

**Official Transcript of Proceedings**  
**NUCLEAR REGULATORY COMMISSION**

Title: Paducah Gaseous Diffusion Plant  
Public Meeting

Docket Number: (n/a)

Location: Paducah, Kentucky

Date: Monday, May 12, 2008

Work Order No.: NRC-2204

Pages 1-20

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UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

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DISCUSSION OF THE CERTIFICATE RENEWAL  
FOR THE PADUCAH GASEOUS DIFFUSION PLANT

PUBLIC MEETING

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Monday, May 12, 2008

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McCracken County Public Library

555 Washington Street

Paducah, Kentucky 42003

FACILITATOR: MICHAEL RADDATZ

Senior Project Manager

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

(6:30 p.m.)

1  
2  
3 MR. RADDATZ: Good evening, everyone.  
4 My name is Mike Raddatz. I'm with the U.S. Nuclear  
5 Regulatory commission. We're here to talk about the  
6 recertification of Paducah Gaseous Diffusion Plant.

7  
8 But there's a couple of orders of  
9 business I'd like to start with first. In the back  
10 of the room there are feedback forms. If you have  
11 any comments or questions about the meeting, please  
12 feel free to take one, fill out, and leave it here  
13 for us or mail it to us. If you decide to mail it,  
14 the address needs one little piece added to it.  
15 Please add Washington, D.C. 20002. That seemed to  
16 have gotten dropped off the top of this.

17 This is a Category III Meeting, which  
18 means the public is invited and encouraged to ask  
19 any question or comment related to the Paducah  
20 Gaseous Diffusion Plant. We have a transcriber that  
21 is here. We're going to transcribe and publish all  
22 the findings from the meeting. Everything that is  
23 said will be captured.

24 If you have any other questions, my name  
25 is Michael Raddatz. I'm the Senior Project Manager

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1 for the Paducah Gaseous Diffusion Plant at the NRC.

2 I'll be speaking to you in a little while about the  
3 recertification process.

4 But for now I'd like to introduce my  
5 boss, Brian Smith. He's the Chief of the Enrichment  
6 and Conversion Branch and has overall responsibility  
7 for my work. And he's going to talk about the NRC  
8 and what we do.

9 MR. SMITH: Thank you for coming out  
10 tonight to enjoy us in this dark room with small  
11 windows on such a nice day. We came from the east  
12 coast but we've had a day more rainy. I called and  
13 talked to my son and it's still raining there today.

14 As Mike said, my name is Brian Smith.  
15 Contrary to the program, my name is not Brain; it's  
16 Brian. And I am Chief of the Enrichment and  
17 Conversion Branch. My branch is responsible for the  
18 licensing of all the enrichment plants in the United  
19 States as well as one conversion plant that is  
20 licensed.

21 And as such one of our licensees or  
22 certificate holders in this case, United States  
23 Enrichment Corporation, recently submitted their  
24 Application for renewal of their Certificate of  
25 Compliance. Conducting this meeting is part of our

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1 process in reviewing that Application. So we're  
2 here to take your questions and comments. And so  
3 this meeting is for the public.

4 We have a couple of NRC folks joining us  
5 here tonight. We have Mike Miller, Senior Resident  
6 Inspector at the Plant. I think he lives in the  
7 neighborhood. He lives in the area, works at the  
8 Plant most every day of the week. He has one other  
9 person that works there with him; that's Mark Chitty  
10 and he's not here tonight though. He had a meeting  
11 from the Region. He's the Principal Inspector in  
12 our Region II Office in Atlanta for this Plant. You  
13 already met Mike Raddatz. There are a couple of  
14 other folks who are joining us on the trip.

15 We have three main purposes for this  
16 meeting tonight. As Mike said, it's part of our  
17 process for the review of this Application for  
18 renewal. Mike is going to walk you through that in  
19 just a few minutes. Talk about your involvement in  
20 this process, the overall process, as well as take  
21 your questions and comments. Mike mentioned that  
22 the meeting was being transcribed so we'll take  
23 those back with us and take that into consideration  
24 as we do our review.

25 I'll just give a presentation on the NRC

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1 itself, a real brief overview. And then I'll turn  
2 it over to Mike for a more detailed presentation.

3 Who is the NRC? The NRC is an  
4 independent agency responsible for ensuring  
5 protection of the public and worker health and  
6 safety in use of radioactive materials as well as  
7 ensuring adequate security for radioactive materials  
8 and sensitive information. A couple of key things  
9 in there: protection of public and worker health  
10 and safety. That's the primary mission for us.

