear what we intend to do.

21 We've added a couple of new Environmental
22 Standard Review Plans, 4.7 and 5.11. These plans are
23 to evaluate the cumulative effects of construction and
24 operation, respectively. We've been doing cumulative
25 impacts in the recent reviews, and so in that regard

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1 this isn't new, but it's new in terms of being
2 documented in one place in the Environmental Standard
3 Review Plan.

4 In the past, there have been some sections
5 of the Environmental Review Plan that had some
6 information of cumulative impacts, but now we've
7 pulled it all together in one place, one for
8 construction, one for operation, to make clear what we
9 intend to do.

10 As a new Environmental Standard Review
11 Plan, again, we would certainly welcome comments and
12 views from other stakeholders as to whether we hit the
13 mark with what we've prepared. They are both fairly
14 brief right now. I don't know if they make require
15 changes, as we learn more about addressing cumulative
16 impacts, because I think, again, it's an area we are
17 working toward doing a better job than we have in the
18 past. So, there may be changes in the future, as we
19 learn a bit more, but this reflects what we have been
20 doing so far.

21 One other thing I want to mention -- well,
22 first, back on those, on cumulative impacts, some of
23 the challenges in addressing cumulative impacts, first
24 of all, you have to look at past, present and
25 reasonably foreseeable actions that impact the same

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1 resource. Some of the challenges in the areas in
2 which you may want to take a look at and give us
3 comments, what's reasonably foreseeable? What does
4 that mean?

5 \ There is some guidance out there, CEQ,
6 Council on Environmental Quality has guidance out
7 there, but that's an aspect that certainly is worth
8 looking at. And, the other is, where is your
9 geographic boundary for your analysis?

10 Unlike a lot of the other work we do,
11 where we'll use kind of a set boundary for everything,
12 for cumulative impacts your boundaries should be set
13 based on the resource you are looking at. So, for
14 instance, if you are looking at impacts to hydrology,
15 you are going to set your boundary based on the
16 watershed. What's going on within that whole
17 watershed?

18 I know, for instance, some of the power
19 plants in New York struggle to go through and
20 evaluate, okay, I'm building a power plant on the
21 Hudson River, who else is affecting the Hudson River?
22 Well, that's a long river, with a lot of plants on it,
23 so when you start looking at cumulative effects it can
24 get quite challenging.

25 So, geographic boundaries is another issue

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1 to consider as you are looking at these.

2 The one other thing I want to mention is,
3 we started working on another new plan, new ESRP
4 section, for site redress plans. We had not, prior to
5 this, had any guidance on how to review a site redress
6 plan. But, we put it on hold for the time being,
7 because of the rulemaking related to limited work
8 authorizations. Until that rulemaking is final, it
9 really didn't make sense for us to develop it, develop
10 this Environmental Standard Review Plan. It was
11 originally drafted based on the old rule, and we know
12 the new rule is going to change things significantly,
13 so we are putting that one on hold until the rule is
14 final.

15 With respect to severe accidents, we did
16 do a number of updates in Section 7.2 and 7.3. Similar
17 to what I said about the ecological review plans, most
18 of those changes really just document what it is we've
19 been doing. They clean up some of the differences or
20 things that have changed over time, as we've adapted
21 to the needs of the early site permits and combined
22 licenses. So, I don't think you'll find anything in
23 there that folks who deal with severe accidents are
24 going to find significantly different than what they
25 are used to, but do take a look at those.

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1 Some of the other changes were to help
2 avoid some confusion, regarding what we expect and to
3 clarify the relationship between our review and the
4 review that's done for the safety side in the Safety
5 Evaluation Report.

6 Chapter 8, this is need for power. We
7 worked on all five sections in Chapter 8, but I think
8 if you look at it you'll find that the changes are not
9 real dramatic. We did try to address the current
10 deregulation mode that the power industry is dealing
11 with, because there are situations in which in the
12 past if you had a service area it was pretty easy to
13 determine whether you had a need for power. After
14 all, you could project what was going on inside that
15 service area.

16 But, when we first deal with a true
17 merchant plan, where there is no service area at all,
18 where their power might be going anywhere, that's
19 going to be a little challenging to deal with. And,
20 we've tried to speak to those issues in the updates
21 that we've made to Chapter 8.

22 Obviously, as I talked about earlier,
23 another feature of deregulation is that the power
24 generator is not the owner of the transmission lines,
25 so we tried to accommodate that change, and we've also

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1 talked a bit more about the relationship with other
2 organizations that are involved with the grid, grid
3 reliability, and need for power, such as North
4 American Reliability Council.

5 Because we have not really gotten a chance
6 to exercise the need for power analysis, Vogtle's
7 early site permit, is the first one we are working on.
8 This is another section where certainly other
9 viewpoints would help us to make sure that we are on
10 the mark, or to see where maybe we've missed the mark.

11 The Environmental Standard Review Plans
12 under Section 9.2 relate to energy alternatives, and
13 there are three sections, one is for alternatives that
14 don't require new generation, one is for alternatives
15 that do require new generation, and 9.2.3 pulls that
16 all together.

17 There were three specific changes that we
18 made. One is, we made changes to accommodate the fact
19 that if there's an applicant for an early site permit
20 they can choose whether or not they address energy
21 alternatives. So, the Environmental Standard Review
22 Plan has to reflect that if energy alternatives are
23 not addressed under an early site permit, then we
24 don't address it in our Environmental Impact
25 Statement.

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1 In addition, we added some guidance
2 related to the option of energy conservation for a
3 merchant plant, for a true merchant plant. There was
4 a Commission decision related to the Exelon early site
5 permit. This is CLI-05-29, that addressed this issue,
6 and so we've incorporated that information into the
7 ESRP.

8 And finally, this will probably sound
9 strange in a way, but in Section 9.2.3, we modified it
10 to make it clear that when we do compare alternative
11 energies we only compare those that are competitive.
12 Maybe in hindsight that should have been obvious, and
13 we should have had it in there all along, but this is
14 a change that we have made to make that very clear,
15 that we are not going to be talking any further once
16 we determine that an alternative is not competitive,
17 we are done with it, we don't talk about it beyond
18 that.

