

Official Transcript of Proceedings
NUCLEAR REGULATORY COMMISSION

Title: Enhancing the Efficiency and Effectiveness
 of NRC Environmental Review Process

Docket Number: (n/a)

Location: Rockville, Maryland

Date: Thursday, December 6, 2007

Work Order No.: NRC-1899

Pages 1-107

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UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

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PUBLIC MEETING REGARDING ENHANCING THE EFFICIENCY
AND EFFECTIVENESS OF NRC ENVIRONMENTAL REVIEW

PROCESS

+ + + + +

THURSDAY,

DECEMBER 6, 2007

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The Public Comment Meeting commenced at 1:00 p.m. in the NRC Commissioners' Hearing Room, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852, Mr. Chet Poslusny, Facilitator, presiding.

PRESENT:

- CHET POSLUSNY, Nuclear Regulatory Commission
- JAMES E. LYONS, Nuclear Regulatory Commission
- ANDREW J. KUGLER, Nuclear Regulatory Commission
- HORST GRECZMIEL, Council on Environmental Quality
- RICHARD McLEAN, Maryland Department of Natural Resources
- RUSSELL BELL, Nuclear Energy Institute
- ADRIAN HEYMER, Nuclear Energy Institute

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1 ANNE COTTINGHAM, Nuclear Energy Institute
2 JON BLOCK, Union of Concerned Scientists
3 LOU ZELLER, Blue Ridge Environmental Defense League
4 MIMI DREW, Florida Department of Environmental
5 Protection
6 KYLE TURNER, American Nuclear Society
7 JIM RICCIO, Greenpeace
8 GERRY GEARS, Department of Energy
9 ANNE MILLER, Environmental Protection Agency

10

11 NRC STAFF PRESENT:

12 IRENE W. YU, Nuclear Regulatory Commission
13 BARRY ZALCMAN, Nuclear Regulatory Commission
14 BRENT CLAYTON, Nuclear Regulatory Commission
15 NILESH CHOKSHI, Nuclear Regulatory Commission

16

17 PUBLIC SPEAKERS:

18 JON CUDWORTH

19 TOM MOORER

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P R O C E E D I N G S

1:01 P.M.

MR. POSLUSNY: Good morning. Hello, everybody.

Looks like we're about ready to get started. It's 1 o'clock. I'd like to welcome everybody today, participants, stakeholders from various organizations, NRC staff at the table, and in the audience, and interested members of the public who have taken the time to attend this meeting today.

Specifically here at the table, we've got representatives from the American Nuclear Society, the Blue Ridge Environmental Defense League, Council on Environmental Quality, Department of Energy, the Environmental Protection Agency, the Florida Department of Environmental Protection, Greenpeace, the Maryland Department of Natural Resources, Nuclear Energy Institute, and the Union of Concerned Scientists.

This is a public meeting, Category 3, where participation has been sought by the NRC and members of organizations and agencies and other stakeholders who either contribute to, or are interested in the Environmental Review Process. I'm going to apologize by the interruption from the

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1 system.

2 My name is Chet Poslusny. I'm a member of
3 the Office of New Reactors, assigned to a different
4 group. My role is to facilitate this meeting, make
5 sure that we stay on time, stay on track and make sure
6 that those that want to participate have the
7 opportunity to do so.

8 I'd like to take a quick look at the
9 agenda. I'm going through my ground rule process
10 right now. We're going to start with a discussion by
11 Mr. Lyons of the staff, followed by an overview by
12 Andrew Kugler of the staff. Then the folks that are
13 sitting at the table will provide some inputs or
14 suggestions on improving the process as per the
15 meeting notice. We'll have a short break, followed by
16 a wrap up by the participants at the table and then
17 we'll open the floor to some public comments and then
18 do a closing.

19 Please note that this meeting is being
20 transcribed, so the first time you speak either at the
21 table or from the audience part, participation part,
22 make sure you state your name and organization. From
23 time to time I'm sure we'll be asked to repeat our
24 names if the transcription process didn't work
25 properly, so I appreciate that effort.

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1 The transcription will be posted on our
2 website after the meeting, as well as the meeting
3 summary, so you'll be able to see what happened today,
4 just like we will, or the NRC will.

5 One more administrative item. On the
6 table, when you came in each door, we have an NRC Form
7 659 which is a feedback form. It allows you, as a
8 member, a participant in this meeting, to let us know
9 how it went. Could we have gotten better, so you
10 could either fill that out today or drop it in the
11 mail. It's self addressed.

12 Also, if you plan to participate in the
13 second part of the meeting, the public, when we open
14 it up to the public, please try to fill out the form
15 that was on each table there so we know what your name
16 is, so we can ask you to come up to the podium. We'd
17 appreciate that. If you don't feel like participating
18 in that forum, you can send something in writing or
19 send something to our email address and we'll talk
20 about that a little bit later.

21 So with that, let's continue with the
22 agenda items. I'd like to introduce the Director of
23 the Division of Site and Environmental Analysis, Mr.
24 Jim Lyons.

25 MR. LYONS: Thanks, Chet. I'd like to

1 welcome everybody this afternoon. Again, my name is
2 Jim Lyons. I'm Director of the Site and Environmental
3 Analysis, so you see I'm very interested in this sort
4 of interaction we're going to have today. As Chet
5 says, what we're really here to do is to listen to
6 you, to get your ideas.

7 But before we do, I'd like to mention some
8 of the things that we've done over the past couple of
9 years as a result of the work we've done in Early Site
10 Permits and also with the license renewal before that
11 which has kind of formed the basis of the way we're
12 doing our environmental reviews.

13 So to just kind of run through some of the
14 things that we've already seen that we've changed,
15 first of all, I think everybody is familiar with the
16 significant rulemakings that we've completed recently,
17 the Part 52 rulemaking and limited work authorization
18 rulemaking. We've also done a lot of other things.

19 One of the things we've done is internally
20 we've been working on a process by which we can handle
21 our reviews better. And what we've done is set up an
22 internal website for our staff to use and our
23 contractors that's devoted to providing guidance and
24 information to the reviewers so that they can do the
25 reviews in an efficient and effective way. The site

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1 includes historical documents, current guidance, tools
2 for the project managers and for the reviewers and
3 also provides forums for the reviewers to share ideas
4 back and forth about the reviews that they're doing.

5 As you're aware, we've already updated
6 some of our guidance in the form of the Environmental
7 Standard Review Plan. We've revised 40 some sections
8 of the Environmental Standard Review Plan, and we've
9 put the drafts out for comment. We're getting
10 comments back. In fact, we have a meeting next week,
11 a week from today at 12:30. I think it's again in
12 this room.

13 MR. POSLUSNY: It's actually Wednesday.

14 MR. LYONS: Excuse me, Wednesday, the
15 12th. And it's here in this room and we're going to
16 actually discuss, get into this technical discussion.
17 So we may defer some comments to the next week's
18 meeting or carry them over, if you would, to the next
19 week's meeting.

20 We're also working on revising other
21 sections of the Environmental Standard Review Plan
22 that weren't as high a priority for us to get out and
23 those will be -- you'll see those coming out here in
24 the near future.

25 We're also trying to take steps to address

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1 some specific problems. For example, during the early
2 Site Permit Reviews, we had some trouble with
3 processing a large volume of comments that we received
4 in electronic form. They were coming in by email and
5 it had to do with the way we process and get that
6 information into our document control system, our
7 ADAMS system.

8 And so we established a way to where we
9 can capture those things electronically and get them
10 right into our document management system in short
11 order, so that we have those available for the public
12 and available for us to work on.

13 Another thing that we're doing is we're
14 conducting pre-application readiness assessments at
15 prospective, with prospective applicants to set out
16 our process, to set out our expectations for a
17 complete and quality application. As part of that
18 review or part of that readiness assessment, we're
19 also starting to engage with the local stakeholders in
20 the area. We're establishing contacts with
21 governmental agencies, so that we -- when the
22 application comes in, we've already kind of
23 established some of those networks.

24 We also have contracts in place in order
25 to allow us to have access to experts in the fields

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1 that we need to help supplement our staff when we're
2 doing our reviews. We're doing this because we see a
3 large volume of work coming through, unlike in the
4 safety reviews which are design centered, and once
5 you've resolved a specific technical issue, on a
6 reactor design, that resolution carries on through the
7 next applications as they go through. Obviously, in
8 the environmental area that's not the case. Each
9 review is an individual review. It's site specific
10 because it is a review of that site. So we see --
11 we're going to have a continuing need for expertise to
12 help.

13 We're going to continue to conduct site
14 audits as part of our review. It's something that we
15 learned as part of our license renewal work that by
16 going out, going to the site, verifying the data
17 that's in the environmental report, having access to
18 that information helps us complete our review in an
19 efficient and effective manner.

20 Finally, we're using the Atomic Safety and
21 Licensing Board's and the Commission's decisions and
22 orders to help us shape the way we present our
23 findings in our Environmental Impact Statement, so
24 that we make that clear.

25 But we know that there are many other ways

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1 we can improve our effectiveness and efficiency and
2 that's really what we're here for today is to hear
3 from you. What are the ways that we might be able to
4 improve our processes.

5 I think that the noise that we're hearing
6 usually comes from cell phones, interacting with the
7 wireless microphone systems and picks up those
8 incoming signals, it might be helpful to turn those
9 off and that might help us to some extent to keep that
10 down.

11 Again, I thank everybody for coming and I
12 see this is going to be a very good meeting.

13 MR. POSLUSNY: Thank you, Chet.

14 Andrew?

15 MR. KUGLER: I'm going to try and provide
16 a high-level description of the process we have in
17 place today and I'll start out by mentioning what
18 we're required to do by the National Environmental
19 Policy Act or NEPA. I'll also talk about the
20 regulations that were enacted by the Council on
21 Environmental Quality, and then I'll talk a little bit
22 about what our regulations tell us to do in order to
23 implement those requirements.

24 First of all, the National Environmental
25 Policy Act requires us to use a systematic process to

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1 evaluate the environmental impacts of a proposed
2 action. The results of that evaluation must be
3 documented in an Environmental Impact Statement and
4 the sorts of information we have to include there are
5 things such as the impacts of the proposed action, the
6 adverse environmental effects that can't be avoided if
7 the action is taken, and alternatives to the proposed
8 action. Those are fairly high-level requirements.

9 At the next level are the requirements in
10 the CEQ regulations. Among those, we must integrate
11 the requirements of NEPA with other acts such as the
12 Endangered Species Act, the Clean Water Act, and the
13 National Historic Preservation Act. We must encourage
14 and facilitate the involvement of the public and other
15 stakeholders in the review, and among other things at
16 least, there are requirements to conduct scoping and
17 to issue the draft Environmental Impact Statement for
18 comments.

19 We must also identify and assess
20 reasonable alternatives to avoid or to minimize the
21 adverse effects and that includes mitigation.

22 There are a few representatives, as Chet
23 mentioned, from CEQ here and from the EPA, and if we
24 get into some questions that are really more into
25 their area, we may ask them to help us to answer those

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1 questions.

2 Now the NRC regulations have been
3 developed to ensure that the staff appropriately
4 carries out the requirements that I've been
5 discussing. Because we're a regulatory agency, the
6 requirements in our regulations include having the
7 Applicants provide an environmental report that
8 describes the environmental impacts and that is the
9 starting point then of our environmental review.

10 Next slide.

11 This is a simplified diagram showing our
12 review process. It's a relatively standard process,
13 if you look at what other agencies have to also do
14 under the National Environmental Policy Act. The new
15 reactor applications or for the new reactor
16 applications we have instituted the use of pre-
17 application interactions. What we're looking to do
18 here is first of all to make sure that as far as can
19 tell, the application is being developed on the
20 schedule that we're expecting and that it's being
21 developed in a way that the application will be a good
22 quality application when it does arrive.

23 Once we do receive the application, we
24 review it and if we find it acceptable, we accept it
25 and place it on the docket and we begin our

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1 environmental review. The first major step in the
2 environmental review is to issue a Notice of Intent to
3 prepare an Environmental Impact Statement and to
4 conduct scoping. The scoping process there is there
5 to gather information from the public and other
6 stakeholders on what should be in the scope of our
7 review. And also, and a lot of people forget about
8 this part, also what issues should we not really spend
9 much time on because they are clearly not going to be
10 significant.

11 There's no set period to carry out
12 scoping. We typically use 60 days. We feel that for
13 an action of this magnitude that's sufficient time for
14 people to provide information to us and not so long as
15 to drag out the review process.

16 During the scoping period, we will
17 typically hold a public meeting to interact with folks
18 in the local area and in the area around the site
19 that's being proposed. We find that holding a meeting
20 in the area is very helpful to the local population.
21 It's also very helpful to us. We gather a lot of
22 information in those local interactions.

23 During this period of time we've already
24 started drafting the sections of the Environmental
25 Impact Statement. Once we complete scoping, and

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1 gather any additional information we need from the
2 applicant as well. We finish the draft Environmental
3 Impact Statement and we publish it for comment.
4 During the comment period, we'll go back to the local
5 area and we'll meet with the public again and we'll
6 explain what we did and what we found and we'll give
7 the public an opportunity to ask us questions about
8 that and to provide comments on our draft.

9 The regulations that we have in 10 CFR
10 requires us to have a minimum comment period of 45
11 days. Our typical practice has been to essentially
12 include two 15-day extensions and to allow 75 days
13 immediately. We do that right away. Our expectation
14 is that having allowed for the 75 days there shouldn't
15 be any need for any extensions to the comment period.
16 And one of the reasons we've done it this way is to
17 try and develop some certainty in our schedules
18 because if we set a 45-day period and then we end up
19 granting extensions, it can affect the schedule.

