

June 5, 2009

MEMORANDUM TO: Patrice M. Bubar, Deputy Director
Environmental Protection
and Performance Assessment Directorate
Division of Waste Management
and Environmental Protection
Office of Federal and State Materials
and Environmental Management Programs

FROM: A. Christianne Ridge, Senior Project Manager **/RA/**
Environmental Review Branch
Environmental Protection
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Division of Waste Management
and Environmental Protection
Office of Federal and State Materials
and Environmental Management Programs

SUBJECT: MAY 19, 2009, PUBLIC MEETING SUMMARY: SCOPING MEETINGS
FOR AN ENVIRONMENTAL IMPACT STATEMENT REGARDING THE
PROPOSED GENERAL ELECTRIC-HITACHI GLOBAL LASER
ENRICHMENT FACILITY

On May 19, 2009, U.S. Nuclear Regulatory Commission staff conducted two public meetings in Wilmington, North Carolina, to discuss the scope of the Environmental Impact Statement for the proposed General Electric-Hitachi Global Laser Enrichment facility. I am enclosing a summary of the meetings for your use. This summary contains no proprietary or classified information.

Docket No.: 70-7016

Enclosure:
General Electric-Hitachi Scoping
Meeting Summary

cc w/enclosure, w/o attachments:
See next page

CONTACT: A. Christianne Ridge, FSME/DWMEP
301-415-5673

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DATE	06/3/09	06/3/09	06/ 4/09	06/05/09	06/ 05/09

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cc w/enclosure, w/o attachments:

William Szymanski/DOE
Patricia Campbell/GEH
Robert Brown/GEH
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Tom Clements/FOTE
Doug Springer/CFRW
Stephen Rynas/NCDENR
Emily Hughes/USACE
David Weaver/New Hanover County
Jennifer Braswell/New Hanover County

Bruce Shell/New Hanover County
Marty Lawing/Brunswick County
George Brown/Pender County
Bill Saffo/Wilmington
Mike Giles/CFC
Malissa Talbert/Wilmington
Wanda Lagoe/NCOSH
Cameron Weaver/NCDENR
Lee Cox/SLO
Kimberly Garvey/USACE
Christopher O'Keefe/New Hanover County
Ronald Sparks/Wilmington

**SUMMARY OF US NUCLEAR REGULATORY COMMISSION SCOPING MEETINGS
FOR AN ENVIRONMENTAL IMPACT STATEMENT FOR THE
PROPOSED GENERAL ELECTRIC-HITACHI GLOBAL LASER ENRICHMENT FACILITY**

Date: May 19, 2009

Place: Warwick Center, University of North Carolina at Wilmington
Wilmington, North Carolina

Attendees: See Attachment 1

Purpose:

The purpose of these meetings was for U.S. Nuclear Regulatory Commission (NRC) staff to listen to public comments on the scope of NRC's environmental review of a proposed uranium enrichment facility to be located near Wilmington, North Carolina.

Discussion:

Each meeting was preceded by an hour-long open house, during which NRC staff answered questions related to the purpose of the meeting, NRC's licensing process, and NRC's environmental review process. Two posters were displayed to summarize the licensing and environmental review processes. The posters are available in NRC's Agencywide Documents Access and Management System (ADAMS) with accession numbers ML091470658 and ML091470669.

Each meeting began with three brief presentations by NRC staff (Attachment 2). Transcripts of the afternoon and evening meetings are available in ADAMS with accession numbers ML091520242 and ML091520244, respectively. Mr. Francis Cameron described the planned format for the meeting and introduced the NRC staff. He explained that there were forms available at the meeting to provide feedback about the meeting itself and comment forms on which members of the public could provide comments on the scope of NRC's environmental review (Attachment 3).

Following introductions of the NRC staff, Ms. Patrice M. Bubar discussed the NRC's role and responsibilities. She stated that the NRC is an independent agency responsible for ensuring the protection of public and worker health and safety in the commercial use of radioactive materials. Ms. Bubar emphasized that NRC is not a promoter of any nuclear facility.