19 ESRP 9.3 was called Alternative Sites.
20 One of the first things we did was we modified that,
21 we changed the title to Site Selection Process,
22 because in a way the title was misleading because
23 alternative sites is not all that we look at. We are
24 looking at the entire process that the applicant uses
25 to work from its region of interest, down to candidate

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1 sites, down to a proposed site and alternative sites.
2 So, the title was a little bit off, and we wanted to
3 change that to make clear what we were doing.

4 We also had to completely reorganize this
5 ESRP. The way it existed, it kind of jumped around
6 from one issue to another, and we were trying to make
7 it so that it flowed step-wise through what you, as an
8 applicant, do and what we need to review in terms of
9 the siting process.

10 Hopefully, having done that, it's a lot
11 easier to read through it, a lot easier to understand
12 what it is we need to do, and what we expect from you
13 in your applications.

14 One of the other things we did in that
15 regard is, we added a figure that is kind of a flow
16 chart of the process. It's very simplistic, but it
17 just lays out those big steps, moving from the region
18 of interest all the way down to the comparison of the
19 proposed and alternative site.

20 One of the things we noticed as we were
21 working on the revision to this section was that there
22 was a significant difference between it and Regulatory
23 Guide 4.2, and the issue had to do with a discussion
24 of candidate areas. Regulatory Guide 4.2 spends about
25 two and a half pages discussing how to identify and

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1 use candidate areas, and the Environmental Standard
2 Review Plan was, essentially, silent on it. So, we've
3 added information regarding candidate areas to the
4 Environmental Standard Review Plan to make them more
5 consistent. But, it is a new area, and so I wanted to
6 point it out for people to take a look at that, make
7 sure that it matches up with your understanding of how
8 this should be done.

9 We also tried to address some of the
10 lessons learned from the early site permits. One of
11 the things that came up in one of the hearings was
12 that in the Environmental Standard Review Plan it said
13 that in terms of considering alternative sites within
14 the region of interest, we should always consider
15 every nuclear power plant site with an operating
16 reactor or a construction permit.

17 However, we also had guidance from the
18 Commission, from the late '70s, that said it's not
19 realistic to consider a site owned by a competing
20 utility as an alternative site for this utility. So,
21 we've modified the Environmental Standard Review Plan
22 to address that, to take out the automatic
23 consideration of sites owned by other utilities.

24 We also expanded the explanation of the
25 bases for the tests for obviously superior alternative

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1 sites. The existing ESRP already talked about this,
2 that we would compare the proposed alternative sites,
3 and it's a two step process. First we determine if
4 any of the alternative sites is environmentally
5 preferable, and then we determine, if there are
6 environmentally preferable alternative sites, whether
7 any is obviously superior.

8 Well, the older version of the ESRP gave
9 a pretty good explanation of how to do the first test,
10 but its explanation for the second step was pretty
11 brief, and really didn't go into enough detail to
12 follow it, so we beefed up that explanation.

13 Just for some clarity, for those of you
14 who may not have been through this process before,
15 when we do look at the site selection process, for the
16 most part what we do is we evaluate the process that
17 you use. How did you select your region of interest?
18 How did you go from region of interest to candidate
19 areas, from there to potential sites, from there to
20 candidate sites? And then, using the candidate sites
21 coming down to a proposed site, and comparing it to
22 the alternative sites.

23 So, we go through and we look through that
24 whole process. Most of our evaluation is of that
25 process that you used. Was it a reasonable process?

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1 Did it look at the right sources of information?

2 The only place where we really do a
3 completely independent evaluation, and this is no
4 change from the past, is we will independently look at
5 the proposed and alternative sites and do an
6 independent evaluation to determine whether any is
7 environmentally preferable, or obviously superior, if
8 there are any that are preferable.

9 So, that hasn't changed, but I wanted to
10 point it out because it's important to understand the
11 overall process.

12 ESRPs 9.41 -- 9.4.1 and 9.4.2 evaluate
13 alternative systems for heat dissipation and
14 circulating water, respectively. There are not large
15 changes in these sections, but one of the things we
16 did in the old sections, it talked about determining
17 if systems, alternative systems, were superior,
18 equivalent, or inferior.

19 We've taken out the discussion of
20 equivalence for two reasons. First of all, in most
21 cases you could never really come to a conclusion of
22 true equivalence, because in most cases you'd be
23 comparing apples and oranges. This system kills a lot
24 of fish, this system kills less fish, but this one
25 costs more, and this one costs less -- so, it would be

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1 very difficult to really reach that point.

2 But, more importantly, it really doesn't
3 matter. The only systems that matter for the balance
4 of the evaluation are those that are superior. So,
5 what we've done is break it down into superior or,
6 basically, not superior. And so, that's one of the
7 more significant changes that we made.

8 We also added guidance regarding how we
9 determine a system is superior, discussing how we use
10 cost benefit for that. It just really beefs up what
11 was in there, the original guidance was, perhaps, not
12 as clear as it could have been, and the revised
13 guidance should hopefully be a lot clearer for folks
14 reading it.

15 Finally, Sections 10.4.1 and 10.4.2, these
16 talk about benefits and costs, kind of rolling up
17 everything that's gone before it in the review.

18 We've made a couple of changes here that
19 I want to mention. One, similar to what we did in
20 energy alternatives, we've added guidance here to make
21 it clear that for an early site permit it's up to the
22 applicant whether or not they address cost benefit.
23 If the applicant chooses not to address it, then we
24 don't address it in our Environmental Impact
25 Statement. If the applicant does address it, then we

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1 address it.

2 And then, we added some guidance in the
3 cost section regarding transmission lines. The
4 existing, or the previous Environmental Standard
5 Review Plan, didn't make it clear that that was a cost
6 that needed to be considered. But again, because it's
7 related to the project it's required for the project,
8 it is a cost that goes with it.

9 All right, so those are the main sections
10 I wanted to talk about.

11 What are we going to do next? Well, to
12 start with, as I mentioned, the staff is going to
13 start using these. These were issued for use and
14 comment, so we will start using these for our reviews.

15 However, we understand that, obviously,
16 applications already in house and the near-term
17 applications will not have had an opportunity to
18 address any changes we make. So, we understand that,
19 and we take that into consideration in our review.