20 After the comment period is over, we
21 review the comments we received. We determine what
22 changes are needed to the Environmental Impact
23 Statement and we develop the final Environmental
24 Impact Statement. That document will include the
25 comments we received and the staff's responses to them

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1 as well as, of course, any changes to the document.

2 And that's the summary of the process.
3 Obviously, in order to be brief, I've let a lot of
4 details out and we'll probably talk about a number of
5 those today, but that just gives you a sense of how we
6 operate here. Thank you.

7 MR. POSLUSNY: Thank you, Andy. Let's
8 briefly go through a quick introduction, starting with
9 Horst, on the left of you, introduce yourself, your
10 organization, any quick opening statement you'd like
11 to give us and then we'll get into the meet of the
12 meeting.

13 MR. GRECZMIEL: I'm Horst Greczmiel, the
14 Associate Director for NEPA Oversight of the Council
15 on Environmental Quality.

16 MR. McLEAN: I'm Rich McLean. I'm manager
17 of Nuclear Programs for State of Maryland Department
18 of Natural Resources, the Power Plant Research
19 Program.

20 MR. BELL: Good afternoon. I'm Russell
21 Bell with the Nuclear Energy Institute. I'm the
22 Director of New Plant Licensing there.

23 MS. COTTINGHAM: I'm Anne Cottingham, also
24 with the Nuclear Energy Institute in the Legal
25 Division.

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1 MR. BLOCK: Jon Block, Union of Concerned
2 Scientists. Is this the appropriate time to make a
3 statement?

4 MR. POSLUSNY: If you want to make a brief
5 one now, we'll get you to the real table in a minute.

6 MR. BELL: Commissioner Jaczko posed the
7 question in his comments on the report of the Combined
8 License Review Task Force that asks essentially do the
9 Agency's external stakeholders view the Agency's
10 process and perceived efficiencies in the same manner
11 as the NRC?

12 This is an attempt to provide a partial
13 answer to the Commissioner's question. The
14 Commissioner also noted in his comments that when the
15 NRC speaks of the search for efficiency, that that
16 really means predictability. Both terms are favorites
17 of corporate law firms, representatives of the nuclear
18 industry, and lobbyists. What they mean,
19 respectively, is getting whatever the client wants as
20 quickly and cheaply as possible, and knowing exactly
21 how long quickly will take.

22 In the 15 years that I've been observing
23 this Agency's behavior, the NRC has come a long way
24 toward meeting nuclear industry expectations in this
25 regard and doing that entirely at the expense of

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1 meaningful public participation and agency process.

2 The loss comes at a high price,
3 imperilling occupational and public health and safety
4 and the security of this country. Past contributors
5 of members of the public to eliminating serious
6 occupational and public health and safety and security
7 problems and lapses have been effectively neutralized
8 by this Agency. Members of the public now confront an
9 Agency much like the old AEC, dominated by the desire
10 of the industry it is supposed to regulate, working to
11 advance and promote the industry, instead of carrying
12 out its primary charge under the Atomic Energy Act.

13 This Agency has substituted for meaningful
14 participation and responsiveness to public input a
15 schmooze fest and the glad hand. Over the objections
16 of two distinguished Chief Judges of the Atomic Safety
17 and Licensing Board, adjudicatory rules and procedures
18 have been gutted, offering now a mere shadow of due
19 process for intervenors; this, on top of a rulemaking
20 process, driven and highly responsive to nuclear
21 industry wishes, a public information system that --
22 and specifically, I'm referring to ADAMS, that is
23 inadequate, unreliable, slow, and inferior to the
24 informational retrieval systems of most public library
25 catalogs.

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1 So to answer Commissioner Jaczko, this
2 situation has an adverse impact upon the public
3 perception of NRC process and efficiency. Members of
4 the public, treated to truncated hearings, inferior
5 access to information, and media hype instead of hard
6 facts, come to the EIS process with not only
7 diminished expectations, but complete and utter
8 skepticism of the Agency's intentions.

9 The desire for a quick fix to dismantled
10 adjudicative licensing process brings us here today,
11 yet we know that we are only here as tokens. We know
12 that our presence, our thoughts, our participation, no
13 matter how active and intelligent and well meant, will
14 only be used to validate an entirely corrupt process
15 with the stamp of public participation.

16 If you'd like the answer to the question
17 of what needs to be fixed? We need rapid access to
18 information in ADAMS, increased file size receptivity
19 beyond a 10 megabyte size so that people can send
20 referenced comments and not have them choked out by
21 the system. We need a place at the table for every
22 public meeting that takes place in this Agency.

23 We want all private meetings with the
24 industry and the Commissioners ended immediately. We
25 want rapid access to FOIA and rapid response. We want

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1 adjudicatory rules that are modeled on the fair rules
2 of the Federal Rules of Civil Procedure. We want
3 balanced fact-finding hearings in all significant
4 rulemakings.

5 Thank you.

6 MR. POSLUSNY: Thank you for your
7 significant comments. Next, please.

8 MR. ZELLER: Thank you. My name is Lou
9 Zeller, and I'm on the staff of the Blue Ridge
10 Environmental Defense League. We are headquartered --
11 I am headquartered in North Carolina, but we have
12 offices in Augusta, Georgia as well, and we work in a
13 region which includes Georgia, both the Carolinas,
14 Virginia, and Tennessee. I'm uncertain in terms of
15 when to make any kind of a presentation, but the
16 issues that we want to bring today are distilled in a
17 document which I handed to the staff here today and
18 with a letter to Mr. Brent Clayton, Environmental
19 Technical Support Branch Chief in the Office of New
20 Reactors. The documents in that are all public record
21 and are based on two cases which we have followed
22 closely at the grassroots level and at other levels,
23 including the North Anna Nuclear Power Station Early
24 Site Permit and the Plant Vogtle Nuclear Power Station
25 Early Site Permit.

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1 MR. POSLUSNY: Thank you.

2 MS. DREW: Good afternoon. I'm Mimi Drew.
3 I'm Deputy Secretary of the Florida Department of
4 Environmental Protection from Tallahassee, Florida.
5 Thank you for the chance to participate today.

6 MR. TURNER: My name is Kyle Turner. I'm
7 a principal with the consulting firm of McCallum,
8 Turner, Incorporated. I'm here representing the
9 American Nuclear Society and my role with them as
10 chair of their Committee on New Nuclear Reactor
11 Construction.

12 MR. RICCIO: I'm Jim Riccio with
13 Greenpeace and it's a pleasure to participate.

14 MR. GEARS: My name is Gary Gears. I'm
15 with the Office of Nuclear Energy, Department of
16 Energy, and I'm the program lead of our program called
17 NP 2010.

18 MS. MILLER: My name is Anne Miller. I'm
19 with the United States Environmental Protection
20 Agency. I'm Director of the Office of Federal
21 Activities which is the office that, among other
22 things, handles the NEPA process and reviews --
23 oversees EPA's review of all agencies' Environmental
24 Impact Statements. And I thank you for inviting me
25 today.

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1 MR. POSLUSNY: We have a few additional
2 staff up front here. Irene, Nilesh Chokshi, Brent
3 Clayton, and Barry Zalcman.

4 With that, I've placed an order of speech
5 today on your table, right at the bottom of the pile.
6 And I'd like to begin with the solicitation of
7 comments to go along with the notice meeting with the
8 Nuclear Energy Institute.

9 Adrian, did you want to make a quick
10 statement beforehand?

11 MR. HEYMER: My name is Adrian Heymer from
12 the NEI. Thank you for those fine words.

13 I just want to say a few words before I
14 hand over to Russ Bell and Anne Cottingham who
15 represent the industry, and to emphasize that it's
16 just not us who are in the room today, but several
17 other members from Utilities who are going forward
18 with nuclear applications.

19 I think this meeting is important, as Jim
20 Lyons said. You've already taken some steps to
21 improve the process and I think that's off to a good
22 start, building on what we've learned from the three
23 Early Site Permit applications and the applications
24 that are currently under review. But I think we need
25 to go forward and go further and we think we can and

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1 we have some ideas to put on the table, recognizing
2 that this is just a start, not the finish. And Russ
3 will go through some of those ideas, along with Anne,
4 covering topics associated with improving the
5 guidance, better training for the industry and the
6 NRC, so that there's a better common understanding of
7 what NEPA requires and what the NRC regulations
8 require and what NRC staff expectations are, and then
9 moving on into the format of which the industry
10 supplies information to the staff, and then taking a
11 look at how that's handled and put together in the
12 hearing process.

13 So with that, I'd like to hand over to
14 Russ Bell and Anne Cottingham to give you a few more
15 details. I think it's important though that as I say,
16 this is the start and we have subsequent meetings to
17 this to see how we can further improve the process as
18 we go forward.

19 MR. POSLUSNY: Thanks. Before we get
20 started, I'd like to mention a ground rule. Could we
21 try to keep our comments to about five minutes? We'll
22 let each person go through his set of comments, his or
23 her set of comments and we'll see if the staff has any
24 clarifying questions or anybody around the table.
25 We'll try to keep it tight, if we can, because our

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1 time is limited. And if we have time at the end,
2 we'll revisit some items as necessary.

3 So thank you. Please start.

4 MR. BELL: Thank you, Chet. Again, my
5 name is Russell Bell. I appreciate the opportunity
6 to participate at the roundtable discussion today.

7 Within the framework of the NEPA and the
8 CEQ, the historical preservation requirements and
9 other requirements that Andy mentioned, we think
10 there's a combination of enhancements that can and
11 should be undertaken to streamline the NRC's
12 Environmental Review Process, again, consistent with
13 NEPA and consistent with the objective, to provide the
14 public an appropriate opportunity to participate in the
15 process, also as Andy described.

16 As Adrian indicated, we'd like this
17 workshop to be the beginning, not a one-time event, a
18 beginning of efforts to consider and implement
19 enhancements in a number of areas.

20 In my five minutes, I'd like to just run
21 through those, leave Anne to discuss some enhancements
22 to the hearing process and hopefully get a chance
23 through the discussion phase to come back to some of
24 those in greater detail.

25 First, and foremost, we think the NRC is

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1 doing the very much right thing in updating the
2 Environmental Standard Review Plan. That obviously
3 needs to continue. We provided detailed comments
4 recently on that and as I guess Jim explained, there
5 will be a separate workshop next week on that, so we
6 won't be going into those areas, but in general,
7 that's critical. We need to have the proper guidance
8 and training on that guidance for NRC staff reviewers
9 concerning the preparation of environmental reports.
10 That's our job. And your preparation of Environmental
11 Impact Statements.

12 In particular, the guidance needs to
13 reflect the 21st century and the Part 52 process and
14 that things can happen in a different order under Part
15 52 and this affects guidance on how the Applicants
16 approach issues like transmission lines, like need for
17 power, like alternative sites. So again, these are --
18 we've provided specific comments in these areas and we
19 look forward to discussing that next week.

20 Related to the SRP, we'd like to suggest
21 that perhaps it become a dual-use guide, a one-stop
22 shop for both the NRC staff for review guidance, and
23 the Applicants to use as guidance for developing their
24 ERs. We think that while efforts are on-going to
25 update the ESRP, an incremental additional effort

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1 could be made to incorporate the information guidance
2 with respect to what needs to be found in an ER to
3 meet the review criteria of the SRP.

4 The NRC has recently put out a new office
5 instruction on acceptance review. There's an
6 enclosure to that that provides an acceptance criteria
7 for both FSAR and an ER. We think that's an excellent
8 start along the lines of what we're talking about and
9 perhaps could be integrated into the ESRP.

10 We think that we understand the staff has
11 scheduled some work, an update, a long overdue perhaps
12 of Reg. Guide 4.2 which is guidance for development of
13 environmental reports. That thing is about 30 years
14 old. Our suggestion is that time could be better
15 spent focusing on ESRP, making it a one-stop shop for
16 guidance for both the Applicants and the industry,
17 Applicants and the NRC.

18 We think development of the EIS could be
19 expedited by formatting that in the same way that the
20 ER and the ESRP are formatted. So if you go to
21 Section 2.34 of any of those documents, they're all
22 pertaining to the same thing. One is the guidance.
23 One is the Applicant's environmental report. And one
24 is the staff's independent assessment of that EIS.
25 Right now, there's a confusing mix of formats. We

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1 think this is going to be simpler and stakeholder
2 friendly and save time.

3 I mention the need for additional training
4 to go along with this new improved guidance. You
5 know, as industry has matured, a lot of the people who
6 understood if they ever did need NEPA, the best are
7 lost to us, moved on. New folks are coming in. We
8 think it shows at times that they don't have a full
9 appreciation for the scope of NEPA and some of the
10 other requirements that Andy mentioned.

11 So I think a focus needs to be brought on
12 additional training. This is for the staff, the
13 industry folks need the same kinds of training. We
14 have the same kinds of issues. ASLB Judges which hear
15 these cases need to be fully versed in their scope and
16 their mandate under NEPA. to get at this, we would
17 suggest holding a series of workshops perhaps jointly
18 with the industry and Anne and I could help facilitate
19 that.

20 Recently, in the seismic area, another
21 area where guidance is changing rapidly, a workshop
22 was held amongst the technical folks to get at the
23 state-of-the-art in seismic evaluations. That was
24 done back in August. It's the same kind of thing
25 we're thinking of in the environmental area.

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1 We think more efficient approaches could
2 be employed to review and assess certain environmental
3 issues. We think that some of the issues can be dealt
4 with generically. This has been done in the license
5 renewal context where we have a GEIS. That's
6 certainly one option here and there may be some issues
7 that lend itself to a Generic Environmental Impact
8 Statement.