Ms. Bubar then described the purpose of the meeting. She indicated that NRC will conduct an environmental review as required by the National Environmental Policy Act of 1969 (NEPA), as amended, and NRC's implementing regulations at Title 10, Code of Federal Regulations, Part 51. She explained that NRC was at the beginning of its environmental review, and that the purpose of the meeting was to gather public comments about the scope of NRC's environmental review. She emphasized that no decision had been made about whether NRC would grant GEH a license for the proposed facility.

Enclosure

Mr. Timothy C. Johnson discussed the NRC's licensing process for the proposed General Electric-Hitachi (GEH) Global Laser Enrichment facility. He first provided project background information stating that GEH had announced a proposed laser-based uranium enrichment plant to be located in Wilmington, North Carolina, at the site of its current fuel fabrication facility.

Mr. Johnson then explained that uranium is mined from natural deposits and is milled and chemically converted to uranium hexafluoride before going to an enrichment plant. He stated that enrichment is needed to increase the isotopic concentration of U-235 from its naturally occurring concentration of 0.7 percent to 3 to 5 percent for use as fuel for the nuclear reactors used in the United States. Mr. Johnson said that GEH is planning on enriching uranium to up to 8 percent U-235, which is well below the enrichment levels in weapons-grade uranium. He indicated that, following enrichment, uranium is shipped to a fuel fabricator for producing the fuel rods used in nuclear power plants.

Mr. Johnson indicated that uranium enrichment has been performed in the United States since the 1940's using gaseous diffusion and that it has been performed in Europe using gas centrifuges. He stated that two gas centrifuge facilities had been licensed by the NRC and are under construction, and that NRC has received an application for a license for a third gas centrifuge facility.

Mr. Johnson stated that the uranium enrichment plant proposed by GEH would use a classified laser-based technology developed in Australia. The process involves using lasers to excite U-235 atoms, which can then be separated from the U-238 isotopes. Mr. Johnson indicated that the physics of this process has been demonstrated, but a commercially viable process has not yet been demonstrated. He said that GEH is preparing to demonstrate commercial viability with a small-scale test loop that was licensed by NRC in May 2008 and is currently under construction.

Mr. Johnson then explained how NRC would review the commercial-scale application. He indicated that GEH had submitted an Environmental Report as part of its license application on January 30, 2009. He indicated that GEH is expected to submit the remainder of its license application at the end of June. Mr. Johnson stated that NRC will perform a technical review of the application and will also prepare an Environmental Impact Statement (EIS). He said that the technical review is expected to take 18 months and will consider accidents, air and water emissions, worker and public radiological safety, criticality safety, chemical safety, physical and information security, and waste management. He said that the review will be documented in a Safety Evaluation Report (SER).

Mr. Johnson stated that because NRC does not have authority over laser safety, the State of North Carolina Department of Labor will be responsible for these issues. He said that the State of North Carolina has been delegated regulatory responsibility for laser safety by the Federal Occupational Safety and Health Administration.

Mr. Johnson stated that GEH would need a license from NRC before it could construct parts of the proposed commercial facility that are subject to NRC regulation. He indicated that some construction activities, including clearing land, could take place without a license from NRC, but that GEH would need all applicable State, local, and federal permits to perform those construction activities.

Mr. Johnson indicated that for uranium enrichment facilities a hearing is required and that there may also be a contested hearing for the facility. He said that the mandatory hearing will be before a panel of administrative law judges who will decide if the NRC staff's technical and environmental evaluations are adequate. Mr. Johnson stated that shortly after the GEH license application is submitted, a *Federal Register* Notice would be published offering members of the public an opportunity to petition for a contested hearing. The contested hearing is a formal adjudicatory process conducted under formal procedures under NRC regulations. To be admitted as a party to the hearing, an individual must demonstrate standing, that is, be able to demonstrate injury from the proposed activity, and have at least one admissible contention. An admissible contention would be a specific disagreement in fact or law related to an NRC licensing issue that can be litigated.