20 Obviously, if the reason we made the
21 change is because a law changed, then the law has to
22 be complied with. There's no out there. But, if it's
23 a matter of, we've modified our guidance to try and
24 accommodate something we feel we need to do, then we
25 are going to take that into account when we are

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1 reviewing an application, but with the recognition
2 that you will not have had an opportunity to address
3 it.

4 As is discussed in the meeting notice, you
5 have until September 14th to provide comments. You
6 can provide comments either by mail or by e-mail to
7 the addresses on the screen.

8 If you have comments on other sections,
9 you may have some other sections that you have an
10 interest in, and you've looked at them and you feel
11 there need to be changes, if you have comments on
12 other sections please send those along as well. We'll
13 take those, because we will eventually be working on
14 the other sections. So, if there's something you are
15 aware of it will help us if we become aware of the
16 need for some change.

17 Once we receive the comments, we'll review
18 them, obviously, we'll work on them, develop any
19 changes to the sections, and then issue them as final.

20 With that, that's all I had to say. If
21 there are questions, I guess we can start with any
22 specific questions about the process, and then we'll
23 open it up for comments that the stakeholders would
24 like to make.

25 Are there any questions? And again,

1 please remember to use the microphones and identify
2 yourself. We have one microphone there, and I do have
3 a hand-held. No, that one we've disabled, I'm sorry.
4 Okay, I thought she was heading for the mic.

5 MR. CESARE: Guy Cesare, NuStart. Reg
6 Guide 4.2, is that in the mix in this process for
7 update? I notice that in your -- in the introduction
8 you talk about it would be a standard in a sufficiency
9 review, and it's so out of date.

10 Kind of a combined question here, we
11 really want to follow NUREG 1555 for format.

12 MODERATOR KUGLER: I think if you follow
13 the NUREG 1555 format, you'll be fine. Reg Guide 4.2
14 is going to be updated. It's in the works. I think
15 by the end of the year we are aiming to try and have
16 a draft ready. Some of that depends on funding
17 availability and things of that nature, as I'm sure
18 you guys are aware of those types of issues, but it is
19 in the works to be updated.

20 But, for now, the guidance that's --
21 although the Environmental Standard Review Plan is
22 guidance for the staff, it does provide a lot of good,
23 useful information for the industry as well, as to
24 what we are going to be looking for as we do our
25 reviews. So, I think you can't go wrong with following

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1 the Environmental Standard Review Plan.

2 Any other questions?

3 MR. MAHER: Bill Maher, South Texas,
4 what's the time frame after September 14th?

5 MODERATOR KUGLER: Well, I don't have a
6 set time frame, I'll be honest with you. It depends
7 in part how many comments we get. It depends on how
8 many applications arrive, and, you know, are they all
9 on schedule to some extent, because we do have a lot
10 of people who are going to be tied up in both the
11 reviews and in the Environmental Standard Review Plan.

12 I think our goal, what we've laid out, is
13 to have all the sections final by the end of the year.
14 I would think, in a lot of cases, we can do better
15 than that, depending on the number of comments and the
16 types of comments we receive.

17 In some of the cases, I think, for
18 instance, need for power, we may end up issuing a
19 final section, knowing that there are issues that we
20 are still trying to work out, say, related to
21 transmission lines and issues of that nature. And,
22 we'll probably have to issue final -- so the people
23 have something to work with while we continue to work
24 towards resolution of some of those tougher issues.

25 Yes?

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1 MR. FRANTZ: Steve Frantz, MLB. You've
2 added new sections to Chapter 4 and Chapter 5 on
3 cumulative impacts. Are you expecting the
4 environmental reports to be submitted this fall for
5 the sections on cumulative impacts, corresponding to
6 those sections in the NUREG 1555?

7 MODERATOR KUGLER: It would be
8 unreasonable for us to expect that. To the extent
9 that the applicants are aware of other activities that
10 affect the same resource, I would think, typically, I
11 would hope that you would address them anyway,
12 although you might not call it out as cumulative
13 impacts.

14 But, no, it wouldn't be reasonable at this
15 point to expect that of applicants who, at this point
16 their applications are nearly final. So, we
17 understand that.

18 MR. CUDWORTH: I'm John Cudworth with
19 Tetra Tech.

20 Along the lines of Bill's question, will
21 the September 14 date apply to the other sections you
22 are drafting right now, or just these that you have on
23 the street now?

24 MODERATOR KUGLER: It will just be for
25 those -- the sections that are out now. As we issue

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1 other sections, we'll set dates for comment periods
2 for those.

3 And, when I said that we hope to have, you
4 know, the sections done by December, I'm talking there
5 also about these first groups, this first group of 39
6 or 40 that we published for use and comment.

7 Any other questions?

8 Okay, are there folks, I assume, who would
9 like to make some comments or provide some information
10 to us? You can either come here to the podium, to the
11 mic over there, or we can bring you the hand-held mic,
12 whichever your preference is.

13 I guess we can start with -- is there
14 anybody in the front row who has anything? We'll work
15 our way back.

16 Would you like to -- do you want to come
17 up to here?

18 MR. CESARE: Guy Cesare, NuStart.

19 Andy, you framed up the transmission line
20 situation fairly accurately. There are a couple of
21 questions that come from it.

22 It's understood the Commission doesn't
23 license the transmission lines, and we appreciate the
24 additional words, the information may be limited, you
25 work with what you have. But, the problem that we

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1 have is that the staff still must do a complete review
2 of the environmental impacts of transmission lines,
3 which in some cases you won't know precise routing.

4 So, the question has come up, what is
5 going to be adequate, and you are saying we are
6 certainly still thinking about that.

7 What I'd like to see you consider is, I
8 use the term desktop, but there is a level of
9 evaluation that is available, if you do know general
10 routings, using various tools like GIS, and you can
11 consult with various agencies, state and others, and
12 let them know what you are contemplating, what kind of
13 land uses, what GIS can tell you. You can also make
14 assumptions about crossing rivers and streams. In
15 fact, the towers are going to have fairly localized
16 impact, you will take steps not to put the tower in
17 that wetland.