9 There are other alternatives though.
10 We're also developing on the safety side templates for
11 how Applicants should deal with issues they need to
12 address in their final safety analysis reports in a
13 standardized, generic way. We're submitting templates
14 that are simply referenced. The templates get prior
15 NRC review and approval and therefore conserving
16 review time later and those issues don't have to be
17 reviewed each time independently. We think that could
18 serve well here.

19 It could be very helpful in areas like
20 alternative energy source evaluations, intake
21 structure issues dealing with those, cooling tower
22 impacts. Those could be dealt with -- could be
23 assessed in a similar way over and over and over again
24 with the methodologies used having been prior approved
25 through an industry NRC effort. Typically, NEI would

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1 coordinate development of those kinds of templates and
2 submit them to NRC. That's what's happening on the
3 safety side.

4 I think lastly, for me, I would just
5 mention that some issues and Andy kind of alluded to
6 this, some issues have consistently small
7 environmental impact. NRC has done as maybe as 72 or
8 more environmental assessments at various sites and in
9 some cases there are issues that just consistently
10 small impact. We think that we can approach those
11 smarter. Those could be prioritized appropriately and
12 so that consistent with NEPA which would have us focus
13 on the more significant issues, those issues are
14 treated commensurate with their significance.

15 The scoping process that Andy mentioned
16 could be a very good way to get at that. Scoping has
17 been going on for some time. We think it could be
18 used more effectively to focus on the more significant
19 issues and less on the consistently non-significant
20 issues. And we think the scoping meetings, the
21 scoping process is intended to do just that.

22 I suspect I ran over five minutes. My
23 apologies.

24 At this point, maybe I borrowed some of
25 Anne's time.

1 MS. COTTINGHAM: I'll be glad to hold.
2 Most of the suggestions we have for enhancing the
3 hearing process are tied to the enhancements to the
4 license review process. I'd be glad to wait until
5 everybody else has had a chance to speak.

6 MR. POSLUSNY: And you can always provide
7 it separately.

8 MS. COTTINGHAM: Exactly.

9 MR. POSLUSNY: Next on our order -- thank
10 you very much for your input. Let's go to the
11 American Nuclear Society.

12 MR. TURNER: By way of perspective, the
13 membership of the American Nuclear Society spans all
14 of the parties in this review process that Andy
15 described earlier. We have members from industry,
16 members from regulator side and also members from the
17 national laboratories who participate as technical
18 inputs and in some cases to the review process.

19 Our suggestion with regard to how the
20 process might be made more efficient relates to that
21 perspective, that the Society has because we do have
22 the opportunity to see and appreciate the challenges
23 that everyone has and also the challenges of that
24 interface. Specifically, it's a pretty nuts and bolts
25 suggestion, but specifically, we think the improvement

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1 of communications between technical experts on the
2 Applicant and regulatory sides could be improved.

3 Even though everyone involved is typically
4 very highly educated and expert in their field, and
5 I'm speaking now of very highly technical things like
6 ecology and meteorology, hydrology, those sorts of
7 things, they don't always speak the same language.
8 They don't always have pre-established and within
9 their discipline a body of communications knowledge,
10 things like common assumptions, common ways of
11 describing things, definitions of terms, those sorts
12 of things, so that when their interaction begins in
13 this review process, it's not always immediate that
14 they begin to communicate with one another.

15 For every RAI, that's Request for
16 Additional Information, that's generated as a result
17 of that lack of communication and then has to be
18 responded to as a result of the inefficiencies in
19 communication, that takes away from the very important
20 role that those folks have in a critical technical
21 review of the Applicant's submittal, so that the
22 result of that can become focused on the license, the
23 denial of it, the issuance of it, and the conditions
24 that become a part of that license.

25 Clearly, the pre-application adequacy

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1 visits and reviews that NRC has undertaken as the wave
2 of new COL applications is coming on line is a very
3 positive and important step in that direction. It
4 would be our perspective that a lesson learned is
5 actually what I've just told you about the
6 communications component of this, that individual
7 technical experts can probably gird themselves quite
8 related to the training kind of thing and the
9 consistency of guidance that Russ mentioned, so that
10 their communications will become effective early on
11 and not require perhaps a settling in of their
12 language before they get started on the review.

13 Other lessons learned from the pre-
14 application review is that an awful lot of this
15 communication is actually between contractor personnel
16 on either side of the regulatory divide. These folks
17 are not necessarily on the permanent staff of either
18 the Applicant or the NRC, but they are critical to the
19 process and so should it be decided, for example, as
20 a result of a workshop like this that this suggestion
21 has traction, it will be necessary to involve those
22 contractor personnel in the process in order to make
23 it work.

24 Having said that, I will make a brief
25 pitch for the American Nuclear Society in that it

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1 would be happy to play a role in creating or aiding
2 forums to accomplish this, should it be adopted. And
3 regardless of that, we appreciate very much the
4 opportunity of speaking.

5 Thank you.

6 MR. POSLUSNY: I think I'll change my
7 suggestion -- let's continue all the way around and
8 then the staff, if they want to ask questions at the
9 end, will that be better? Okay, good.

10 Next on the list is Mimi.

11 MS. DREW: Good afternoon. I have a very
12 brief slide show I'm going to run through just to kind
13 of give you some context for the State of Florida.

14 The State of Florida, as you probably know
15 is a very fragile, we have a lot of fragile
16 ecosystems. We currently have three nuclear power
17 plants in Florida. They've been operating
18 successfully for many years.

19 Next slide, please.

20 They comprise 12 percent of the actual
21 current generation in Florida. However, in the next
22 few years -- next slide, please -- we're looking
23 potentially five or six new projects coming online
24 whether it's an uprate or a new facility, the
25 expectation is this would almost double the capacity.

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1 And the reason that this is important -- next slide,
2 please -- is because Governor Charlie Christ issued an
3 Executive Order in July of this Year 2007, basically
4 saying that we have some targets to reduce greenhouse
5 gas emissions. By the Year 2017, we are directed to
6 reduce greenhouse gas emissions to 2000 levels.

7 Now I won't go through all the math on
8 this, but the bottom line is in order to reduce
9 greenhouse gas to those levels, we cannot permit
10 facilities in the next 20 years that put out a
11 significant amount of greenhouse gas. So we are going
12 to be looking hard at nuclear power. We also, as part
13 of that order, require diversification of Florida
14 utilities into renewable energy portfolio standard and
15 I know we're not talking about that today, but just to
16 give you some context in order to get to where we need
17 to go with those reductions, we are going to be very
18 interested in seeing nuclear facilities uprated,
19 expanded, basically moved forward.

20 We have a huge growth issue in our state.
21 It affects both power and water and one of the most
22 important issues when you issue permits for a nuclear
23 facility, as with any power generating facility is
24 water, so we would like to maintain a significant
25 interest in permitting process as related to that.

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1 Next slide, please.

2 Some of the things that we have going on
3 in Florida that I'd like to recommend that as you move
4 forward in your process you look closely at
5 interacting with us, in the Year 2006, we passed --
6 the Legislature passed the Florida Energy Act which
7 accelerated the State power plant licensing process,
8 includes statutory deadlines for approval for both the
9 State's need determination which is done by our Public
10 Service Commission, and the power plant licensing
11 processes, and provides for advanced cost recovery for
12 nuclear units with annual prudency reviews. This is
13 really important because, as you know, it's an
14 expensive proposition to move forward with any power
15 plant, particularly with a nuclear facility. The
16 Legislature wanted to recognize the ability of the
17 utility to do advanced cost recovery.

18 Next slide, please.

19 We have a lot of efforts that go on in the
20 State of Florida when we issue permits. We have
21 something called the Florida Power Plants Siting Act
22 which puts any utility over 75 megawatts through a
23 process of this review which is extremely detailed.
24 We have the federally delegated permitting
25 requirements, whether it's NPDS, underground injection

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1 control, air, whatever. We have this delegated
2 programs and there's a lot of review that goes on with
3 those.

4 We have something called the Florida
5 Transmission Lines Siting Act which has a whole lot of
6 review if someone wants to come in and site
7 transmission lines. And as I mentioned before, the
8 Florida Public Service Commission does a need
9 determination, so any utility in the State of Florida
10 has a significant number of hoops, public meetings,
11 interactions with the regulatory agencies and
12 obviously the Florida DEP is very interested in making
13 sure that whatever gets permitted meets our
14 environmental requirements.

15 So one of my recommendations to you today
16 is if there's any way possible to interact more
17 comprehensively with the kind of reviews that the
18 State of Florida is already doing, whether it's
19 through our Florida law or through the delegated
20 federal programs, I would request that you look into
21 that.

22 Recommendations, some of this has already
23 been said. We think there could be maybe more
24 efficient contracting. I know as the State of
25 Florida, we struggle all the time with contracting and

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1 trying to get contractors on board that are trained to
2 do it, contractors that are timely. I would ask you
3 to consider maybe a fixed contract versus time and
4 materials. We have had some success in prequalifying
5 contractors and the other idea that you heard already
6 is communication. We feel there needs to be better
7 communication. This is a great opportunity for us to
8 start that communication, reaching out to stakeholders
9 and we have public meetings, a lot of public meetings,
10 a lot of public records. We have very open public
11 records laws in Florida. So I would just suggest that
12 anything we can do to get on board with the federal
13 activities related to this, we work together so that
14 we can not duplicate the process, but still give
15 everybody adequate opportunity to come in and be
16 heard.

17 So with that, I will end, and I'll be
18 happy to take questions later.

19 MR. POSLUSNY: Thank you very much. Let's
20 continue with Richard from Maryland.

21 MR. McLEAN: Yes, Rich McLean, Manager of
22 Nuclear Programs, Maryland Department of Natural
23 Resources, the Power Plant Research Program. Much of
24 what I was going to say here has already been said.
25 I think by Mimi and probably Kyle. I appreciate that.

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1 I'm here as a state representative. As
2 you probably know, states are very, very much involved
3 in this process, very much similar to I guess the
4 State of Florida. We have the Power Plant Research
5 Program and we have a separate environmental review
6 process for any nuclear facility that would promote
7 capacity generation above 70 megawatts.

8 So we have a similar parallel tract and in
9 that regard, many of the things that my program does,
10 we involve our consultants and we generate reports,
11 produce an environmental review document which is
12 direct testimony in an adjudicatory hearing before our
13 Public Service Commission. Very much like the State
14 of Florida does. I think you stole our idea, but we
15 started earlier.

16 Anyway, for now, for the federal process,
17 we do not review the COLA process as terribly
18 different than what we've been through before. We've
19 been very much involved at Calvert Cliffs in license
20 renewal at reactor storage licensing. Other than the
21 fact that a new reactor is obviously going to be a
22 bigger document, more contentious, probably play out
23 a little longer, but I think the same kind of issues
24 are important in that process. We've already been
25 through that.

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1 For my program, and I again will speak
2 from a state perspective, given that background and
3 our expertise, I'm going to offer two suggestions, I
4 think, and they've already been probably captured in
5 earlier discussions. But based upon our experience,
6 you need -- the NRC needs to have early upfront
7 communication with state agencies. My obligation
8 dealing with seven cabinet-level appointees and seven
9 cabinet-level agencies is to coordinate all that input
10 in terms of anything you guys produce, whether it's a
11 scoping document or it's a DEIS, or an FEIS, I need to
12 coordinate all those people. So your schedule is
13 essentially my schedule. And we are a bureaucracy as
14 well. And getting a time card signed in 45 days is
15 difficult -- that's not on the record.

16 (Laughter.)

17 Well, it is, but the point being here that
18 your schedule is our schedule and we need to be
19 apprised very early and upfront, be on top of this
20 process as you move forward, because we have experts
21 and expertise.

22 My agency utilizes contractors for
23 expertise just like the NRC does, just like a whole
24 bunch of people do. So we need to be right up front
25 and right on top early on in the pre-application

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1 process. I know you're reaching out to stakeholders.
2 We're the principal stakeholder because one of those
3 communication nodes is the public comes to us. They
4 don't necessarily go to the NRC. We get questions too
5 and we absolutely need to answer those questions for
6 my agency and my governor. I work for the executive
7 branch. We need to answer the public and provide
8 those answers to those questions that they have, early
9 on in the process.

10 So the suggestions that I have is early on
11 in the process your outreach needs to say what do you
12 guys got, what can you do for me and what can I do for
13 you and that's the communication node.

14 The second point I'd like to make is that
15 we do have and you can go to our website, we probably
16 have in terms of other state interests and input,
17 probably 2,000 reports that are generically viable and
18 you guys could use that kind of information in again
19 a generic sense, for a GEIS, or as you get into a
20 site-specific application. We've got a lot of stuff
21 and we got a lot of people that is a resource, a
22 technical resource that I expect the NRC to utilize
23 and that single point of contact would affect that
24 utilization.

25 And we're on board to have that happen.

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1 So again, I'm going to leave you with use our
2 expertise and let's communicate early on in the
3 process. A single node and point of contact, that's
4 what we do with FERC. FERC comes back before they
5 ever put an RAI out. They come back and say what is
6 Maryland's issue. And I'm speaking for Maryland here,
7 but what is the State's issue? How can we capture
8 your issues in terms of an RAI to get back to the
9 Applicant? So we work up front with that other
10 federal agency to have that happen. I'm hoping that
11 can happen, as we move forward in licensing for new
12 reactors here. So that's my statement and thank you
13 for having us.