11 We look at a lot of different aspects of  
12 the program. Mike will go over that. We look at it  
13 from a licensing standpoint and we also look at it  
14 from an inspection standpoint. We have Regional  
15 Inspectors and we have Resident Inspectors.

16 We look at it from a radiological  
17 standpoint, a chemical safety standpoint, --  
18 standpoint as well as protection of the environment.

19 We look at releases to the environment. Were they  
20 in accordance with our Regulations?

21 And security, two different aspects,  
22 security of materials, we want to make sure no  
23 material goes unaccounted for or gets stolen or  
24 lost. As well as sensitive information, certain  
25 parts of the gaseous diffusion technology are

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1 classified and so we want to make sure that the  
2 protection of that information in that manner is  
3 done appropriately.

4 NRC is not a promoter of Paducah or any  
5 other project.

6 Prior to 1974, there was no Department  
7 of Energy or Nuclear Regulatory Commission. There  
8 was the Atomic Energy Commission. At that time it  
9 did both roles of the NRC and the Department of  
10 Energy in that it was both a promoter of the  
11 industry itself and a regulator. So it was kind of  
12 an inherent conflict of interest there. So Congress  
13 recognized that and created or split apart the  
14 agency into both the Department of Energy and the  
15 Nuclear Regulatory Commission.

16 And our sole purpose, as you will see in  
17 the next slide, our mission is protection of people  
18 and the environment. It's kind of our tag line  
19 there at the top, kind of sums it up, protecting  
20 people and the environment.

21 Our mission as written in the Atomic  
22 Energy Act is to regulate the nation's civilian use  
23 of byproduct, source, and special nuclear materials  
24 to ensure adequate protection of public health and  
25 safety to promote the common defense and security,

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1 and to protect the environment. That's kind of what  
2 I just went through; that's our -- kind of sums it  
3 up.

4 We accomplish this mission through the  
5 promulgation of regulations. That's writing of the  
6 rules and the guidance that goes along with doing  
7 our job. The licensing of the activities -- the  
8 renewal of the certificates is part of that  
9 licensing aspect. And the inspection of licensees  
10 to verify compliance with the Regulations.

11 So we write the rules. And we license  
12 the licensees or issue Certificates of Compliance to  
13 make sure they're consistent with our Regulations.  
14 And then we verify their compliance through  
15 inspections, both the Regional Inspectors and our  
16 Onsite Inspectors.

17 And that does it for my presentation.  
18 Before we move on to Mike, I guess, are there any  
19 questions for me? I will be available later as we  
20 go through, but if there are any questions so far.

21 Before we go on, there is one member of  
22 the public that would like to make a presentation  
23 now. He has to leave before the end of the meeting,  
24 so we'll let him go ahead and come up and read his  
25 statement.

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1 MR. SCOTT: My name is Myron Scott. My  
2 dad worked at the plant for 43 years. We live in  
3 the area. I just live out in the county a little  
4 ways. I work in Calvert City. I'm a member of the  
5 United Steel Workers of America.

6 And my dad was -- I posted a Letter to  
7 the Editor in the Paducah Sun last week. And there  
8 was a commercial that came out on TV that had five  
9 guys on that commercial, and I've got a lot of  
10 respect for those five guys. I know every one of  
11 them. But they don't tell the true story of the way  
12 this Compensation Act has went about and how it's  
13 been taken care of.

14 We've been turned down numerous times.  
15 My dad had COPD, kidney failure, skin cancers cut  
16 off, a spot on his lungs that we didn't pursue  
17 because we didn't think he's well enough to pursue  
18 it. And he's been turned down for everything. Now  
19 we've been -- he passed away September 28th.

20 After he retired -- and he retired in  
21 '95 -- he had about two good years maybe. The rest  
22 of the time he was sick, the last four years on  
23 dialysis. I would go every night and put him in the  
24 bed, pick him up and put him in the bed.

25 I'm not saying -- don't get me wrong,

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1 I'm not saying everything he had wrong with him came  
2 from that Plant, but there was a lot of stuff that  
3 did. And we've been turned down and just  
4 disregarded on every avenue we've taken on this.

5 And when I published this letter -- the  
6 only reason I published this letter and I'll be  
7 honest with you -- was because of that commercial  
8 because it made me sick to my stomach every time I  
9 saw it. I published my cell phone number in that  
10 letter. And, well, I've received a bunch of  
11 feedback from people with the same problems we've  
12 been having.