18 I mean, there are mitigative measures that
19 we can generally say that typically would be observed,
20 but we will have those on the ground. So, this is a
21 good step and opens the dialogue, but we're wondering
22 if you are considering adding more guidance, expanding
23 that paragraph to give us -- to get the reviewer and
24 us more, because we are writing them right now, and we
25 have a lot of it written, and desktop is at level,

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1 reconnaissance level is the best we can do right now
2 with those areas.

3 Is that where you are going? Does that
4 sound reasonable, or is that too premature?

5 MODERATOR KUGLER: This is Andy Kugler.
6 First, we are looking mainly for comments, so we are
7 probably not going to respond to everything. We don't
8 intend to respond to things today, we are mainly here
9 to collect information, or collect concerns and ideas.

10 That's certainly an area we are looking
11 at. We do have to involve other stakeholders, such as
12 the Federal Energy Regulatory Commission [FERC] and
13 states, and get their views as well, because a lot of
14 those folks we have to deal with in these arenas.

15 And so, we can't unilaterally decide what
16 the right solution is, but we are working toward a
17 solution on that.

18 MR. CESARE: Very good, so the comment is,
19 this paragraph will be very good, but this paragraph
20 should be expanded to the degree the staff can, on
21 what -- for review procedures, would a desktop be
22 acceptable, and what is acceptable?

23 The other thing is that, you recognize in
24 3.7, you are saying who is the person -- who is that
25 entity that approves the construction, and that really

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1 varies state by state. And so, that's a very good
2 question for us to answer, and so it should be
3 recognized that that could vary.

4 And, I think in previous EISs, I'll say
5 Clinton's EIS, the staff recognized the FERC process,
6 but it probably would be valuable for the ESRP to
7 recognize FERC doesn't approve the construction of the
8 line, but they approve -- they mandate a process
9 whereby the generator and owner of the T&D interact,
10 and they approve the connection as far as I
11 understand.

12 The construction itself is approved by
13 somebody else, and that varies from state to state.
14 And so, we need to tell you that, and that then drives
15 what agencies are involved with -- and, of course, the
16 laws actually drive consultations. It would be good
17 for 3.7 to be more expanded on that matter.

18 Also, the paragraph probably logically
19 could be inserted in many locations, 4.1.2, 5.1.2, are
20 probably just the start of it.

21 I think that covers that, the site reviews
22 will be places where we'll talk on individual states
23 and where the review would then be the actual details
24 of what each applicant can provide.

25 MODERATOR KUGLER: Thank you.

1 MR. FRANTZ: This is Steve Frantz from
2 Morgan Lewis.

3 On Section 9.3, I have just a suggestion
4 on changes in terminology. You go off from
5 alternative sites to site selection, I recommend you
6 go back to alternative sites.

7 If you look at the existing applicants
8 that are coming in late this year, and then next year,
9 most of them are not on green field sites, they are on
10 existing nuclear power plant sites.

11 And, it's very obvious to the owners where
12 they should locate these new plants. And so, they did
13 not go through the current and formal site selection
14 process you have in mind, instead what they did, after
15 the fact, after they chose their site, they then went
16 through a comparison of various candidates and
17 alternative sites. And, I think that change in
18 approach to indicate that this is a hypothetical
19 evaluation of alternative or candidate sites rather
20 than a site selection process actually used by the
21 owner would be quite helpful.

22 It's an after-the-fact evaluation that's
23 done, not something that's done up front, necessarily,
24 for most of these new plant sites.

25 MR. MAHER: This is Bill Maher from South

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1 Texas, and to continue along with what Steve has said,
2 part of that evaluation, granted, is, in addition to
3 being environmentally based, is also cost based, since
4 it takes advantage of existing infrastructure at an
5 existing nuclear power plant from an owner of a
6 merchant plant standpoint that was key in that
7 decision.

8 With respect to the transmission lines,
9 and this is really a question, I'm assuming you are
10 still taking input to be able to tier off existing
11 either EISs or EAs for impacts on those added either
12 new transmission lines or expanded right of ways,
13 correct?

14 MODERATOR KUGLER: Well, as with anything
15 that we do, we have the option to tier off with any
16 other evaluations that have been done, certainly in
17 the Environmental Impact Statements.

18 I'm not sure, I guess I'm not as clear in
19 my mind as to what we can do with, say, state
20 evaluation, that's not been under the National
21 Environmental Policy Act, but it's still done as an
22 environmental evaluation of some sort.

23 I would think to the extent that we find
24 that the information meets the requirements for the
25 National Environmental Policy Act, then we would still

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1 be able to use that. It might not be called tiering,
2 but it would still be possible to use it.

3 MR. MAHER: To use a word that -- uses,
4 perhaps, it will provide some insights for whatever
5 you are doing in your process.

6 MODERATOR KUGLER: Certainly.

7 MR. MAHER: The next question is, in the
8 course of revising 1555, you may, once again, provide
9 or come across some insights that you may be able to
10 apply to the rewrite of 1437. Has that been thought
11 about?

12 MODERATOR KUGLER: Yes. We do work with
13 the -- for those of you who don't know, he's talking
14 about NUREG 1437, that's the Generic Environmental
15 Impact Statement for License Renewal, although we are
16 now in different offices, we do still actually talk to
17 each other and we pass information to them, and as
18 they are working -- they are working on an update of
19 the Generic Environmental Impact Statement right now,
20 as they run into issues they pass information to us as
21 well. So, we do talk and, hopefully, we remain
22 consistent through that.

23 Anybody else?

24 MR. CUDWORTH: This is John Cudworth
25 again.

1 I have a couple real general comments.
2 I've chosen these because they really apply across the
3 board to all the ESRPs that you are considering.

4 In 1979, NRC produced the document, NUREG
5 05555, which was the first environmental plan for
6 doing reviews for construction and operation. That
7 document was 900 pages long.

8 Then in 1999, NRC replaced that with the
9 current NUREG 1555, which is also, roughly, 900 pages
10 long.

11 At the risk of revealing too much about my
12 age, I've worked with both these documents. I've also
13 looked at the revisions that we have on the street so
14 far for 1555, and, basically, they are all additions
15 to the existing document.