14 MR. POSLUSNY: Very good. Thank you.
15 Next, Greenpeace. Jim.

16 MR. RICCIO: I'm Jim Riccio with
17 Greenpeace. It's a pleasure again to be back here at
18 the Commission table. I'd just like to say that you
19 have to forgive our cynicism, that any time I hear NEI
20 mention streamlining or efficiency, I figure the
21 public had better watch their back because basically
22 that means you're going to basically try to strip us
23 of our rights.

24 We have already had our rights of cross
25 examination and discovery removed in this overall

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1 licensing process. And when I heard efficiencies, I'm
2 sure that the Agency and the industry can improve
3 things. Please don't do it in back of the public.

4 It has been a benefit to the public for
5 you to have those early meetings at the sites that
6 have participated in the one at Calvert Cliffs and at
7 the one at North Anna. My concerns, however, are that
8 too that the staff needs to stop speaking
9 bureaucratese. In those processes, you leave the
10 impression in the room that you're going to compare
11 nuclear plants to alternative forms of electric
12 generation. In the public's mind, when you say
13 alternative, they mean solar, wind, things that don't
14 pollute and don't create radiation.

15 You leave the impression in the room that
16 you're going to compare a new plant to those
17 alternatives, when in fact you're really comparing
18 them to a coal plant or another gas-fired turbine.
19 That happened in Maryland, for instance. So I would
20 admonish the staff to be a little clearer when they're
21 speaking because we don't speak in the same language.

22 Additionally, it's very rare that you'll
23 find that I would agree with former Commissioner
24 McGaffigan at all, but I do in this respect. The idea
25 to roll back the comment period to 45 days is

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1 nonsensical. Delays that you're going to experience
2 in this process, attempting to build new reactors is
3 not going to come from public participation. It's
4 going to come from the lack of industry's completeness
5 and accuracy when they file applications which we've
6 already seen. It's going to come from basically
7 things that the public has very little to do with.

8 Before coming here, I reviewed the
9 testimony of the previous Commissioners who were
10 actually in the age when they licensed reactors. And
11 time and time again they came back and said the public
12 is not the problem. So please don't try to increase
13 your efficiency on the backs of well-meaning public
14 participants.

15 MR. POSLUSNY: Thank you. Next is Lou.

16 MR. ZELLER: Thank you. My name is Lou
17 Zeller, and I'm with the Blue Ridge Environmental
18 Defense League. I mentioned earlier in the
19 introductions about the letter which I submitted to
20 Brent Clayton today. It includes information and
21 comments on draft Environmental Impact Statements for
22 the North Anna plant, an allegation which we brought
23 too in that case regarding the Environmental Impact
24 Statement regarding the seismicity in an inquiry which
25 dated back to the very first nuclear power station

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1 built at the North Anna site in the 1970s. We
2 conducted an investigation during that time. And we
3 were greatly disappointed in the results of that
4 investigation because in a nutshell, we had found that
5 in the record that we were able to obtain with
6 congressional hearings and what not, that there were
7 problems identified in the earlier permit process, the
8 first two nuclear power plants. And in fact, that
9 Unit 3 would have been, would be built on a fault
10 line.

11 Ultimately, we were stonewalled because
12 documents were not available to us. Some of these
13 were Agency documents locked up in a file perhaps
14 somewhere in the White Flint buildings, perhaps
15 elsewhere. Some of them were in libraries in the
16 State of Virginia which in the University of Virginia
17 which ought to have been available to the public which
18 -- but which required the agreement from the power
19 company itself to grant access to them. So if that's
20 not a Nuclear Regulatory Commission problem it became
21 our problem because in the final analysis, there was
22 an inability to gain access to these documents and
23 what the allegation ended up is reviewing the same
24 documents which had been submitted by the Applicant in
25 the on-going permit matter, that's an early site

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1 permit.

2 So they went back and just looked at the
3 same things they had done before. This is an
4 inadequate process. The Early Site Permit, we began
5 looking into that back in 2003. In the letter that I
6 submitted today, there is a litany of some of the
7 deficiencies in addition to the one I just mentioned
8 about the seismology and the central Virginia area.
9 It failed to address the negative impacts on human
10 health caused by historic radiation releases from the
11 existing North Anna Nuclear Power Station. Increases
12 in breast cancer mortality rates increased by
13 significant margins while these rates were decreasing
14 elsewhere in the state.

15 We also found that the Federal Occupation
16 Radiation Worker Dose Limit of 5 rems per year was
17 arbitrary and capricious and would not protect worker
18 health or safety. The NRC's limit is based too
19 heavily on economic factors, not on medical knowledge.

20 Other issues are regarding the failure of
21 considering alterative sources to nuclear energy for
22 the generation of power and that means a substantial
23 and comprehensive look at some of the alternatives.
24 I wouldn't belabor this, but before the granting of
25 permit, the Nuclear Regulatory Commission has the duty

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1 to comply with the National Environmental Policy Act
2 to the fullest extent possible. In Calvert Cliffs
3 Coordinated Committee versus the Atomic Energy
4 Commission, the Court said a federal agency is "not
5 only permitted, but compelled to take environmental
6 values into account to continue perhaps the greatest
7 importance of need base to require all agencies to
8 consider environmental issues just as they consider
9 other matters within their mandates." And it ends
10 there.

11 In Natural Resources Council versus
12 Morton, the Court held that reasonable alternatives
13 much be considered even if the alternatives are not
14 within the scope of the Agency. This is a decision
15 which came out of the D.C. Circuit in 1972.

16 I could go on with some of the problems
17 we've had, for example, at with the Vogtle Early Site
18 Permit process. We did, in fact, present documents
19 there which showed increased levels of cancer and
20 morbidity around in the county where the power plant
21 would be located. There is an existing nuclear plant
22 there at Plant Vogtle, two power stations just across
23 the river from the atomic bomb plant at Savannah River
24 site.

25 There are problems with regards to where

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1 does the tritium come from which is contaminating this
2 region. The wells are contaminated downstream as far
3 as the ocean in the Savannah River.

4 If this is a permitted discharge, then the
5 impacts of it are devastating and the addition of two
6 more reactors in my opinion should not even be
7 allowed. This issue has come to to the attention of
8 the Georgia General Assembly, not known for its anti-
9 nuclear sentiments. The resolutions which I have
10 included in the letter which I submitted today, the
11 Senate Resolution 598 from Senator Thomas of the
12 Second District of the Georgia General Assembly Senate
13 said that -- his resolution reads "creating a joint
14 nuclear Plant Vogtle Environmental Issues Judicial
15 Study Committee and for other purposes" and he cites
16 that "whereas, Plant Vogtle consists of two reactors,
17 the community surrounding, Plant Vogtle is home to an
18 exceptionally high percentage of both African-American
19 and low-income households and whereas four countries
20 within the 40-miles of the Plant Vogtle have areas
21 that are persistently distressed and suffer from
22 unemployment and poverty; and whereas any effect on
23 the community surrounding Plant Vogtle as a whole
24 results in a disproportionately high impact on both
25 minority and low-income households."

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1 It goes on to cite the radiological
2 monitoring problems that I mentioned before about
3 Savannah River. And that African-American low income
4 individuals are at specific heightened risk from
5 hazardous materials in this river. People fishing in
6 that river had a unique vulnerability to the effluence
7 which are allowed from a nuclear power plant.

8 The environmental justice issues here, I
9 think, must be considered by the Nuclear Regulatory
10 Commission in its review process. So far, the draft
11 Environmental Impact Statement which has been issued
12 in the Plant Vogtle case and is now under review,
13 falls far short of anything that was brought up during
14 the scoping process. We presented some of this
15 information about cancer rate there.

16 Now can we say that cancer rates are
17 exactly tied to that effluent from those power plants?
18 Well, we have the data there. We have the
19 epidemiological data which shows that there is a
20 problem here and it is contemporaneous with the
21 operation of the power plant. What is lacking is the
22 dose calculations which will say that John or Mary got
23 this much dose between the years of 1975 and 1990.
24 This is not a fault of the people living in the
25 communities surrounding these nuclear power plants.

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1 This is the fault of either the owner/operator or the
2 regulatory agency, in this case the Nuclear Regulatory
3 Commission, the fact that we cannot say that the
4 bullet from this gun killed somebody in the community
5 surrounding a dangerous facility, a facility which
6 emits radionuclides into the area and into the water
7 and ends up in the food supply, does not mean that
8 there is no impact. And so we are at an impasse in
9 terms of proving this. You can get experts to debate
10 this all day, even with good communication. But the
11 people living around the powerplant, and again I'm
12 speaking directly about Plant Vogtle.

13 We have an office in Augusta, and an
14 organizer there working with the people there. And
15 when they see these results, and they see the
16 epidemiological data, a light goes on in their head.
17 And they say something is wrong here. There's a shell
18 game going on in terms of the emissions coming from a
19 nuclear power plant. This is detailed in my letter
20 today. For example, whether the emissions from a
21 nuclear power plant are regulated by the Nuclear
22 Regulatory Commission or the Environmental Protection
23 Agency under the Clean Air Act and the national
24 emissions standards for hazardous air pollutants and
25 radionuclides.

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1 A NISHAP should have issued decades ago.
2 It continues to be lost in the ozone. We have tracked
3 this down and we're bringing it to the attention of
4 this Agency at every opportunity, both locally and
5 here. Something needs to be done. The shell game
6 needs to stop. Public confidence will not be built up
7 by the continued running roughshod over people's
8 rights in this area.

9 Thank you very much for the opportunity to
10 speak to you today.

11 MR. POSLUSNY: Thank you very much.
12 Again, very significant comments and let's continue
13 with Jon?

14 MR. BLOCK: I feel that I used my five
15 minutes to begin with. I want to just second some
16 things that both Jim and Lou had to say here. I agree
17 with Jim that Commissioner McGaffigan made commendable
18 remarks in one of the last things that he got to do on
19 this earth when he noted that the 45-day comment
20 period shouldn't be truncated. I think that those are
21 very wise considerations contained in those comments.
22 And as far as what Lou had to say, I can echo what
23 he's saying in terms of concerns that I saw 14 years
24 of representing clients throughout New England.

25 I watched this Agency ignore, prevaricate,

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1 and just evade responsibility for addressing the
2 concerns of citizens in reactor communities. I see no
3 reason to expect that anything will change as I have
4 in the past seen these attempts at so-called reform of
5 the process.

6 I would like to be pleasantly surprised,
7 but I see no basis for expecting that I will be.

8 MR. POSLUSNY: Thank you. Now we'll go to
9 Gerry.

10 MR. GEARS: I want to again thank you for
11 asking the Department of Energy and specifically the
12 Office of Nuclear Energy to participate in today's
13 meeting. I wanted to give a brief, quick background
14 of the NP 2010 program because it gives us some
15 insight of some of my comments that are going to
16 follow.

17 As some of you may know, the Department's
18 Nuclear Power 2010 program is focused on reducing the
19 technical, regulatory institutional risks of
20 deployment of new nuclear power plants. Two
21 regulatory processes are being demonstrated in the NP
22 2010 program, the early site review process and the
23 COLA process.

24 The Department initiated a cost share
25 cooperative demonstration project with industry to

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1 object NRC approval of three sites for construction of
2 nuclear power plants under the ESP process and two
3 COLA applications. To date, the three ESPs have been
4 approved by the NRC and the two COLA applications have
5 been submitted to the NRC.

6 Based upon our work over the last several
7 years under the NP 2010 program, and I guess as an
8 aside, my personal experience as a former NRC NEPA
9 reviewer for 17 years, I would like to make a few
10 observations on the NRC's Environmental Review
11 Process.

12 Number one, the ESP lessons learned, DOE
13 has asked its three cost share partners, that is
14 Dominion, Entergy, and Exelon, to prepare summary
15 reports on their experience in performing and
16 obtaining ESPs and possible lessons learned. DOE will
17 compile and summarize these findings and present a
18 report that will be available on the Office of Nuclear
19 Energy web early next year. However, there is one key
20 observation I do want to mention at this time. I
21 believe NRC needs to continue to work on developing a
22 streamlined process to determine new and significant
23 for those licensees or applicants who have done a
24 recent ESP and are coming in with a COLA application.

25 More specifically, it appears from our

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1 understanding so far, that many COLA applicants with
2 ESPs end up developing very costly and complex reviews
3 to support their COLA applications on data that
4 sometimes is only a year old and specifically to
5 defend making a case of unassailability versus
6 reasonable assurance.

7 The reason that the Department knows that
8 is we end up paying for it. And the cost involved in
9 going from in the case of North Anna's ESP, the COLA
10 was outstanding. All I can say is it was
11 fundamentally not what we had thought in terms of
12 overall cost. In that sense, one wonders if
13 Applicants in the future will do ESPs because of the
14 cost involved.

15 And I want to support, by the way, the
16 Commission's cost leadership because in some sense it
17 meant to identify early problems in the clear case of
18 Dominion. It identified a fundamental issue.

19 I want to now proceed into some more
20 delicate areas. The NRC's infrastructure, and again,
21 I guess this would be more my personal observation.
22 I worked here some -- well, I started in the 1970s, so
23 it gives an idea of I've been involved early on with
24 the initial 100-plant review and analysis.

25 And based on that, I would suggest that in

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1 order for the NRC to maintain an effective and
2 efficient NEPA process, NRC must maintain its own set
3 of expertise in all the NEPA required disciplines. I
4 suspect this fact is obvious, but I mention it only to
5 make the point that like in the safety arena, NRC's
6 NEPA staff should strive to maintain an outstanding
7 core group of environmental expertise and specifically
8 I mean expertise meaning both education and experience
9 in areas such as ecological science, hydrology,
10 cultural resources, social economics.