13 And if the commercial had never come  
14 out, I probably wouldn't even have wrote the letter.

15 And this was the most tactful of the five letters  
16 that I wrote. I threw the other ones in the trash.

17  
18 But we've gone through this and gone  
19 through this and been turned down. And now I've got  
20 a list of 48 people that have gone through the same  
21 thing that we have.

22 And what I was just -- well I'll just  
23 read the letter. I don't know if any of you all saw  
24 it. I'm sure a lot of people in here saw it and I'm  
25 sure a lot of people probably know my name by now,

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1 but...

2 My letter states, "This is in regards to  
3 the commercial for Mitch McConnell. These four or  
4 five people do not speak for everyone. I am happy  
5 for these guys." Trust me I am because I know all  
6 five of them and have a total amount of respect for  
7 them. Talked to one of them the day before my dad  
8 passed away at a pretty good length.

9 "There are also a lot of people just  
10 like us that have got nothing but a bunch of broken  
11 promises and unanswered questions over a lot of  
12 things. If I were Mitch McConnell, I too would  
13 approve that message on TV. He's elected to take  
14 care of the people of West Kentucky. That's what  
15 he's paid to do."

16 And it goes on to say, "My dad worked  
17 there for 42 years, had numerous illnesses from  
18 numerous exposure." He worked in 400, 410, 600,  
19 610, 300 for years, a lot longer than a lot of  
20 people that worked out there.

21 "We've made numerous phone calls to  
22 Congressman Whitfield and Congressman McConnell."  
23 And just to be quite honest with you the last call I  
24 made to Mr. McConnell's office, if my daughter talks  
25 to somebody like that, I'll -- she's got an issue

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1 with me.

2 "We personally know people who worked  
3 there less than six months with the same illnesses  
4 my dad had that got compensated, some of them  
5 twice."

6 And what I wrote in the letter -- and I  
7 work in a big plant; I know how things work. I work  
8 in a steel mill. We've been exposed to asbestos.  
9 We've been knowingly exposed to asbestos. We know  
10 it; we've got papers stating it. And they have  
11 vowed, the company has vowed and since then has sold  
12 out to another company. And this company has vowed  
13 to if we ever have any kind of problem, we're to be  
14 compensated for it. But these people were all  
15 knowingly compensated and some of them were  
16 compensated from exposure and some of them weren't.

17  
18 And then I left my phone number which  
19 I'm kind of glad I did in a way and kind of wished I  
20 hadn't. But there is -- the rest of the letter  
21 talks about if I -- when I called Mr. McConnell's  
22 office I really wasn't talked to.

23 But the bottom line is we've had all  
24 kind of problems. My mom has got medical bills this  
25 high from dialysis. And we just don't feel like

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1 we've been done right.

2 And that's all I've got to say. I  
3 appreciate your time. I appreciate your taking me  
4 early because I've got to be at work at nine o'clock  
5 and I'll be working while most of you all are in bed  
6 tonight. So I appreciate your time and thank you.

7 MR. RADDATZ: Thank you very much.  
8 Everybody here can sympathize with you. I hope that  
9 your standing gives you some peace and an  
10 opportunity to at least have your voice on the  
11 record.

12 MR. SCOTT: Thank you.

13 MR. RADDATZ: Hi, I'm Mike Raddatz. I'm  
14 here to talk about the NRC involvement in Paducah.  
15 In 1992 the the USEC Privatization Act created USEC.  
16 It was a congressional action. We review the  
17 initial Application for a Certificate of Compliance.  
18 It was issued in 1996. NRC assumed regulatory  
19 oversight in '97.

20 At the same time we created a Compliance  
21 Plan. The purpose of the Compliance Plan was to  
22 bring USEC up into compliance with the Department of  
23 Energy requirements. Contained 57 individual areas  
24 of noncompliance. Addressed many areas of facility  
25 operations, including what's listed there. But all

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1 issues were dispositioned by 2003 by the time the  
2 last certification came through so they'd come into  
3 compliance with our own Regs.

4 The Certificate of Renewal history was  
5 first issued in 1996 and we had a period of coming  
6 into compliance and oversight. And we took full  
7 oversight in `97. We renewed it in `98. And in  
8 1999, we were given permission to extend the renewal  
9 period, so it went to 2003. And in 2003, we were  
10 able to extend it to 2008.