16 Now, NRC has licensed something like 130
17 reactors, more than 30 sites. NRC has also licensed
18 at least the construction of a lot of other reactors
19 that then got canceled. NRC alluded to the license
20 renewal GEIS process, that was a very extensive
21 evaluation of the impacts of constructing and
22 operating the existing fleet.

23 And, through all this data gathering, all
24 this expertise that's come together, NRC really has a
25 good idea of what environmental impacts are

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1 significant and which are not.

2 Now, NEPA common law, CEQ regs, NRC regs,
3 even the NUREG introduction, all talk about the need
4 to focus on what's significant, and to discard the
5 evaluation of non-significant issues.

6 Basically, what the ESRP says right in the
7 introduction is, it will emphasize issues that are
8 significant and reduce emphasis on other issues and
9 background information.

10 My question then is, why is NRC asking the
11 same questions today that they asked us 30 years ago
12 about constructing and operating plants, and what the
13 impacts are, why doesn't NUREG 1555 ever say this
14 issue has never been found to be significant, and it
15 will be ignored unless new and significant information
16 is brought to our attention.

17 I see very little evidence that NRC is
18 focusing, as NEPA intends it to do, on issues that
19 make a difference to a decision on whether to license
20 a plant. The environmental impacts that NRC produces,
21 using 1555, are encyclopedic, they are very broad,
22 they are very general, but they also cover the full
23 gamut of all potential impacts, and they are very
24 little use, as a result, in a direct way to any
25 decision maker. No person can really read them and

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1 come to a conclusion of what's important with regard
2 to the decision on whether to license this plant.

3 Now, I think there's a fairly simple
4 approach to fixing this, to make use of the lessons
5 learned, the knowledge that's in the NRC, the
6 experience, and that is to use the scoping process a
7 little differently than it's being used right now.
8 You have scoping meetings. You write up scoping
9 minutes, but scoping is a process that's supposed to
10 do more. In fact, the focus of scoping is supposed to
11 be precisely what I'm concerned about, the
12 identification of what's significant and what is not.

13 The agency is supposed to identify
14 significant issues to be analyzed in depth, the agency
15 is also supposed to identify and eliminate from
16 detailed study issues things which are not
17 significant, and in this case I'm citing CEQ regs,
18 but, in fact, NUREG 1555 also has almost the same
19 words.

20 Why not make use of this step and provide
21 some of this information in the Federal Register
22 notice of intent to do an EIS? I can visualize that
23 notice, including a draft list of, here are the issues
24 that we think are going to be significant, based on
25 our experience, and here is a list of things that our

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1 experience tells us are not probably going to be
2 significant. Then you solicit input on these lists,
3 should things be moved from one list to the other.
4 This would give you a jump start then on narrowing the
5 focus of the EIS.

6 Now, let me give you one example of the
7 ESRPs that you have in front of you. You have ESRP
8 5.3.1.1, Hydrodynamic descriptions of physical impacts
9 of intakes. This ESRP has the reviewer assessing
10 bottom scouring. Now, some of you may or may not know
11 what that means, or imagine what it might mean, but
12 what it's really referring to is the potential for
13 high velocity cooling water discharges to scour
14 sediments from the bottom of surface water bodies.

15 The 1996 license renewal GEIS 1437 that
16 Andy mentioned says this, sediment scouring has not
17 been a problem in most power plants, and has caused
18 only minor localized effect at three plants. The
19 impacts of sediment scouring will continue to be
20 localized and of small significance.

21 All right, if bottom scouring is of small
22 significance, why does NUREG 1555 still tell the
23 reviewer to assess it?

24 I've been involved in the production of
25 license renewal reports for 46 reactors, and for every

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1 one we go back to our client experts and say, okay,
2 have you ever had an issue with bottom scouring?
3 Everybody has said no.

4 Do the same for all these other issues,
5 write them off as issues that you don't have to
6 evaluate in any further detail, and focus your EIS on
7 the things that are more significant and make a
8 difference to a decision maker.

9 That's my first comment. My next one is
10 a little shorter.

11 In the beginning of 1555, there's an
12 explanation of the format for all the ESRPs. One of
13 the sections that they all have is something called
14 acceptance criteria, and acceptance criteria is
15 defined as providing guidance on determining the
16 acceptability of the applicant's submission with
17 respect to the topic under review.

18 Now, examples of the things that the
19 different ESRPs have, include NRC regulations, 10 CFR
20 51, 52, et cetera, NRC guidance, Reg Guide 4.2, 4.7,
21 other things, NRC policy, like the EJ policy in the
22 Federal Register notice, NRC memoranda of agreements,
23 such as the one they have with the Corps of Engineers,
24 other Federal agency regulations, Federal laws, and
25 even in one place industry practices, the National

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1 Electrical Safety Code.

2 Now, it's difficult to imagine how NRC can
3 use all those criteria as acceptance criteria. Reg
4 Guide 4.2, for example, which was written back in
5 1976, indicates that it establishes a format
6 acceptable to the staff, but in conformance with the
7 format is not required.

8 We've gotten from the Regulatory Guide
9 that was format guidance to its now being a
10 substantive criteria for rejecting an application. It
11 was written for that, and I don't think it should be
12 used in that way.

13 If NRC sticks to acceptance or rejection
14 based on its regulation, I think it's on very firm
15 ground, but using some of these other things is
16 questionable. If NRC wants to impose these other
17 criteria on applicants, they should comply with the
18 Administrative Procedures Act, and convert them to
19 regulatory requirements.

20 Absent this effort, NRC should take out of
21 1555 sections anything except its own regulations.
22 This would also solve another problem with how is NRC
23 supposed to have applicants know what they are
24 supposed to include in their applications.

25 1555, the only thing it says, you are

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1 supposed to comply with all these other things. Okay,
2 now, the only way then you can say that you can reject
3 applications based on not complying with Fisheries and
4 Wildlife regulations then, is by saying that one has
5 to comply with 1555, in order to have an acceptable
6 application.

7 I don't think anybody intends that. So,
8 I'd like to suggest that changing the listing of all
9 the criteria is something that should be done.