In addition to the opportunity to petition for a hearing, Mr. Johnson indicated that the public would also have opportunities to provide input into the environmental review. He indicated that the purpose of the day's meetings was for NRC staff to listen to public comment on the scope of the environmental review. He also indicated that the public would have the opportunity to provide comments on the draft EIS. He stated that NRC will also conduct public meetings to explain its determinations in its Final EIS and SER. If GEH is ultimately granted a license, NRC will also conduct a public meeting to discuss its inspection program.

Mr. Johnson then provided contact information for the project and provided web site addresses for obtaining further information on the GEH project and uranium enrichment.

Ms. Christianne Ridge then provided additional background information about the proposed facility and described NRC's environmental review process. She provided a map of the area indicating the location of the proposed facility and noted the existing fuel fabrication facility on the proposed site. She explained that GEH had provided background material to NRC in an Environmental Report and noted that NRC would gather its own information and independently verify any information used in its EIS. She then indicated that GEH's Environmental Report is available in the New Hanover County Library and explained how members of the public could access the report on NRC's website.

Ms. Ridge noted that NRC's environmental review is required by NEPA. She stated that the purpose of the meeting was to allow NRC staff to listen to public comments on the scope of its environmental review. She emphasized that public input is critical to the review because local residents are most familiar with any unique aspects of the environment that could be affected by the proposed facility. She indicated that the four meeting goals were (1) to ensure public concerns are identified early in the environmental review process so they can be properly studied, (2) to identify alternatives to the proposed action, (3) to identify significant issues, and (4) to eliminate unimportant issues from detailed study so that resources can be focused on important issues.

Ms. Ridge then explained the purpose of the EIS and indicated that it is intended to describe potential environmental impacts of the proposed action and alternatives to the proposed action. She stated that the information in the EIS would be available to the public and would be used by decisionmakers in licensing the proposed plant. She said that the EIS would address (1) the proposed action, including the purpose and need for the proposed action, (2) alternatives to the proposed action, (3) the affected environment, (4) environmental impacts from the proposed action and alternatives, and (5) measures that could mitigate the impacts. She provided

examples of alternatives to the proposed action and mitigative measures and noted that alternatives should fulfill the same purpose and need as the proposed action. She noted that impacts could be direct, indirect, or cumulative and provided examples of each type of impact.

Ms. Ridge discussed the scope of the EIS stating that the EIS would address issues such as: (1) impacts to air, water, soils, plants, and animals; (2) radiological and non-radiological impacts to public and worker health; (3) impacts on historical and archeological resources; (4) socioeconomic and cultural impacts; and (5) environmental justice. She indicated that the EIS would address the impacts of construction, operation, and decommissioning of the proposed facility.

Ms. Ridge then described the steps involved in NRC's environmental review. She indicated that NRC had received GEH's Environmental Report and found that it was acceptable for detailed review. She then noted that NRC was currently in the scoping part of the process, and that the day's meetings were part of the scoping process. She indicated that in parallel with the public scoping process, NRC was also consulting with local, State, and Federal agencies that had particular expertise or permitting authority related to the project, and provided examples of some of those agencies and their involvement. She explained that at the end of the scoping process, NRC would prepare a Scoping Summary Report that would summarize the comments NRC received during the scoping process. She also indicated that this report would be available to the public.

Ms. Ridge explained that after completion of the scoping process, NRC would prepare a draft EIS. She stated that the public would also be invited to comment on the draft EIS in writing and at another public meeting. She also reiterated Mr. Johnson's summary of the hearing process and indicated that it was another, more formal avenue for public involvement in the licensing process. Following consideration of comments on the draft EIS, NRC staff will prepare a final EIS.

