Official Transcript of Proceedings

NUCLEAR REGULATORY COMMISSION

Title: Office of Nuclear Reactor Regulation
Public Meeting

Docket Number: (n/a)

Location: Rockville, Maryland

Date: Thursday, October 1, 2009

Work Order No.: NRC-3110 Pages 1-24

ORIGINAL

NEAL R. GROSS AND CO., INC.
Court Reporters and Transcribers
1323 Rhode Island Avenue, N.W.
Washington, D.C. 20005
(202) 234-4433

UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

+ + + + +

OFFICE OF NUCLEAR REACTOR REGULATION

(NRR)

+ + + + +

PUBLIC MEETING

+ + + + +

THURSDAY

OCTOBER 1, 2009

+ + + + +

ROCKVILLE, MARYLAND

+ + + + +

The Public Meeting to discuss the draft Generic Environmental Impact Statement for License Renewal of Nuclear Plants, NUREG-1437, Revision 1, came to order at 1:00 p.m., pursuant to notice, at the Offices of the U.S. Nuclear Regulatory Commission, Commissioner's Hearing Room, One White Flint North, 11545 Rockville Pike, Rockville, Maryland, Lance Rakovan and Kenneth Bailey, meeting facilitators, presiding.

NRR STAFF PRESENT:

TIM McGINTY, Sr. NRC Official, Division of Policy and Rulemaking

KENNETH BAILEY, Meeting Facilitator, Division of Policy and Rulemaking

JASON LISING, GEIS Project Manager, Division of Policy and Rulemaking

JEFF RIKHOFF, Division of Policy and Rulemaking

LANCE RAKOVAN, Meeting Facilitator, Communications Specialist

ALSO PRESENT:

RALPH ANDERSEN, Nuclear Energy Institute

KATHLEEN YHIP, Southern California Edison, Nuclear Energy Institute

NANCY RANEK, Excelon Generation, Nuclear Energy Institute

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

1:06 p.m.

FACILITATOR RAKOVAN: Good afternoon. My name is Lance Rakovan. I am a Communications Specialist here at the U.S. Nuclear Regulatory Commission, or NRC. And It's my pleasure to facilitate today's meeting, along with my colleague Kenneth Bailey, from our Office of Small Business and Civil Rights. We're going to do out best to keep this meeting on track for everyone and we hope you'll help us out with that.

The purpose of this meeting is to provide you with an opportunity to give us your comments on a proposed rule, amending Title 10, Part 51 of the Code of Federal Regulations, as well as the Generic Environmental Impact Statement for License Renewal of Nuclear Plants, or NUREG-1437, Revision 1. You'll probably be hearing the term GEIS, or G-E-I-S, a lot today. And, of course, that's just an acronym for the Generic Environmental Impact Statement.

Today's meeting is just one way that you can participate in this commenting process. And we'll be going over more on how you can participate during the presentation. We're going to have about two parts for the meeting, today. First you'll hear a

presentation from an NRC staff member on the topics at hand. It's information that we think is important for you to understand. There were copies of the presentation on the table when you walked in, and I believe that they are being made on the website for those participating through other ways, so you can follow along, if you'd like.

For those participating by phones, again, I believe you can get on the public meeting page and find the link to it there. For those of you here at Headquarters, they were yellow and blue cards, when you walked in. Hopefully, you filled out a yellow card if you wanted to make a comment. If not, we'll run some cards around later. We use the yellow cards, just to make sure that we get your name and your organization right, because we are taking a transcript of this meeting and we want to make sure that we get your name correct. If you do want make a comment on the phone, and we'll be going to the phones a little later, we just ask that you let us know who you are and what organizations you're with, and we'll take you right in line with the other comments that we receive.

In terms of the transcript, you can help us get a transcript or keep a clean transcript, today, by speaking into a microphone whenever you are making

a comment; keeping side conversations down to a minimum; and, of course, turning off or silencing any electronic devices that you may have with you in the room. For those of you on the phones, I believe we have the phones on mute right now, and we will be opening those up when we go for questions or for comments. But, if you could, please try to keep your phone on mute when you're not making a comment.

One other item that I'm hoping that you picked up when you walked in is our Public Meeting Feedback Form. If you fill that out here today, you can give it to any NRC staff member in attendance, or you can drop it in the mail. Postage is free. This gives us a way to have you let us know how we did with today's meeting and maybe make some suggestions on how we can improve them. For those of you participating by phone, if you can contact any NRC staff member, we will make sure that we get one of those out to you.