10 MODERATOR KUGLER: Thank you.

11 Anybody else? Other comments?

12 MR. BOWLING: Ted Bowling, with Duke
13 Energy.

14 To comment on the NRC's evaluation of
15 transmission lines, there are very few utilities
16 nowadays who will bulldoze historic buildings to build
17 a transmission line, or bulldoze wetlands.

18 In fact, most of us employ siting
19 structures, siting processes that avoid sensitive
20 areas. So, I think that once the ESRP or the review of
21 the ER, or the EIS, establishes that the utility has
22 an objective siting process for transmission lines,
23 much like Guy Cesare described, that includes
24 consideration of these sensitive areas, and in many
25 cases avoidance, the real question of impacts focuses,

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1 not on the route, but on the practices for
2 construction and maintenance of the lines.

3 And, I would think that the NRC's time,
4 the applicant's time, and NEPA's objectives, would be
5 better served to focus on that aspect of the
6 transmission routing of, you know, how are these lines
7 constructed, what are the construction practices that
8 the utilities utilize to either avoid impacts or
9 mitigate impacts, what are the maintenance practices,
10 rather than on the question, specifically, what's the
11 route, and when are we going to put an ecologist on
12 the ground to find out if there's an endangered wild
13 flower underneath these lines.

14 MS. CERAFICI: My name is Tamara Cerafici.
15 I'm from Ballard, Spahr, Andrews and Ingersoll.

16 I would like to recommend a clarification
17 and more review on Chapter 8, on the need for power.
18 I have noticed, and I have been one of the lucky few
19 who have had an opportunity to prepare need for power
20 in a combined operating license application, and have
21 found in the new discussion residual effects or
22 residual pieces of NUREG 1555, the 1999 version, and
23 the 1979 version, that have -- that continue to
24 utilize processing that may or may not be used in the
25 industry today.

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1 And, I would recommend that the staff talk
2 to power planners and other members of the industry
3 and the community to modernize their evaluation and
4 the evaluation criteria within Chapter 8, so that the
5 context of, not only deregulation for the further
6 review, but so that the regulatory matrix or the
7 regulatory structure that is currently in place in the
8 states that are regulated can be more adequately
9 defined.

10 MR. CESARE: Guy Cesare, NuStart. Along
11 the lines of Chapter 8, two comments.

12 One is that 8.1 already recognizes that if
13 there were evaluations that were done by the applicant
14 to fulfill state or other regional energy planning
15 service requirements, then those things would be
16 valuable in the review, and we would cite those, and
17 that may be sufficient for need for power.

18 I think there's room for another
19 flexibility in the case where the need for power is so
20 compelling there may be some parameters, such as the
21 utility having purchased power currently, and
22 projecting a significant amount of purchased power,
23 and making a simple statement that base load power has
24 a shortfall, and has been, and will be, then one might
25 be able to truncate a lot of this need for power

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1 evaluation.

2 What is being asked here, and just because
3 it's hard to get doesn't mean you don't have to -- you
4 don't need it for evaluation, there's a lot of
5 information here that has not changed from other
6 versions of this ESRP, and it's excessive, it goes
7 back 10 to 15 years of data, that may or may not be
8 meaningful.

9 So, the two comments are, one, is that it
10 ought to allow the reviewer and we preparing these
11 some flexibility. It would be good for you to
12 recognize that if the need for power is so compelling
13 you may be able to truncate the amount of data that is
14 required.

15 Detailed information on how the users have
16 been distributing, and their sources, whether it's
17 electrical, gas, coal, or the sensitivity studies
18 along those lines, that may be excessive, but the
19 bottom line is it's obvious that you need 2, 3, 4
20 megawatts over the next 15 -- gigawatts over the next
21 couple years, or ten years.

22 The other comment is, I was expecting a
23 scrub of this to eliminate things that are excessive
24 details that one may not need to make this finding,
25 and yet, I don't see that reduction in request of

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1 information. So, I was thinking that the staff would
2 look, using a significance criteria and eliminate
3 things that may not be significant to consideration,
4 such as, the sensitivity on whether or not the plant
5 was built on schedule 2015, or plus or minus three
6 years. Those kinds of studies, that seems like it may
7 not be in NRC's purview to do that, and to meet the
8 power evaluations.

9 I was expecting some type of scrub of the
10 significance, and I don't see that that was done. It
11 doesn't look like anything was deleted.

12 MODERATOR KUGLER: Other comments?

13 MR. CUDWORTH: This is John Cudworth
14 again.

15 I wasn't going to make specific comments,
16 but this is too good an opportunity to pass.

17 Like Tamara, I also had the dubious
18 pleasure of having to prepare and review Chapter 8 to
19 one of my clients, and I agree that Chapter 8 in the
20 NUREG still needs quite a bit of work. It doesn't
21 focus where it should, and to some agree, yes, I agree
22 with Guy, it asks for details that are not needed.

23 I think part of the reason it does that is
24 that it's not recognizing that NRC's focus is not
25 truly on the need for the electricity. NRC's focus

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1 should be the need for or the reasonable expectation
2 that there's a benefit that will be achieved.

3 And, given that NRC has to demonstrate
4 some independent review of whether there is or is not
5 a reasonable benefit to be expected, the focus needs
6 to be, perhaps, a little less on some of the number of
7 years of raw data that generate the load growth, that
8 generate the need bounds, and more on the
9 reasonableness of the expectation, in general, that
10 this benefit will come about if we -- if you accept
11 the plan.

12 I will be making specific comments on
13 Chapter 8, too.

14 MR. MAHER: Bill Maher from South Texas
15 again.

16 I, too, noticed a lot of, I'll call it
17 legacy issues in Chapter 8. While there is a
18 recognition, some states still are needing to perform
19 a needs analysis, and present that needs analysis for
20 capitalization of a capital project, I think that
21 ought to just stand on its own, with respect to the
22 agency being able to rely on that needs analysis, and
23 if I can use the word tier off on that particular
24 state process.

25 However, with respect to independent

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1 generators, independent -- if you talk to an
2 independent generator, and any power plant in that
3 independent generator, if you go beyond five years you
4 are truly in a crystal ball, with respect to cost,
5 with respect to load growth, although you can make
6 some general reliance on trends with respect to the
7 load growth, but being able to nail a load growth 15
8 years out, relying on 15 years of this sort of data,
9 down to a significant digit is worth some thinking.