Ms. Ridge then provided information about how individuals could get more information about the project from NRC's website, at the New Hanover County Library, and by contacting NRC staff. She concluded by describing how members of the public could make comments on the scope of the EIS by speaking at the meeting, filling out a comment form, writing an email to NRC at GLE.EIS@nrc.gov, or writing a letter to NRC.

During the afternoon meeting, NRC staff then responded to questions about the presentation. One person asked whether the licensing and environmental review processes described related to the test loop or the commercial facility. Mr. Johnson clarified that NRC staff had already issued a license for the test loop and that the processes described at the meeting related to the commercial facility. The questioner then asked whether the license for the commercial facility would depend on the results of the test loop activities. Mr. Johnson stated that the test loop would be used by GEH to determine the commercial viability of the technology.

NRC staff then opened the afternoon meeting for public comment. During the afternoon meeting, one commenter indicated that as a County Commissioner, he had heard positive things about GE's operations at the Wilmington site. He indicated he supported nuclear energy. He also indicated that he believed GE was a good steward of the Wilmington site, and noted preservation of a cemetery on site. He also indicated that it seemed sensible to enrich uranium at the proposed location because of the existing fuel manufacturing facility on site.

One commenter noted several specific issues that he believed should be considered in the environmental review, including the potential for hurricanes and vulnerabilities associated with transportation of materials into and out of the site. He suggested that the review should consider alternate means of transportation of materials to and from the site, including transportation by truck, rail, surface water, and air. He suggested that the security of material entering and leaving the site was of particular concern and noted the potential that the facility could be a target for terrorist attacks. He asked if the license NRC may grant would be for a finite or indefinite period. NRC staff indicated that GEH had requested a 40-year license. He also asked if there would be an application fee. NRC staff indicated that GEH would pay for the time staff spends in the safety and environmental reviews of the license application. In addition, an annual fee will be charged at the time GEH begins operation of the facility, if GEH is granted a license for the facility.

One commenter indicated that she was impressed by GEH's commitment to the community and volunteer efforts, and expressed the view that the facility would help Wilmington reach out into the world.

One commenter summarized his education and experiences with nuclear energy, and expressed concern about the safety of boiling water nuclear reactors. He indicated that he had attempted to express this concern to GE for several years without success.

One commenter indicated that he was a physicist, cyberneticist, and had a professional engineering license in addition to being a member of the Wilmington City Council. He expressed support for the proposed facility and indicated that he was familiar with GE's history of safe operation in Wilmington and benefit to the community. He expressed the view that the area needs the jobs that the new facility would provide and that it is beneficial to the community to have employers in many different economic sectors.

Ms. Bubar concluded the afternoon meeting. She encouraged individuals to submit comments and indicated NRC staff would be available after the meeting to answer any remaining questions.

During the evening meeting, one commenter expressed concern that the enrichment facility would affect the value of homes in the neighboring community and encouraged NRC to include the potential effect on home values in its review of economic impacts of the proposed facility. He indicated that he did not have concerns about the safety of the proposed facility but expressed concern that others may have concerns and that these concerns may limit the ability of individuals in the neighboring community to sell their houses. He indicated there are approximately 60 residences in the neighboring community.

Ms. Bubar concluded the evening meeting. She emphasized that NRC is at the beginning of its environmental review process and indicated NRC staff would be available after the meeting to answer any remaining questions.

Action Items:

None

NRC Staff Attending:

Francis Cameron
Patrice M. Bubar
Lisa Clark
Daniel H. Dorman
Roger Hannah
Timothy C. Johnson
Andrea Kock
Tarsha Moon
A. Christianne Ridge
Behram Shroff (Afternoon Only)
Brian W. Smith
Antoinette Walker-Smith
Haimanot Yilma

Attachments:

1. Attendee list (ML091470650)
2. Meeting presentation slides on NRC responsibilities, licensing process, and environmental review process (ML091470539)
3. Public comment form for scoping comments (ML091540140)