11 We're going to perform a Technical  
12 Review of the Application that we have received. We  
13 received it April -- it has to be in by April 15th.

14 We got it the 13th, I think, of this year. Our  
15 Technical Review will take about six months. If  
16 need be, I'll be asking for additional information.

17 We call that an RAI, or Request for Additional  
18 Information.

19 I will document the entire safety review  
20 in what's called the Compliance Evaluation Report.  
21 When I submit the report, the report will form a  
22 foundation for a recommendation to my Director, and  
23 that will be the Director of Nuclear Material Safety  
24 and Safeguards. Currently it's Michael Webber. I  
25 will recommend either that the Certificate be

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1 renewed or it be denied. He has to act on that  
2 request. By the law he has six months to make that  
3 decision.

4 How is this different from a license?  
5 Well, this is a Certificate renewal. One, the law  
6 was written and it is specifically in there that no  
7 opportunity for a hearing is offered. And that's  
8 specifically in the law. No Environmental Review is  
9 performed. That is specifically in the law.

10 But a Report to Congress will be  
11 prepared. The Report to Congress documents the  
12 environmental and safety history of the facility  
13 over the last five years. And the Report to  
14 Congress has to be prepared and published prior to  
15 the renewal.

16 The Atomic Energy Act requires that they  
17 report on the status of health and safety. And the  
18 last report was issued in 2003. And when I get to  
19 the end, you'll find some ML numbers. You can look  
20 up these reports if you like and bring them down  
21 from our website. They're all available in their  
22 entirety.

23 What's in the Application? A lot of  
24 material: Safety Analysis Report, technical safety  
25 requirements, the Emergency Plan. The Application

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1 relies on the entire foundation of the Application  
2 since day one. There are five volumes that I look  
3 at. They've all been updated. They've all been  
4 kept -- they're completely kept up-to-date.

5 And all this material at this point,  
6 every five years we go through the entire program  
7 top to bottom to verify -- this is our first look of  
8 a overview of it to say, okay, we look at it  
9 continuously throughout the every year, every time  
10 the Application is updated. But this is when we  
11 look at the entire Application in total.

12 What's in consideration? I work with  
13 the Region's and our own people. We look at  
14 enforcement history. We look at operational  
15 activities. We look at changes in the Regulations;  
16 the Regs do change. Not necessarily Part 76, which  
17 is the Regulation that they're under. There are  
18 others that they may be subject to, whether it's  
19 Part 20 or others.

20 We look at the inspection findings. Are  
21 there issues that are ongoing that we need to follow  
22 up on? And we look at the results of their most  
23 recent Performance Reviews. All these go into --  
24 remember I'm making a Recommendation to the Director  
25 on whether I'm going to recommend recertification or

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1 denial of a Certificate.

2 We have an ongoing inspection program.  
3 We assess whether facilities like Paducah, in fact,  
4 all fuel site facilities, are operated safely and in  
5 accordance with the Regulations and their  
6 Certificate. Throughout this process we ensure  
7 Certificate holder activities do not pose undue  
8 safety and safeguard risks to the following: public  
9 people, the workers, the environment, or national  
10 security.

11 And inspections are conducted by -- we  
12 mentioned John Foster from the Region; Headquarters,  
13 I can conduct inspections in concert with other  
14 inspectors. And our Resident Inspectors are there  
15 onsite all the time. We have two Residents at the  
16 Paducah Gaseous Diffusion Plant.

17 Inspection activities are commensurate  
18 with the risk of the facility performance. We take  
19 a look at it. We do risk informed regulations. Now  
20 we attempt to take a look at risk informed  
21 performance base. What's the most dangerous part?  
22 Let's focus on that. We try to avoid chasing  
23 rabbits that don't need to be chased. We try to  
24 focus our activities.

25 We conduct in many areas. I'm not going

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1 to read through them, but you can see that there's -  
2 - we try to look at the entire facility over --  
3 every year we look at bits and pieces of it. And  
4 these are just portions of it. If there's anything  
5 that needs to be looked at if we find it, our  
6 inspectors are known to, what I call, pull threads.

7 They find it and all of a sudden they start  
8 targeting on it and they want to follow it. That's  
9 what they do. Sometimes that's the way it happens.

10 But we do or are required to focus on where the  
11 risk is, where the health and safety risks are.

12 These are a summary of current  
13 activities. We received the Renewal Application in  
14 April of this year. Actually the Federal Register  
15 Notice, it was published, I think, last Thursday the  
16 one in the Federal Register. But I don't know that  
17 for a fact. I got a nod. It did go in last  
18 Thursday. Thank you.