10 In addition, as an independent generator,
11 there are certain aspects of the data that's currently
12 in the draft that an independent generator, as a
13 matter of business process, either will not share with
14 the agency, or will be somewhat fearful of sharing
15 with the agency, even under a proprietary scope.

16 There are certain aspects of customer cost
17 and customer margins which they just will not share,
18 even with their contractors. So, we will also be
19 commenting.

20 MS. CERAFICI: Since Guy is getting all
21 the blame, this is Tamara Cerafici again, the
22 rulemaking, I'm trying to remember which rulemaking it
23 was, it was from October of 2003, and NRC was
24 requested to have the need for power removed
25 completely if it was an independent merchant plant.

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1 And, that language that the NRC used in
2 denying that petition was about as elegant a
3 description of what needed to be done for the need for
4 power, and that was, who is described to as applicant,
5 what the benefits of this issue -- what the benefits
6 of this plan would be, define what is the process of
7 doing that, define that there are several pieces of
8 priorities, if you will, several priorities that can
9 be met by this new base load, or by this new peaking,
10 of course, they are looking for base load.

11 And, that benefit, or that description of
12 the benefits, is really what the NRC is looking for,
13 and so I'm trying to think which PRN it was, but it
14 was in October, I think, of 2003, when that came out.

15 MODERATOR KUGLER: Anybody else?

16 Guy, you are not allowed to ask again.

17 MS. ALTMANN: This is a repeat of -- Amy
18 Altmann, Southern Nuclear -- this is kind of a repeat
19 comment from a comment stated in a different forum,
20 and for which I don't recall seeing any of the
21 environmental staff at.

22 Back in July, I believe, we had a Reg
23 Guide 1.206 meeting that came out that was to discuss
24 the recently issued -- the official reg guide had been
25 released on the streets like a week maybe, but we

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1 brought the comment regarding the definition of
2 significance in the applicable sections for new and
3 significant information in Reg Guide 1.206, and I
4 guess lack thereof.

5 There's a good definition for new, just
6 having done a cursory glance at what's in the
7 introduction to the ESRP, it appears to be almost the
8 exact same information that's in Reg Guide 1.206, and
9 I don't see additional information to help expound on
10 the definition of significance.

11 And so, that's just something that
12 applicants would be interested in seeing.

13 MODERATOR KUGLER: Anybody else?

14 MR. CESARE: I'll change the subject, Part
15 52, in general.

16 I think that NUREG 1555 largely works well
17 for Part 50 process. I think it still lacks Part 52
18 sensitivity, and transmission lines is an example,
19 where transmission line design, routing, may have been
20 done in the 1970s with the Part 50 licensing process,
21 but would not be finalized well enough to get
22 everything the staff needs for the complete legal
23 analysis.

24 And, we identified that one, and we are
25 working on that one.

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1 There are other areas, such as cooling
2 intake design, where the details required that are
3 expected by the ESRP that the staff needs to make that
4 finding, to do the formal consultation with the
5 resource agency, it's just not sensitive -- right now
6 it's not sensitive to the fact that the design may not
7 be mature enough to provide that information.

8 It's a problem for the staff, as we have
9 discussed in numerous meetings, you need to make your
10 finding for your EIS. So, the document still doesn't
11 recognize that delta, numerous locations, where these
12 general terms, level of design detail is not where
13 Part 50 would have had it.

14 So, there's more work to be done. I think
15 the solution is we've got to hammer through these
16 first COLs [combined licenses] and get some EISs
17 generated, and then we'll -- but, the fear is with the
18 sufficiency review, is that we don't want the
19 applications rejected because they are not -- you
20 don't want to do it, we don't want to have it
21 rejected, so I don't know where we are going to go
22 with it, but we need some recognition that the design
23 may not permit all the details, so we have to work, I
24 think, on a state-by-state basis and application-by-
25 application basis to make sure the resource agency is

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1 comfortable with that level of design.

2 And, it will be good for the ESRP to
3 recognize that that kind of flexibility must be
4 recognized for the reviewer. All the things the staff
5 has been saying, I need to have this, and we are
6 saying we are not going to have it, we need to have --
7 we need to work that out.

8 I don't know if the ESRP is the right
9 place to have that expert guidance, but it's a real
10 problem, and it's not only the ESRP, I think it
11 applies to -- that, basically, is a business decision
12 on whether or not you have paid the AE [architect-
13 engineer] to fully design the intake structure or
14 whether or not you've said, let's take it to this
15 level, conceptual design, that's all we have.

16 You may not have screen mesh dimensions at
17 that point, and we'll talk about that.

18 So, I don't think it's savvy with Part 52
19 yet.

20 MS. CERAFIGI: This is Tamara Cerafici
21 again, and Guy truly gets credit for starting this
22 one.

23 Another example of the flexibility that I
24 think should be a hallmark of these ESRPs is in
25 10.4.2, which discusses costs. And, there is some

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1 change where costs are, essentially, deleted from the
2 ESP process.

3 However, coming into the combined
4 operating licenses, a unique situation where we are
5 looking at design characteristics, the construction
6 characteristics, and the operating characteristics in
7 one report, and we may not have the specifics of the
8 design, we may not have the specifics of the costs,
9 but we may be able to define what those costs are with
10 a reasonable probability.

11 And, we have that flexibility in the ESRPs
12 that allow us to look for reasonably probable
13 outcomes, as we write these reports and as we review
14 them.

15 MR. CUDWORTH: As long as we are just
16 sticking with past bad actors here, I, too, have some
17 comments on 10.4.2. It's a little broader even than
18 that.

19 NEPA doesn't require a cost, dollars cost
20 benefit analysis. NEPA does require agencies to
21 provide that information, if, in fact, it's been
22 generated.

23 NRC may need to look at how badly they
24 really need these dollars in their cost benefit
25 analysis.

1 I think that you backed off considerably
2 from what they've done.

3 Along the lines of my first comment, NRC
4 has an awful lot of experience along this line. Maybe
5 we now don't have the level of detail about the design
6 of the intake structure than we had in '72, but how
7 many intake structures have you looked at in power
8 plants, how familiar are you with the design, why do
9 you need to go to that level of detail now, you have
10 some reasonable basis for making expectations of the
11 impacts.