11 Now I have no way of knowing that's true,
12 but I'm simply saying in the 1970s the staff of NRC's
13 NEPA review were mostly Ph.D.s with a lot of
14 experience, in some cases robbed from the national
15 labs, with years of experience. And why that is
16 important is my next point.

17 Having this on board core set of experts
18 it's extremely important during those times when the
19 NRC needs to temporarily supplement its NEPA human
20 capital resources through outside entities such as
21 national labs for support service contracts.

22 As I think you all agree, times of staff
23 augmentation can be best managed when there is an in-
24 house technical presence to consult and rely on final
25 decisions. In other words, the NRC staff needs to

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1 make the decision.

2 Finally, in my judgment, there is still a
3 need, as mentioned before, ESRP revisions and Reg.
4 Guide updates. I will admit that I've only recently
5 read parts of NUREG-1555 and then only those sections
6 that I helped write some 30 years ago. I do find
7 there appears to be issues in these documents that one
8 would expect have been well studied and determined not
9 to be significant, but they're still there. And it's
10 not so much a matter of a mission, although I'm sure
11 there are areas that are coming up, especially in the
12 areas of transmission line siting and possible health
13 effects. It's more of a matter of containing issues
14 and guidance that no longer appear to have significant
15 ecological and therefore I assume regulatory impacts.
16 And those are my comments.

17 MR. POSLUSNY: Thank you, Gerry. Horst,
18 I think it's your turn.

19 MR. GRECZMIEL: Thank you, and I
20 appreciate the opportunity to be here today. For the
21 past several years, I've been involved in a process of
22 the Council of Environmental Quality where we took a
23 look at improving the efficiency and the effectiveness
24 of the NEPA process, so a lot of what I'm hearing here
25 today mirrors that and I just wanted to touch on a few

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1 points because I see not only for us in the greater
2 federal family in terms of improving the NEPA process
3 to be faced with additional challenges and additional
4 opportunities, but the same is true here today.

5 What we found when we did our report and
6 we reached out to all of the stakeholders was that the
7 issue of trust and openness and availability of
8 information was something that resonated very clearly.
9 And I was amazed and gratified to hear those same
10 issues raised here today, whether we're talking about
11 communication between industry and Applicants, we need
12 to expand that to all of the stakeholders.

13 When we're talking about making technology
14 such as ADAMS more effective, we need to do that with
15 the view of providing ready access to all potential
16 stakeholders of information that is understandable.
17 When we talk about reducing the bureaucratese, you can
18 imagine what members of the public who are not nuclear
19 physicists or scientists face when they find something
20 coming into their community and they can't even
21 understand the first three acronyms contained in the
22 first ten lines of an Executive Summary.

23 So we need to do a lot better job of
24 communicating on all levels. We need to do a better
25 job and have the challenge of bringing in all of the

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1 stakeholders, state, local, Tribal, community, early
2 on, quote unquote upstream, so any opportunities that
3 we have to explore where we can see how they might
4 inform a pre-application process is something that I
5 think provides a tremendous opportunity. And that
6 benefits all of us because if we know what the issues
7 of concern are to all of those groups, then we have a
8 much better focus on what it is we're going to take a
9 look at in depth and what we need to address as we go
10 through the process.

11 I'll conclude by just very briefly saying
12 that I did take a very careful look at the
13 recommendations that came out the task force, and the
14 one that jumped out at me is the same one that
15 received a lot of attention here today and that's the
16 45 days versus 60 or 75 days. When we were doing the
17 work at the Council on NEPA implementation and
18 improvement, we often heard that more effective, more
19 efficiency means faster, means less public
20 involvement, means cutting out people from the
21 process. And by people, I mean state regulators, I
22 mean local groups, I mean all across the spectrum.
23 In some cases, the business applicants, who were
24 involved with the process felt that same way.

25 So when I see that, I thought here we have

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1 an example of an organization that is looking at and
2 is going through a very active process of improving
3 the way they implement both NEPA as well as their
4 other regulatory and statutory requirements, but do it
5 in a way that doesn't reduce that time. Bravo.

6 The opportunity then is how do we use that
7 time period? A common period of 75 days or 45 days or
8 150 days might not make any difference if we don't do
9 a better job of communicating in the environmental
10 documents what it is that's actually happening, the
11 who, what, where, when, why, how is oft overlooked.

12 We get so wrapped up in the big issues
13 that we're dealing with and we get so wrapped up with
14 the science on one or two aspects that we forget that
15 NEPA and the Environmental Impact Statements that
16 we're creating really serve two functions. They not
17 only inform the decision makers who may well know all
18 of those things and put them into context, but they
19 also inform other stakeholders, both inside and
20 outside the process. And so if we continue to try to
21 look for ways to improve that, I think we'll be well
22 served.

23 Thank you.

24 MR. POSLUSNY: Thank you, thank you very
25 much.

1 Last, but not least, Anne from EPA.

2 MS. MILLER: It's always fun to be last,
3 hard to come up with new things. I kind of am tempted
4 just to say "what he said" and I was his deputy on his
5 task force so I guess I could do that.

6 But I did want to first commend you for at
7 least going through this process and for trying to
8 improve your process. Streamlining is important, but
9 it -- we fight very hard to make sure that people say
10 streamlining while continuing to protect the
11 environment. It's not just a question of doing things
12 faster.

13 I think that what I'm going to do is just
14 do some general observations and most of these things
15 have already been spoken to by others, so I will be
16 brief. Adequate time for public involvement is really
17 critical and it's an investment in time. People do
18 tend to say well, you know, we want to cut back, we
19 want to go faster. Well, you generally go faster in
20 order to go slower at the end of the process. And I
21 think it's critical to have meaningful meetings and
22 time involved of the scoping process and the DEIS
23 process. And it's critical to do it in a way that
24 does communicate.

25 You have inherently complex projects and

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1 I know we always kind of look at them very carefully,
2 but they can be very difficult to review and we do it
3 for a living. So to expect the public to do it, I
4 think you really have to work with people and help
5 them to understand what the issues are, avoid
6 bureaucratese, the acronyms, etcetera, etcetera,
7 etcetera, but really to focus on communication and to
8 the degree possible, focus on collaboration, that if
9 you're going to propose siting a plant in a community,
10 that community is going to have that plant for a long
11 time, so they really do need to be part of the process
12 and understand what are the good points an what are
13 the potential bad points of having a facility there.

14 I think one thing perhaps that hasn't been
15 commented on is incorporation by reference is a very
16 useful tool, but it's one that has to be handled very
17 carefully and I think that when you do it, you have to
18 make sure that you really do have a good summary of
19 what the issues are, and then to the degree that you
20 can make the original document available to the public
21 that's useful. And with ADAMS you do have a
22 technology to do that, but I think as others have
23 mentioned, there could be some benefit to making ADAMS
24 a little more user friendly, that it's fine to have
25 the document there, but if people can't find it, it

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1 doesn't work.

2 If -- I also agree with Marilyn, when they
3 were talking about in Florida, strengthening the
4 attention to have state and local requirements will be
5 met, that that really is a critical issue going
6 through the reviews and again, if you do it up front,
7 it tends to make the process go more quickly at the
8 end, especially because you will have identified the
9 issues that could -- if they pop up later, be
10 problematic.

11

12 New and significant information. That is
13 an issue that's already been brought up and I think
14 that this critical to have a process to do that and
15 the two areas where it particularly comes up is if you
16 are proposing new units at a site that already has
17 units, and if you're going to be depending on studies
18 that were done in the past to get those approvals,
19 it's really critical to have a process that's
20 understandable by the public and by your other
21 stakeholders as to how you will identify new and
22 significant information and really make that judgment
23 of what has to be updated.

24 If you do decide to do a generic EIS on
25 some issues and that may well be a way to streamline

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1 some issues, that again is also a very important
2 concept. Entergy asked to really outline how, in the
3 future, that information will be used and how you
4 will, if you're shearing off it, how you will identify
5 for new and significant information has come up, so
6 that that's not a problem.

7 Last, but perhaps not least, it did occur
8 to us that it might be useful as an addition to ADAMS
9 that you might consider having a dedicated website for
10 each Environmental Impact Statement, that that would
11 be something that would be much easier for the public
12 in terms of accessing the document and being able to
13 review it and then send review comments back in and
14 I'm sure there's some marvelously wonderful electronic
15 way to link something like that to ADAMS so that you
16 can just input the comments and certainly you would
17 want to have enough memory that you didn't cut out the
18 references that they submit.

19 You have a lot on your plate already, just
20 with the suggestions that have been made here today,
21 but thank you.

22 MR. POSLUSNY: Thank you very much. We
23 clearly have seen a broad spectrum of positions and
24 opinions on how the NRC could improve or should
25 improve the process. We talked about -- many people

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1 talked about communications, the quality, how quickly
2 does it happen, is it to the right people, to the
3 right stakeholders? Is it plain language that's
4 always an issue. I don't care what we do. Open and
5 public participation, that's the whole concrete -- the
6 basis for the EIS process. Guidance documents, which
7 ones should we update? How should we update them?
8 How quickly? Availability of documents, is ADAMS the
9 best tool? Can we make it better? We all have our
10 opinions about that.

11 The ESP converting to a COLA process, the
12 resources involved, in-house capability of the staff,
13 is it what it should be or what it was?

14 Let's see -- I can't read my writing,
15 never can. Incorporation by reference, how to do that
16 properly. And the website for each EIS.

17 Mr. Kugler, would you like to either ask
18 any questions or respond?

19 MR. KUGLER: I may have misunderstood
20 something Mr. Bell said. You're talking about making
21 incremental changes and I thought you were talking at
22 that moment about Reg. Guide 4.2, but then something
23 you said later made me think that wasn't what you were
24 talking about. Do you recall the part I'm talking
25 about?

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1 MR. BELL: I think Reg. Guide 4.2 needs
2 much more than an incremental change.

3 MR. KUGLER: Right.

4 MR. BELL: So I was talking about what we
5 can do now while you're focusing on NUREG 15-55, the
6 Environmental Standard Review Plan.

7 MR. KUGLER: Okay.

8 MR. BELL: And that rather than expend the
9 time and resources on comprehensive and very involved
10 update of a 30-year-old Reg. Guide, that perhaps 15-55
11 which has already been brought partially up to speed
12 could be used as the one stop shop and I think rather
13 than -- I'm not suggesting that's a major surgery on
14 that document, you know. You've been improving it
15 recently, but rather to look at it in a slightly
16 different way and incrementally improve it further to
17 serve the needs of Applicants as well.

18 MR. KUGLER: Okay, I just wanted to make
19 sure I understood what you were asking.

20 I think both of the states talked about
21 avoiding duplication and we do want to do that. I
22 think one of the issues that we've seen and we
23 probably need to talk about some more, there's really
24 two issues. One is timing. What we have seen in
25 talking to a number of the Applicants who are coming

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1 is that yes, there's a state process that's going to
2 look at a certain aspect later. It will be later in
3 the process that we have to go because we have to go
4 through this licensing process that at this point I
5 think we're estimating to be 42 months in length and
6 then we issue the permit or the license. And in many
7 cases the Applicants aren't going to be asking for
8 state approval until after that. And so that's an
9 issue we'll have to talk about because you know, we
10 wouldn't be in a position to rely on something that
11 hasn't happened yet, I don't think.

12 But otherwise, if the processes are
13 running together, certainly if we can make use of
14 other information, NEPA allows for that. If there are
15 other environmental reviews we can draw from, we'd
16 certainly be interested in doing that. I think timing
17 may become the biggest issue that we'll have to deal
18 with. And that's probably going to be on a site-by-
19 site basis that we'll have to look at that because
20 every state operates a little differently and the
21 Applicants operate differently. So we'll probably see
22 some different things there.

23 But I think one of the other things that
24 was said about making sure that we're involving the
25 state early and often, I'm not sure we always do as

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1 good a job of that as we should. Well, sometimes we
2 do. I think well, I worked on North Anna, and we
3 worked pretty closely with the state on that one and
4 one of the things we did before we even had the
5 application was we asked the State Department of
6 Environmental Quality, can we get together and talk
7 about it and they were great. They pulled together
8 every agency that was going to be involved in the
9 state and then we had a meeting with all of them at
10 one shot. That allowed us to explain the process,
11 explain what we expected to see and our timing and our
12 things like that and get some input from all those
13 agencies. I think we need to work from that model and
14 try and do the same thing with other states and I'm
15 not sure that we've done it in all cases. So we need
16 to become more consistent about that. But I think
17 that's a very good point.

18 I think you had mentioned that there
19 issues that you felt could be generically
20 dispositioned and actually I think Marilyn, you had
21 mentioned also, Mr. McLean had mentioned that there
22 might be issues. We'll have to look into that more.
23 One of the challenges we face, I think, there's a lot
24 of times people reference back to the Generic
25 Environmental Impact Statement for license renewal and

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1 say well, you did it there. You should be able to do
2 that for new reactors as well. But there is a
3 fundamental difference in the processes in that when
4 we were doing license renewal, we were talking about
5 plants that we knew how they were built, we knew how
6 they operated. We knew exactly where they were sited,
7 and from that perspective that made dealing with these
8 issues easier, because we had that information.

9 When you start talking about new reactors,
10 it creates a challenge because we don't know
11 necessarily where future reactors are going to be
12 sited. We don't know what their designs are going to
13 look like, so we see challenges in trying to
14 generically resolve issues, but we do recognize there
15 may be some issues, and generally it's going to be the
16 less significant issues that there may be some way to
17 deal with it generically because there may be enough
18 information to say perhaps this issue doesn't really
19 rise to the level of being significant anywhere. So
20 we'd be interested in looking into that and maybe we
21 can gather some information after this meeting on
22 that, on what thoughts you have in that area.