19 Technical Review and evaluation of  
20 submitted materials is under way. As soon as I  
21 received it, I have a team of people that are  
22 helping me. The team is sitting here, well, one of  
23 them. And she'll be assisting me in the Application  
24 and the Regional people will as well to try to  
25 gather up all the material.

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1 By law the Recommendation is due to the  
2 Director of NMSS in October. The Report to Congress  
3 must be issued prior to the Director's decision.  
4 The Report to Congress comes from the Chairman of  
5 the Nuclear Regulatory Commission. So I package the  
6 entire Renewal Certificate and the Report to  
7 Congress and I tie it with a big pink ribbon and we  
8 send it up the chain of command at the Nuclear  
9 Regulatory Commission.

10 And I try to give myself as much time as  
11 possible to get through that process because, if  
12 you've ever worked in any large organization,  
13 they're all editors and they will edit it along the  
14 way. And they'll get back to me and we'll change it  
15 and we'll do what we have to do.

16 But my goal is to recertify. If  
17 recertification is the outcome, that the goal would  
18 be that they would be recertified in December before  
19 December 31st, when their current Certificate  
20 expires. If it is not completed by December 31st,  
21 Paducah enters a state of what we call timely  
22 renewal, which means they continue to operate safely  
23 until a decision has been rendered.

24 How the Stakeholders can be involved.  
25 Stakeholders are everyone, whether it's Paducah

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1 Gaseous Diffusion Plant, members of the public,  
2 workers at the site, or anyone that can be affected  
3 by these decisions.

4 We have a very open licensing process.  
5 This is what the NRC does. You will have several  
6 opportunities to provide comments and input. This  
7 meeting is one. Responding to the Federal Register  
8 Notice, which gives you three days to put in written  
9 comments, is another. And in the end there will be  
10 a final Federal Register Notice announcing the  
11 renewal decision, whether it's positive or negative.  
12 You'll have 30 days to comment on that.

13 Questions and comments. This is very  
14 quick. We allowed lots of time for this meeting in  
15 hopes that more members of the public would come. I  
16 know there's a lot of people from industry here.  
17 But I'm going to give you my e-mail address. If you  
18 have a question or comment, please don't hesitate to  
19 send it to me.

20 These are several important documents  
21 that are there. And at that same location if you  
22 type in the term "Report to Congress," you'll be  
23 able to find -- I should have put it up. I'm sorry  
24 I didn't. The Report to Congress is available that  
25 has the report we filed last, five years ago. If

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1 you can't find it, send me an e-mail. I'll send you  
2 the location.

3 At this point, this is a free forum. I  
4 was hoping -- does anyone have any questions or  
5 comments at all relating to the renewal of this  
6 Certificate? No crickets in the background. I'm  
7 Michael Raddatz. If you have any questions at any  
8 time, please feel free to contact me. It's our job  
9 to protect public health and safety. We think we do  
10 a good one.

11 Yes.

12 LADY IN AUDIENCE: You said that you  
13 were going to make a Recommendation to the head of  
14 NMSS. And what if your Recommendation is that it's  
15 not safe to continue operation?

16 MR. RADDATZ: If I recommend that the  
17 Certificate not be renewed, that would be taken up  
18 to the -- that would probably go all the way up to  
19 the Chairman of the Nuclear Regulatory Commission  
20 for a disposition. It would be -- if I'm making  
21 that Recommendation, it's because I've gone back to  
22 USEC during this process and they have not been able  
23 to satisfy concerns. I consider that highly  
24 unlikely that they couldn't.

25 But if they did, they would be -- the

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1 ultimate decision of a requirement not to renew the  
2 Certificate is they would have -- within a measured  
3 period of time have to cease license operations.  
4 And they would be placed in a decommissioned status  
5 until they could resolve it. Again it's highly  
6 unlikely.

7 The NRC is -- very rarely we have shut  
8 down a facility and kept them shut down. We usually  
9 give them an opportunity to come back into  
10 compliance.

11 If there are no other questions, I'm  
12 going to close this meeting. We'll be here for a  
13 few minutes to answer anything informally that you  
14 would like. But I'll be packing up. I thank you  
15 for coming.

16 (Whereupon, this meeting was concluded  
17 at 6:57 p.m.)  
18  
19  
20  
21  
22  
23  
24  
25

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