12 One other comment, you said we could make
13 comments on things that aren't here, sections that
14 maybe need to be added.

15 We've had -- we have added to Chapter 3 in
16 our ESPs in our whole applications the section on
17 employment, because that affects a whole lot of
18 analyses. So, we put a section together that talks
19 about expected construction employment and operational
20 employment, and that becomes a basis for a lot of
21 analysis, and that may be a section you consider
22 adding.

23 MODERATOR KUGLER: Mike pointed out to me,
24 we haven't asked the folks on line whether they have
25 any questions or comments.

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1 Does anybody who is on the -- anybody who
2 is on the phone have any comments they wish to make?

3 That either means no or we've had it on
4 mute this whole time and they haven't heard anything.

5 Okay, any comments from the folks here?

6 MR. DAM: Andy, this is Bill Dam.

7 MODERATOR KUGLER: Okay.

8 MR. DAM: Yes, this is Bill Dam, I'm an
9 environmental consultant with ASB EMC.

10 First of all, I wanted to thank you, NRC
11 staff, and Andy Kugler, for what I've heard, adding
12 the telephone conference to the public meeting.

13 My first comment is that the proposed
14 change to Section 4.1.2 on transmission corridors,
15 state that it's a line not operated by the applicant,
16 information may be limited, and the reviewer should
17 proceed with the assessment using information that can
18 be obtained.

19 While the ESRP is not a regulatory
20 guidance document, and it's meant for staff -- NRC
21 staff review, the ESRP is being used for guidance
22 preparation on the application.

23 Providing information on the proposed
24 routes, alternative routes, that are not on the
25 transmission line corridors, but also other

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1 structures, including water and gas pipelines, roads
2 and other features not owned by the applicant, is
3 essential information for preparing an EIS.

4 For example, Section 4.3.1, on terrestrial
5 ecosystems requires information on locations of
6 species and habitat in the vicinity of the site of the
7 transmission corridor.

8 Therefore, the impact of the proposed
9 project must be evaluated without knowing the exact
10 locations of transmission line corridors.

11 I propose that the language be changed to
12 state that the reviewer will determine the most
13 probable route for transmission line corridors, and
14 look at the alternatives to the various actions.

15 I'll stop at that point and see if there's
16 any comments from others.

17 MODERATOR KUGLER: Are there any other
18 comments from the folks on the phone?

19 MR. KULANGARA: This is Jacob Kulangara
20 from Bechtel. I have a question pertaining to the --
21 plan I think you had anticipated later, just to know
22 what is the proposed -- and I guess -- plan -- on the
23 kind of rule that is going to be issued.

24 MODERATOR KUGLER: Yes, the reason that we
25 have held off completing that new section is, we are

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1 waiting for the final rule on limited work
2 authorizations.

3 As far as the rule itself, I honestly
4 don't know exactly what the status is. I know it's in
5 the works. It's near final, but I don't know when it
6 will be final. I'm, basically, waiting on that.

7 Okay, I'm being told that the rule is at
8 OMB for review. Okay.

9 I was asked to have you spell your name,
10 restate and spell your name, please.

11 MR. KULANGARA: K-U-L-A-N-G-A-R-A, Jacob,
12 J-A-C-O-B.

13 MODERATOR KUGLER: Kulangara?

14 MR. KULANGARA: Yes.

15 MODERATOR KUGLER: Okay, all right, thank
16 you.

17 Okay, other comments?

18 MR. DAM: Just a question, comment.

19 The previous version of the ESRP makes
20 reference to geographic information systems, called
21 the Geographical Environmental and Siting Information
22 System, GEn&SIS, and I didn't see any updates to that
23 in the proposed changes.

24 Could you provide the status of
25 information as to using GEn&SIS, and the other comment

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1 was that, having a GIS would be useful for helping
2 determine locations of the transmission routes and
3 other alternative siting information, would this
4 become a staff requirement for the GIS?

5 MODERATOR KUGLER: Okay, as far as the
6 status of the GEn&SIS, I'm going to turn this over to
7 Bob Schaaf.

8 MR. SCHAAF: This is Bob Schaaf, I'm a
9 Senior Project Manager in the Environmental Review
10 Branches.

11 GEn&SIS is a -- system that was being used
12 in some of the early -- reviews and was also used in
13 -- reviews, provided geographic information system
14 proponents and other tools for management information.

15 That is being phased out, and we've got a
16 new system that we are developing, using some newer
17 technology, working with the National Labs. It will
18 have a geographic information system component as
19 part of that system.

20 MODERATOR KUGLER: Okay, thank you, Bob.

21 Any other questions or comments?

22 Well, I want to thank everybody for coming
23 out today for this meeting, and I certainly appreciate
24 you taking this time, and also taking the time to read
25 as much as you were able to in the time you had

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1 available, and providing us with comments.

2 I'll repeat again, you have until the 14th
3 to provide -- 14th of September, to provide any
4 comments on the sections. You can either mail them to
5 me, or e-mail them, and if you have other questions in
6 the interim you can also contact me, if you can
7 actually catch me in the office when I'm not on
8 travel.

9 If there is nothing else that we need to
10 -- Brent would like to come back and say some more,
11 maybe more about making sure that if you got some pre-
12 app activities you get signed up.

13 MR. CLAYTON: Yes, I made this sales pitch
14 already. One other task, we've been tasked by the
15 Commission, as a result of the Commissioner Merrifield
16 Task Force report and recommendations, to have a
17 meeting with stakeholders to get ideas about how we
18 can improve the effectiveness and efficiency of our
19 environmental reviews.

20 We are working with NEI to figure out the
21 optimum time to schedule that meeting, but stay tuned,
22 you are all invited back for that.

23 A lot of the things I heard today were
24 more on that line than they were specific comments on
25 the ESRPs.

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1 MODERATOR KUGLER: All right. With that,
2 we'll end the meeting. Thank you again for coming
3 out.

4 (Whereupon, the above-entitled matter was
5 concluded at 2:51 p.m.)

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