23 Let's see. I think those were the main
24 things that I had had. I do think Ms. Cottingham had
25 yielded her time and if we do have time --

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1 MR. POSLUSNY: We're doing good on
2 schedule, so if you would like --

3 MR. KUGLER: So we'll let her go back.

4 MS. COTTINGHAM: Russ spoke a few minutes
5 ago on a number of enhancements that we would like to
6 propose exploring to make the license renewal process
7 more efficient and effective.

8 The hearing process is, of course, of the
9 Environmental Review Process and I don't mean to
10 artificially separate it. We broke that out as a
11 separate issue just for discussion.

12 Many of the proposed enhancements that one
13 might make to the NRC's hearing process on
14 environmental issues are necessarily tied to
15 enhancements that you would make to the license review
16 that goes before and contribute to the hearing
17 process. With that in mind, I'll just mention the
18 very high levels in some areas that we think we're
19 going to hear some additional thought.

20 One, we would like to see implementation
21 of another task force recommendation. I was thinking
22 of the COL task force report and the recommendation
23 that nobody has yet referenced today was their
24 Commission-approved recommendation actually, that the
25 Commission, rather than the Atomic Safety and

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1 Licensing Board conduct mandatory uncontested
2 hearings.

3 In addition, we would like to see the
4 Commission continue with its past practice of using
5 hearing orders in individual licensing hearings,
6 licensing proceedings for a number of purposes: one,
7 to establish schedules; and two, to exclude
8 consideration, usually of generic issues that are
9 otherwise covered in regulations or that are issues of
10 policy, in other words, using the hearing order to
11 control and bound the scope of the hearing. This was
12 done in license renewal phase, as several people have
13 alluded to. It was done by virtue of a policy
14 statement, and in addition, through hearing orders in
15 the individual cases.

16 In addition, we'd like to see some
17 consideration of tightening the milestone schedules
18 that are already in the regulations.

19 In addition, we would like to see time
20 limits proposed by the Commission and enforced for the
21 issuance of initial decisions by the licensing board
22 at the end of the hearing.

23 We would like to suggest that the
24 Commission continue its past practice of using
25 multiple licensing boards when appropriate.

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1 We would like to see the Commission give
2 licensing boards the option of commencing the
3 licensing hearing on environmental issues based on the
4 availability of the draft EIS, rather than the final
5 EIS, if the parties consent.

6 There are other issues that we could bring
7 up. I think these, at a very high level, are what we
8 would like to suggest.

9 One other comment, if we move back in time
10 to the point at which the application is submitted, we
11 have some -- we have one example so far of the partial
12 COLA being submitted for Unistar and as we move
13 forward with more applications, we'd like to have
14 stakeholders continue to work with the Agency to
15 identify lessons learned from the submittal of the
16 partial COLA which is usually the early submittal of
17 the environmental report to see if we can remove any
18 unnecessary obstacles to the continued use of that
19 practice in the future. That should be at the option,
20 of course, of the Applicant, but since it's already
21 allowed for in the regulations, we'd like to see that
22 this be made more efficient, if possible.

23 We think that all these enhancements are
24 within the existing process. And we certainly have no
25 wish to limit unfairly the public participation under

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1 NEPA.

2 Thank you.

3 MR. POSLUSNY: Thank you. Andy, do you
4 have any comments on those suggestions?

5 MR. KUGLER: Well, to be honest, it's
6 really not part of the environmental process per se
7 and I'm not -- I'm probably not in the position to
8 speak to those.

9 MR. POSLUSNY: Okay, we'll just take it as
10 a comment. Good.

11 Let me give the folks around the table
12 about three minutes if you have any other comments on
13 what was said by other members. I'll give you that
14 opportunity. We're doing okay on time because I want
15 to take the break in about 25 of.

16 MR. BELL: Thanks, Chet. I was
17 sympathizing with Andy. He was trying to take notes
18 and you're doing your job up there. I expect we will
19 provide you some follow-up input based on the
20 discussion today.

21 MR. POSLUSNY: And everybody is welcome to
22 do so as well.

23 MR. BELL: In the January time frame.
24 Streamlining has been mentioned. It's almost like
25 it's a four-letter word. It's a bad thing. By

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1 streamline, we do mean shorter, but we want to do
2 shorter by smarter, not at the expense of the public's
3 participation. By smarter, that's dealing with issues
4 that can be dealt with generically; by formatting
5 documents in a consistent way, so we don't waste time
6 reformatting; by having clear guidance at the
7 beginning to help Applicants provide you a quality
8 application and drive down the number of RAIs,
9 requests for additional information, that is
10 necessary.

11 So, the environmental review takes a long
12 time. It takes a long time to bring a nuclear power
13 plant to market, too long. The industry is looking at
14 all aspects of that delivery to drive the time to
15 market down from say about ten years to as short as we
16 can make it. So standardization, we're sacrificing
17 flexibility to build standardized plants and we expect
18 that to bear fruit in terms of shorter safety reviews,
19 quicker construction and of course, enhanced safe
20 operation.

21 We think that the licensing process needs
22 to be looked at as well on the environmental side and
23 while everybody else is looking to do things smarter,
24 better, faster, I think this process shouldn't be
25 exempt and so that's what we're asking to take a hard

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1 look at that.

2 You ask yourself with the benefit of all
3 the pre-application interactions that are going to be
4 had, if we follow through and improve and have clear
5 guidance and format those three documents the same
6 way; if we address a number of issues generically, so
7 that they don't have to be dealt with on each docket;
8 if contractors are managed effectively and challenged
9 and trained on the new guidance and challenged
10 therefore to deliver their products more quickly, and
11 if the RAI process is effectively managed by the NRC,
12 if you ask yourselves all these questions, the
13 conclusion is yes, my conclusion is certainly there is
14 some efficiencies to be gained through these kinds of
15 improvements which all as Anne says are within the
16 current process and framework and it goes to working
17 smarter. And it's these kinds of things we like to
18 follow up this workshop on an on-going basis and work
19 with the NRC staff to achieve.

20 If it takes about 24 months now nominally,
21 to get from a ER submittal to an FEIS, we would
22 suggest 18 months might be a goal. And it's nice to
23 have a goal and we'd like to ask ourselves why that
24 can't be achieved, looking at the array of
25 improvements that are available to us through some of

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1 the things I've been mentioning.

2 That's what streamline means to us.

3 MR. POSLUSNY: Thank you. Any other
4 comments before we take a break?

5 Yes, sir?

6 MR. ZELLER: Lou Zeller, Blue Ridge
7 Environmental Defense League. I do appreciate the
8 opportunity to come here today and the subject matter
9 of efficiency and effectiveness of the review process
10 regarding environmental issues has placed the Agency
11 on the horns of a dilemma. I don't believe you can do
12 both.

13 I think the Office of New Reactors needs
14 to confront that reality. If time lines are going to
15 be shortened, how can more and better public
16 participation, how can more clear documents be posted,
17 and how can more stakeholder involvement happen in
18 this time of a scenario. It's internally
19 inconsistent. It's not logical even.

20 So I would say that the Office of New
21 Reactors should look towards more effectiveness and
22 throw overboard efficiency unless it serves
23 effectiveness.

24 MR. POSLUSNY: Good point, thank you.

25 Jim, you had a comment?

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1 MR. LYONS: I just wanted to address two
2 issues real quick and I think first of all, a number
3 of people brought up the issue about shortening the
4 comment period from 75 days to 45 days. Andy pointed
5 out that our current practice is that we provide a 75
6 day comment period, the required 45 days plus we've
7 already built in those two 15-day extensions. And we
8 plan on continuing to do that. As a result of the
9 task force report, the Commission, as a group voted to
10 maintain it at 75 days, so we're going to keep that
11 there and we're glad to do that. It helps us in our
12 planning in doing our job and it also helps you and
13 providing comments to us. So we're very happy that
14 that's going to stay that way.

15 And then the other issue you brought up,
16 the seismic issue. The seismic issues are just not --
17 we really don't address those as part of our
18 environment review other than we do look at the
19 effects of accidents and we don't really determine
20 what the cause of that accident is, but the effective
21 accident is looked at.

22 The seismic review is something that we
23 look at very carefully as part of our site safety
24 review. It's also part of my division, so I know that
25 issue well. And it's something that we're working on.

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1 But that review focuses on the ability of the plant to
2 withstand an earthquake and to make sure that it can
3 safely shut down following earthquake or other natural
4 disasters like a tsunami or hurricane, tornado, those
5 types of issues.

6 So I don't want you to think that we don't
7 look at it. It's something that we definitely do look
8 at and we're definitely concerned with.

9 MR. POSLUSNY: Thank you. I would like to
10 recommend we do about a 15-minute break. And before
11 we do that, for those of you who didn't have a copy of
12 the Task Force Report, I've got about 50 here, so you
13 can grab one of those on break, number one.

14 Number two, can I get an idea of how many
15 folks of the public would like to speak so we make
16 sure we allocate the right amount of time. This is
17 not a pressure situation.

18 We've got two. Anybody else? Again, feel
19 free to say yes. Okay, let's take the 15-minute break
20 and make sure I have your two gentlemen's names so we
21 can get you on the record, please.

22 Thank you. Come back at about five of,
23 please.

24 (Off the record.)

25 MR. POSLUSNY: Okay, in the interest of

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1 people's schedules, let's please get seated.

2 (Pause.)

3 Okay, in keeping with the agenda, we're
4 going to be doing a roundtable wrap up, but before we
5 get started, Mr. Zalzman from the staff, one of the
6 senior members would like to make a couple of comments
7 from the staff's perspective before we do the
8 roundtable wrap up and then we're going to have some
9 public comments. We have two folks who signed up, and
10 we'll go from there. Thanks.

11 MR. ZALCMAN: Barry Zalzman, staff. Most
12 of you know this familiar face, usually without a
13 beard. But I couldn't miss the opportunity or avoid
14 the opportunity to at least comment on a couple of
15 these issues.

16 Some of them deal with points you've made
17 and there's an historical perspective that some of us
18 can share, that perhaps can stipulate the next round
19 of discussion amongst you. Some of them deal with,
20 for example, our outreach to federal agencies. We've
21 actually started an effort to make sure that those
22 involved in the Section 309 process, the NEPA review
23 process at EPA had very early access to information
24 from the Agency from Applicants, so environmental
25 reports will be shared with EPA very early on.

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1 You've heard about the audit process. We
2 want to make sure that EPA at least has a seat at the
3 table and that states that also have an interest, that
4 we give them an opportunity to participate with us in
5 the audit process.

6 We've reached out in changes to rules to
7 make sure that our sister agencies are aware of these
8 potential changes so that if they have an interest and
9 they have a concern, that they have the opportunity
10 during the comment process to share those with the
11 Agency and we can reflect them as we make
12 recommendations back to the Commission. We did that
13 with the Part 52 rule, the limited work authorization
14 rule as well.

15 Dealing with the state and local
16 organizations, the early outreach is very important to
17 us, and we've established this readiness assessment
18 program that allows, by rule, if you look our Part 2
19 process Applicants can actually seek early contact
20 with the Agency under their initiation and we've
21 created a process that allows for that early dialogue
22 and gives us insights so we can plan more effectively
23 for these applications as they come in, assuring that
24 our perspective that this application is maturing well
25 over the time prior to tendering the application puts

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1 us in a better position to understand the nettlesome
2 issues where they, what kind of effort was made on the
3 part of the Applicant to reach out to their external
4 stakeholders.

5 Separate from that kind of interaction
6 which is at the initiation of the Applicant,
7 prospective Applicant, is the opportunity for states
8 to reach into the Agency. And you made a point that
9 you have a hearing process as well. We have in the
10 past established Memorandum of Understanding with
11 state organizations and let me use the example, the
12 State of Washington. We actually entered into an MOU
13 with the State of Washington, so there was a joint
14 hearing, a single hearing dealing with licensing of
15 facility. So if that is of interest to the state, my
16 recommendation is you contact the Agency to assure
17 that the duplication can be minimized as best we can.
18 And if there is interest on the part of the
19 Commission, they have the opportunity to enter into
20 those MOUs as well.

21 Information that we talked about in terms
22 of licensing guidance, there's guidance for the staff
23 which we're quite familiar with, NUREG 1555, it's the
24 Environmental Standard Review Plan. And there's
25 guidance for external stakeholders which includes

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1 Applicants and those are regulatory guides. These are
2 laid out as this is the process, so all participants
3 understand what the expectations are of each party.
4 The regulatory guides provide a mechanism to
5 demonstrate compliance with our regulatory
6 requirements. It's usually more detailed than some of
7 our guidance to our own staff where perhaps our role
8 is merely to confirm an analysis. So we don't have to
9 do a detailed de novo analysis.

10 On the environmental side, we have a
11 slightly different role. On the role on the safety
12 side, we can rely upon representations made by
13 Applicants, made by licensees, because it's the safety
14 analysis report that is initiated and maintained by
15 the Applicant first, and the licensee after they get
16 a permit or authorization from the Agency. That is
17 the principal licensing basis document.

18 On the environmental side, it is the
19 Environmental Impact Statement. That environmental
20 report prepared by the Applicant is to assist the
21 Agency in fulfilling its NEPA responsibility. By
22 itself, it doesn't stand alone as a licensing basis
23 document. It's the Environmental Impact Statement
24 that is the principal licensing basis document.

25 And our role in NEPA space and I'll cite

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1 a regulation just if you want to check the language,
2 5170, where the NRC staff must independently evaluate
3 and be responsible for the reliability of all
4 information used in that Environmental Impact
5 Statement. It's a slightly different burden that a
6 reasonable assurance burden on the safety side we can
7 accomplish. So there's a greater burden on the
8 environmental side.

9 So the guidance that we use in the
10 Environmental Standard Review Plan is that detailed.
11 So if an Applicant doesn't address an issue in
12 sufficient detail we have the tools to be able to full
13 analyze it. But our NEPA documents are scaled based
14 upon what issues are most significant. The fact that
15 we have the guidance in the Environmental Standard
16 Review Plan doesn't mean we have to do all of that
17 work if an issue is a no-nevermind issue, a small
18 impact issue. And that leads into things like what
19 issues can be resolved generically?

20 Again, Andy addressed the GEIS for license
21 renewal. We know where the plants are. We know how
22 they operate. We understand the environmental
23 equilibrium established after 20 years of operation,
24 how that plan interfaces with the environment. That
25 is not the case with new reactor licensing.

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1 Nevertheless, there are generic issues.
2 So if you look into our regulatory framework we've
3 dealt with the impacts of the fuel cycle, generically.

4 Transportation impacts of spent fuel and
5 high-level waste, generically, there are items that
6 can be dealt with generically. We've attempted to
7 address some of those and if there are others, we're
8 receptive to hearing what they are and determining
9 whether or not we can disposition them generically.
10 The GEIS for license renewal was embraced in our
11 regulatory framework. It is part of our regulations.
12 If we develop a technical basis document, we can
13 change our regulations as we have in the past.

14 Incorporation by reference. We use the
15 NEPA tools of incorporation by reference adoption,
16 tiering, because that's the way NEPA is supposed to
17 work. We don't have to put everything into the same
18 document if the analysis was performed previously.
19 that's going to be fundamentally important for Early
20 Site Permits that are going to be referenced in
21 combined license applications where the staff invested
22 heavily as did those Applicants to address issues and
23 to the degree that they have been resolved those
24 issues, they are some finality.

25 How do we assure that -- we have to

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1 evaluate them in the combined licensed phase, this
2 process called new and significant where there's a
3 process called demonstration that you are bound by the
4 prior analysis allows us to use the tools of tiering,
5 allows us to refer back to other documents and they
6 need not only be NRC documents. They can be sister
7 agency documents that analyze the issues. For
8 example, the Army Corps of Engineers looks at a
9 stretch of a river as an Environmental Impact
10 Statement. We will use that to help our reviews
11 become more effective. Perhaps not streamlined, but
12 more effective.

13 The fact that work does exist we'll rely
14 upon it elsewhere.

15 So those are thoughts that some of you
16 have raised in your earlier comments. There are tools
17 that we have put in place, the CEQ Task Force Report.
18 Chet is standing in, but most of you would be familiar
19 with our Chip Meister, Chip Cameron, the facilitation
20 process that we have implemented within the Agency, I
21 think is an effective tool for reaching out with the
22 public.

23 Chet is standing in and has done an
24 admirable job. That's part of how the federal
25 government is attempting to be more focused in

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1 implementing its NEPA responsibilities. I think we're
2 attentive to the task force report, how we reach out.
3 I think we have a very good record. It's not just the
4 Federal Register notice. It's a lot of work on the
5 part of the staff to make sure the public does
6 understand what their role can be in this process and
7 how we get information to them.

8 Our websites do have this Environmental
9 Impact Statement as a wonderful thing, so they can
10 right to it. They don't have to try to dive through
11 the ADAMS system. We are trying to work heavily on
12 our information technology.

13 So those who have those tools can have
14 easy access to information, but we recognize not all
15 of the public has that. And while we no longer have
16 local public document rooms, we work with libraries in
17 the local communities just to make sure they can
18 support us by having hard copies available to the
19 community at large.

20 So I think we've tried to reach out. The
21 question is whether in reaching out there are still
22 opportunities for the staff to enhance its
23 effectiveness, to consider other ways to improve the
24 way we do business without diminishing in any way the
25 role of each of the external participants.

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1 We have an obligation to our client base.
2 We know who our clients are. But we work in the
3 public interest. That's been very important to us on
4 the environmental side. Can we do a better job?
5 That's what we're asking for. So with that, enjoy
6 your next round.

7 MR. POSLUSNY: And let me build a little
8 bit on that. Just as a reminder, I threw this up here
9 so I wouldn't forget to tell you. To provide feedback
10 on today's meeting, if you didn't feel like you did a
11 good job or you want to do something else. We've got
12 an email set up. It's on our website that was
13 referred to in one of the slides. We'll send in
14 things before the January date we talked about, I
15 believe. And if you want to mail something in, the
16 email address -- I'm sorry, the mail address is on
17 that Form 659 that will go right to Irene Yu there.
18 So if you want to send something else in writing, and
19 stuff that was given to us today, either
20 electronically or handed to us will be on the record
21 as well.

22 Let me open up the table then. Let's
23 start with Anne Miller, if there are any closing
24 comments that you would like to make. And we'll go
25 counter clockwise.

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1 MS. MILLER: Actually, no. How's that?

2 MR. POSLUSNY: Thank you very much.

3 Gerry?

4 MR. GEARS: I don't have anything to add.

5 Thank you.

6 MR. POSLUSNY: Okay, Jim?

7 MR. RICCIO: Again, just that this process
8 is not going to be both efficient and fast. I'd
9 prefer it be effective rather than fast. One of the
10 things that comes to mind that hasn't been raised
11 around this table is the requirement under NEPA to do
12 significant accident mitigation design alternatives
13 and I would think that that may come into play more,
14 especially since we sent in NRC's proposed rule, the
15 first 7 of 10 of the first reactors coming down the
16 pike, probably will not be reviewed for post 9/11
17 reality.

18 So I suggest you might be getting
19 suggestions from the public on how you might better
20 defend your reactors against an airliner impact, even
21 at an environmental level.

22 It's my hope that this process will afford
23 the public a real opportunity to participate so that
24 you can address these issues early on, but in the
25 chance it's not, I can already see members of the

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1 public gearing up to challenge you on this, so you
2 might as well be thorough. And rather than trying to
3 find efficiencies or streamlining that may save you a
4 few days in the process, you might be able to avoid
5 some lawsuits down the pike.

6 That may not be the case, but the reality
7 is again it's not the public, it's not this process
8 that's going to be the crunch point for getting
9 reactors on line, it's going to be the inability of
10 the industry to manage construction and operation and
11 that crunches in their supply chain which we already
12 know to exist, including the reactor vessels.

13 So while we're waiting for a reactor to
14 eventually get built, perhaps we can give this process
15 the time and the justice it deserves.

16 Thank you.

17 MR. POSLUSNY: Thank you. Pat?

18 MR. TURNER: Nothing further, thanks.

19 MR. POSLUSNY: Mimi.

20 MS. DREW: Two points. One it's been
21 interesting hearing people talk about the RAIs or the
22 requests for additional information. We do a whole
23 lot of permitting in Florida and I can tell you that
24 whenever we look at streamlining permitting and people
25 want to cut down time frames it invariably comes back

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1 to the fact that many, many, many permit applications
2 come in the door incomplete. And we do go through
3 multiple RAIs. The more we can do in this context to
4 help people understand what the expectations are in
5 the application, and then be very clear about our
6 ability to get that information in the way that we can
7 accept it, that's really -- I agree with all of you
8 who brought that up, that's where you get your
9 streamlining. It's not shortening the public comment
10 period.

11 And the second thing I want to mention,
12 Andrew, is just that you pointed out a good situation
13 with the timing. I would like to go back and look at
14 that. I don't know exactly how that works, but
15 certainly if there's some things we can do at the
16 state level to get better into the time frame that you
17 all are looking at, I'd like to see that happen
18 because I don't want to see people at different levels
19 of government doing the same thing at different times.
20 It just doesn't make sense for any of us. So again,
21 thank you for the opportunity to share that.

22 MR. POSLUSNY: Lou.

23 MR. ZELLER: Yes. Thank you. I guess
24 what Gerry said at the end there was instructive and
25 it reminded me of something that I think it's

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1 important and it's one the subject in terms of
2 milestones and what's termed here as streamlining in
3 that if the Commission knows who its clients are that
4 indicates that it is paying attention to the Applicant
5 over the public. The clients, I think it's an upside-
6 down process. The clients are the public. It's not
7 your clients and working in the public interest. Your
8 clients are the public. The purpose of the Nuclear
9 Regulatory Commission, the purpose of atomic power
10 ostensibly is to provide electricity so that we can
11 run our computers and see in dark rooms.

12 So it's upside down. So in a nutshell,
13 what I would say what can be done in terms of the
14 existing discussion is to open this process up, that
15 stakeholders not only internal stakeholders, states
16 and regulatory agencies, but public interest groups,
17 some of them here at the table today involved from the
18 very first deliberations at the table at meetings when
19 they are happening, and many meetings happened and are
20 done in camera away from the public view because of
21 supposed concerns about propriety interests.

22 I had to laugh last week when I got one --
23 a notice about a meeting which was happening regarding
24 the Savannah River site and the refuel factory which
25 is not on your -- one of your concerns here today.

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1 But all they're doing at this point is pouring
2 concrete. So what's proprietary about that
3 information? I mean you see what I'm saying. It
4 looks ridiculous to get the notice which did not have
5 the attachment with it to say that this is proprietary
6 and the public is not allowed to attend. We'll let
7 you know it happened and we had a meeting behind
8 closed doors, but we can't tell you what happened
9 there. And you're not allowed to come and
10 participate. Who are the clients and who are the
11 public? That needs to be looked at.

12 Thank you very much.

13 MR. POSLUSNY: Thank you.

14 Jon?

15 MR. BLOCK: I would reference the comments
16 I made at the beginning and add a few. When we see
17 the beginnings of this process resulting in ERs that
18 don't take into account the 21st century conditions of
19 the climate on this planet and the direction it's
20 headed, a direction that is pretty much for ordained
21 regardless of what's done immediately to try to
22 remediate the long-term impact on decreasing amounts
23 of coastline, rising water levels, increased storms,
24 increased floods, lack of water in some areas, so that
25 when you're developing an ER upon which the EIS will

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1 be based, it would be prudent, it would be
2 intelligent, in fact, it would be good science, to be
3 looking at the new projections for changes in
4 coastline, increased storms, changes in water levels,
5 changes in flood patterns. I don't see it happening
6 and I think this Agency needs to get moving on forcing
7 the licensees to confront these new realities.

8 MR. POSLUSNY: Thank you, John. Anne?

9 MS. COTTINGHAM: Nothing.

10 MR. POSLUSNY: Russ?

11 MR. BELL: Thank you. Success for the
12 industry today, we came here to plant some seeds, get
13 my first dose of water. We think there are some
14 improvements that can be made to the NRC's
15 Environmental Review Process.

16 First and foremost, complete the update of
17 NUREG 15-55, but consider expanding it to serve the
18 needs of the Applicants as well. And perhaps
19 de-emphasize Reg. Guide 4.2.

20 Work with stakeholders to plan workshops
21 to -- that would involve technical experts on all
22 sides so they can be brought up to speed and trade up
23 on NEPA and the other requirements that are involved.

24 Innovative generic approaches to address
25 certain environmental issues, as many as can be. I

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1 think it's more efficient for everyone to do that as
2 we're finding on the safety side. It could be GEIS.
3 It could be templates. We think -- I'll mention here,
4 again, the notion that the scoping process, we think
5 could be used more effectively to focus on the
6 significant issues.

7 While success would be an NRC agreement to
8 challenge itself, to find the efficiencies in a 24-
9 month process and drive it down. The industry is
10 working on its side to drive down the ten year time to
11 market for a nuclear plant and I think the NRC with
12 stakeholders can reasonably ask itself to do likewise.
13 Based on experience, with all the applications you're
14 working on applying that repetition to get better,
15 smarter and faster at it, but guidance and training,
16 the other things I mentioned.

17 And our goal for that, you've got to have
18 a goal. Why not 18 months to complete that submittals
19 of an environment report to the FEIs.

20 I think that's in a nutshell success for
21 us today. I would hope to get some reaction as far as
22 the -- maybe in the closing remarks and in terms of
23 what happens next so that this isn't a one-time
24 workshop to meet the Merrifield Task Force
25 recommendation, but rather the beginning of work in a

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1 number of important areas.

2 MR. POSLUSNY: Thank you. Rich.

3 MR. McLEAN: Rich McLean, Maryland DNR.
4 I'm going to expand a little bit on my initial
5 comments. I'm really trying to respond to Andy's
6 question about the potential nexus between a state
7 process that's scheduled a COLA and our licensing.
8 Just briefly, in Maryland, just like Mimi indicated,
9 we have what's called a CPCN process, a Certificate of
10 Public Convenience and Necessity. That runs through
11 our Public Service Commission. Our potential
12 Applicant here in Maryland is the Unistar application.
13 They did file an application with the CPCN. Without
14 question, there's going to be some bleed over in terms
15 of environmental issues that we would address through
16 that process as well as the NRC COLA process. And my
17 Agency is responsible for providing again the
18 coordinated input from all state agencies in both
19 processes. So again, reiterating schedule is very,
20 very important to us and I need to budget not only my
21 man power and my expertise, but my financial resources
22 as well. So this comes at a time that everybody's --
23 money is tight all over. And everybody recognizes
24 that. So that is a concern for us and you need to
25 recognize that we're probably breaking some new

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1 ground.

2 We've never had a new reactor at the same
3 time we have a CPCN process. And that CPCN process
4 again goes into very detail. We have direct testimony
5 that's the result and based upon an environmental
6 review that we do, very similar to your Environmental
7 Impact Statement. So we do that and that's a document
8 that you could utilize in your COLA process.

9 In terms of scheduling, that's a PSC
10 determination. There's every expectation that the PSC
11 would complete that process, somewhere by the end of
12 2008. Again, that's a PSC determination and not mine.
13 So how that plays out is something that I throw out on
14 the table and has yet to be determined, but it's
15 certainly something that would require again the
16 communication with your staff and our staff to make
17 sure that our environmental issues are addressed in
18 your process as well as ours and there's some
19 consistency.

20 That's my comment. Thank you.

21 MR. POSLUSNY: Thank you, Rich. Horst?

22 MR. GRECZMIEL: I just want to repeat my
23 gratitude for being here and for the NRC taking on
24 this round table. When I hear the word workshop, I
25 think that that speaks to what you may want to

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1 consider as being some or one of those next steps and
2 that is taking some of the suggestions that came from
3 the table here such as what are the issues that should
4 be looked at generically, and bringing together folks
5 at a staff level to discuss that and have at the table
6 representatives just as you'd have at the table here
7 today so that we get that input because it's been my
8 experience in the limited 20 years or so that I've
9 been doing NEPA, that you're not going to get a lot of
10 public participation when you're dealing with a
11 generic issue. You're going to get it when it's in
12 their backyard. But you can find representatives from
13 different groups who can bring some of those
14 perspectives to the table and at least start taking a
15 step where you analyze some of those issues up front
16 and do a better job of bringing in all those different
17 groups. So such a final suggestion. Thank you.

18 MR. POSLUSNY: Very good. Thank you.

19 MR. POSLUSNY: Andy, do you have any
20 further comments?

21 MR. KUGLER: Actually, you spoke to one of
22 the ones I wanted to mention and that is there has
23 been a fair bit of talk about generic issues and one
24 of the things I'd like to do is figure out some way
25 for us to start developing a logical list of what

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1 might fit into that category.

2 And I know there are probably a number of
3 different sources we might consider for that, so
4 that's probably something we'll need to look at coming
5 out of this meeting is deciding how to approach that
6 and get people involved in that activity.

7 I think a couple of folks had mentioned
8 training for the staff. I did want to mention we do
9 have a formal qualification program for new employees.
10 It's relatively new, probably we instituted it within
11 the last two years, but all new employees have to go
12 through that. There are different programs for safety
13 reviewers versus environmental reviewers, so it's
14 focused on the type of work they're going to do here.

15 And as far as next steps, I think I left
16 that to Jim to speak to so I know he's going to say a
17 few things about that as we get to closing here at the
18 end, but that will be after the -- any public
19 comments. That's all I've got.

20 MR. POSLUSNY: Okay, with that in mind, we
21 have two gentlemen who would like to speak. I'll
22 bring the mic over there and make that easy. Just a
23 second.

24 Just say your name and --

25 MR. CUDWORTH: Hello, is anybody hearing

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1 me? There you go.

2 My name is Jon Cudworth. I'm with an
3 organization that prepares environmental reports for
4 many clients. We also do work for other than NRC as
5 an audience. So I've seen a lot of NEPA documents. I
6 too have worked in this field since it began back in
7 '69. My observation about this process is like other
8 people have observed, it's less than desirable. One
9 of the reasons is that Environmental Impact Statements
10 tend to be encyclopedias of all possible impacts, all
11 possible things that somebody could think of, things
12 that people thought of previously and have added to
13 over the years. They then have become less than
14 useful support for decision maker, a person who has to
15 decide whether to issue a license or not.

16 You can't look at this document that's
17 several pages long and say here's the answer, this is
18 what I should decide. The member of the public
19 looking at this several hundred pages or trying to
20 download the many megabytes on the website too have
21 the same problem. Where in this morass of wording do
22 they find the information that is truly meaningful to
23 the decision of what to do?

24 I certainly encourage NRC's efforts to
25 start thinking in terms of generic in the way --

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1 perhaps lower case generic issues, things that are
2 less significant and that NRC does not necessarily
3 have to focus on in an EIS. I think the NRC also has
4 to think about the NEPA mechanism they can use to make
5 this work. I've heard some discussions of a generic
6 EIS that tends to be effective, but very time
7 consuming.

8 I think the scoping process is another way
9 to look at this kind of thing on an ad hoc basis. You
10 may set up a template of these are the issues that
11 tend to be less significant. These are the ones we
12 need to focus on, present that information in the
13 Federal Register notice for these notices of intent,
14 give the public an opportunity to comment on the
15 choices, take two from column A and substitute from
16 column B, move things around, but that then will help
17 you meet the NEPA requirement to present information,
18 provide a basis for deciding something is less than
19 significant and then becomes the basis for eliminating
20 that from detail concern in the EIS.

21 I think this could work to everybody's
22 advantage, certainly the industry wants to spend less
23 time, certainly members of the public want to be able
24 to perceive what's important in front of them that
25 they should worry about, should they actually worry

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1 about 102 possible environmental impacts that this
2 plant might present or should they focus on the fish
3 that might be killed or the eggs that may be entrained
4 through the cooling system as truly those are the
5 kinds of impacts that we ought to look at and decide
6 whether this is a good site or not, or whether we
7 should authorize this industry to build or not.

8 So with those two exercises, Andy, and the
9 rest of the staff, I think you have a way of making
10 industry focus on things that are more important,
11 allowing the public to worry less about the small
12 stuff and again know what should be truly considered
13 important in the decision making process, and perhaps
14 make everybody's lives a little easier.

15 That's the main comment I want to make.
16 I heard people talk about the need to coordinate with
17 the states and I certainly would support that. We
18 find many cases where state processes are somewhat
19 duplicative of things that NRC has to worry about.
20 Timing is often an issue we run into and I think then
21 Andy went ahead and said what I intended to say as you
22 also think about federal agencies. It's not just the
23 state agencies that have processes you worry about.
24 It's the Corps of Engineers or the Fish and Wildlife
25 Service, those also could potentially affect schedules

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1 and could affect the Applicant that coordination on
2 the NRC's part could help considerably, so I would
3 support that also.

4 Those are the two things I wanted to
5 mention. Thank you.

6 MR. POSLUSNY: Thank you very much. Next,
7 please.

8 MR. MOORER. I'm Tom Moorer. I'm with
9 Southern Company. I'm actually the environmental
10 project manager for the Vogtle application from
11 Southern Nuclear and I again appreciate the
12 opportunity to be here and be part of this and look
13 forward to some follow-up, Andy, in the future.

14 Maybe building a little bit on what Jon
15 said and actually on something that the state folks,
16 Mimi, and Rich, I believe, said about the process and
17 the states finding that the streamlining or
18 efficiencies or whatever word you choose to use is
19 driven largely by the content of the application that
20 they receive. If that content is there, the
21 application is complete, the documentation is complete
22 and current and consistent, that it's much easier to
23 review and make a decision and building on that back
24 to the work that's being done with NUREG 15-55, the
25 suggestions that have been made about finding a way to

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1 integrate the licensee requirements into the same
2 document that the NRC uses in the SRP.

3 And Barry, your comments, I think, were
4 interesting about what Reg. Guides are and what NUREGs
5 are and what we use those for. That may not be the
6 appropriate way to do it, but I have to believe that
7 if we could find a way to provide more definitive
8 guidance to the Applicant, that I could as the
9 Applicant, provide you a much better document to start
10 with, that would save you from having to ask me
11 questions, RAIs, however, over and over and over
12 again, to get what you need and while it is your
13 document, I recognize that I know you base a lot of
14 the work on information you receive in the ER, either
15 by validating what we send in or by building on what
16 we send in.

17 If we had a more definitive process to
18 where we understood exactly what the expectation is,
19 I firmly believe that's where the economies could come
20 in this process and we could give you a better product
21 to work with and you could then produce economies in
22 the review process that would shorten the overall
23 process while maintaining those efficiencies that we
24 talked about already.

25 The other thing I wanted to say I think is

1 important. We recognize, and I'm speaking as Plant
2 Vogtle right now, but I think I speak for the industry
3 in saying I don't think anybody wants to shorten the
4 public participation process. We recognize the
5 importance of that. We fully support that process and
6 see that as a valid and vital process to this whole
7 effort. So we don't by any means propose gaining any
8 time through shortening that process.

9 Thank you.

10 MS. EVANS: Thank you for your comments.

11 I'd like to ask if there's anybody else
12 from the public -- no. Last chance.

13 MR. BELL: Chet, can I be a member of the
14 public for a moment?

15 MR. POSLUSNY: Sure.

16 MR. BELL: Something that Tom said and
17 mentioned various comments triggered a thought. The
18 SRP is the staff's document to itself and there may be
19 difficulty in a dual use, but one way to structure
20 that might be to include a section in there with the
21 staff -- staff, this is what you should expect to see
22 in an ER. And that sounds more like instructions to
23 the staff or guidance to the staff. But it can serve
24 the purpose that Tom and that I was getting at. So
25 there may be a way to finesse that.

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1 We certainly recognize the purpose of the
2 SRPs, the safety and the environmental as guidance to
3 the staff, but question the need to perpetuate two
4 separate documents and like Tom said, if it's not the
5 only way, but it's certainly something that should be
6 explored on how to do that best. Thanks.

7
8 MR. POSLUSNY: Thank you, as a member from
9 the public. Anybody else?

10 MR. KUGLER: Well, just in regards -- in
11 relation to that, I actually -- the way the SRPs are
12 built right now, that's the reason we've been tending
13 to point the industry toward the SRPs because if you
14 go into the SRP section, there's a section on data and
15 information needs. And so it tells the reviewer, here
16 are the things you're going to need to do your review
17 and as part of that, it generally will say and here's
18 where you can go and get that information and if it's
19 something we would expect in the ER, it says that. So
20 I think it's structured to where it's at least set up
21 for what you just pointed out.

22 Now whether we need to make some
23 improvements in that, that's possible, but I don't
24 think there's any reason we can't do that. I think it
25 may be a little challenging if we were to say the

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1 ESRPs are now going to be both staff and industry
2 guidance. I'm not sure quite how we get there. I
3 don't necessarily disagree with the concept because it
4 would be, dare I say it, efficient, to have one
5 document that we could both use. But I'm not exactly
6 sure how we get to that. But as it is right now, I
7 think we're able to make use of it in a way that you
8 all can also gather information from it.

9 MR. BELL: Let's get the users in a room
10 and talk about it some time.

11 MR. KUGLER: Okay.

12 MR. POSLUSNY: Jim?

13 MR. LYONS: I always get the last word.
14 I appreciate that.

15 Let's talk about where we're going. What
16 we want to is we've got the comments that you've
17 provided today. We're also asking that if you have any
18 other comments as Chet had talked about, please get
19 them into us. We're looking to try to get those in in
20 about 30 days, so we're looking like June 7th or so --
21 January -- I'm sorry.

22 I think when I announced this meeting I
23 said December 7th to people at a meeting, instead of
24 the 6th, and so I caused some confusion for a while.
25 So January 7th, if you could get us some information

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1 back and any additional comments you'd like to make.

2 We're going to take those comments, we're
3 going to -- I can respond to those and we can respond
4 to, we're going to put together a report that will
5 talk about how we can -- some issues we're going to be
6 able to address right away. Other issues may take
7 longer. If we're going to somehow take longer, you
8 know, we're going to plan something out, we'll talk
9 about how we're going to do that and we'll get that up
10 on the website for people to see.

11 There's probably some issues that we
12 can't, as a staff, take on ourselves that maybe we
13 need to pass up to the Commission. If we have to do
14 that, we'll pass issues up to the Commission or to
15 others that maybe the Atomic Safety and Licensing
16 Board, to give them some information.

17 So I do want to thank everybody for
18 coming, especially those that had to travel to get
19 here. I really appreciate you coming. I also am very
20 thankful that we're holding this meeting today, rather
21 than yesterday and that we can look out and see blue
22 skies instead of snow flakes coming down and wondering
23 if we'll ever get home. Or if you may or may not even
24 get here, so with that, I'll turn it back over to
25 Chet. Is this it?

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1 MR. POSLUSNY: I've got to say something.
2 It's my job.

3 Number one -- yes, sir?

4 MR. CUDWORTH: (Off mic.)

5 MR. POSLUSNY: I'm sorry, good question.
6 that report, we'd like to get out by the end of March
7 is what we're shooting for is to put something
8 together and get something out by the end of March.

9 MR. LYONS: We want comments by January
10 though.

11 MR. POSLUSNY: We want comments by January
12 so that we can then -- then we can start making plans
13 for additional interactions on specific issues.

14 MR. CUDWORTH: Will the transcript of this
15 meeting be available some time sooner or when --

16 MR. POSLUSNY: Yes. What's our turnaround
17 time for a transcript, sir?

18 MR. LYONS: Typically, it's within a week
19 we'll get it and then we go through and we may make
20 corrections. We're aiming to have the meeting summary
21 out by early January.

22 MR. CUDWORTH: It will be on that website?

23 MR. LYONS: Yes, it will be on the web as
24 well.

25 I'm glad you asked that.

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1 MR. POSLUSNY: Observation, very sincere,
2 very important comments were received today. We have
3 a lot of work today. Again, I observe that we were
4 more efficient in our timing for this meeting. I hope
5 it was as effective as you all desired.

6 Thanks again for everybody coming. The
7 transcriber did say he had a couple of questions for
8 folks on some things that were said that I couldn't
9 answer. So maybe -- let's first close out the meeting
10 officially, so the record will be ended. And you can
11 ask me who you need to speak to.

12 (Whereupon, at 3:36 p.m., the public
13 meeting was concluded.)

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