I want to take a moment to introduce a few of the staff members in attendance today. First of all, Tim McGinty, who is Director of Policy and Rulemaking. And also, Jason Lising, who is the Rulemaking lead for this initiative. With that, I'm going to hand things over to Tim, and my assistant, if you will, Ken, will be taking over once we move to the

second part of the meeting. If you could, please hold your questions during the presentation, to the end. And that way, we can open the meeting up for the questions and commenting. Tim?

MR. McGINTY: Thanks, Lance. Good afternoon and thanks for your participation today. As Lance said, I'm Tim McGinty, and I'm the Director of the Division of Policy and Rulemaking at the Nuclear Regulatory Commission, in the Office of NRR. That division has many responsibilities, including the project management of rulemaking activities and associated regulatory analyses, related to nuclear reactor safety. The division manages the development of new regulations and the amendment of existing regulations. This afternoon, we will focus on recently published proposed rule and related guidance documents regarding the update to the NRC's Generic Environmental Impact Statement or, as Lance said, it will be repeatedly referred to as GEIS or G-E-I-S throughout today, I'm sure, for License Renewal of Nuclear Power Plants. This is the fourth in a series of six public meetings for this proposed rule. We held similar meetings in Georgia, Massachusetts, Illinois, and will be conducting two more in California later this month.

This particular meeting is being webstreamed and will be archived for future reference by anyone interested in viewing the materials presented. This afternoon's meeting is designed to permit public involvement in the process by using various media, such as webstreaming, to allow for enhanced public outreach. In keeping with the goal of openness and transparency within government, we hope that interested members of the public who cannot physically attend this public meeting because of geographic constraints or otherwise, will find this technology useful.

One of our NRC staff, Jason Lising, will go into more detail about the proposed rule and the revised GEIS. Jason will be presenting a series of slides, describing to you what we have been doing to update environmental impacts associated with the license renewal of nuclear power plants. We want to listen to your questions and comments and have more public dialogue about the contents of the proposed rule and the revised GEIS. And, of course, we want answer any questions you have about either the regulations or the guidance documents. This meeting will be transcribed and the transcripts will be made available to the public. I encourage you to focus

your comments, to the extent that you can, and that you feel comfortable, on the contents of the proposed rule and the revised GEIS and the associated guidance documents. The reason I emphasize that is to maximize your opportunity to influence the rule throughout this process, as we proceed to finalize it.

To sum up, we're going to cover the proposed rule and the draft GEIS; what are their purposes; what is the approach used during this ten-year update. Jason will present to you the findings that are reported in the proposed rule and draft GEIS. Next, we will talk about the schedule; what the next steps are. And then, of course, turn to public comment. Thank you for your time. And I'm going to turn it over to Jason now.

MR. LISING: Thank you, Tim. And thank you all for your attendance this afternoon. We look forward to receiving your comments. Again, my name is Jason Lising. I am the Generic Environmental Impact Statement Rulemaking Project Manager. And I'm here to explain how we've revised the Generic EIS.

First, let me give you a little background information. As part of the license renewal program, initiated in the late 1980s, the NRC undertook a comprehensive review of environmental NEPA issues,

associated with the continued operation of nuclear power plants beyond the term of the current operating license. The results of this comprehensive review were published in 1996 at the Generic Environmental Impact Statement for License Renewal of Nuclear Power Plants, also knows as the GEIS.

During the comprehensive review, the Commission determined that certain environmental impacts associated with license renewal were the same or similar for all plants and, as such, could be addressed generically. In total, 92 environmental impact issues associated with license renewal were identified. Therefore, the main purpose for the GEIS is to identify and evaluate all environmental impacts associated with license renewal and assess environmental impacts that are considered generic and common to all nuclear power plants. The GEIS also defines the number of issues that need to be addressed in plant-specific environmental reviews, which are supplemental EISs to the GEIS.

The results of the environmental reviews on the 92 issues, conducted for the 1996 GEIS, were summarized as findings in Table B-1 and NRC regulations found in Title 10 of the Code of Federal Regulations, Part 51, also known as 10 CFR Parg 51.

In these regulations, the Commission also indicated its intent to review and update Table B-1 and the GEIS every ten years. This meeting, this afternoon, is part of that process, to revise the GEIS and update the findings in Table B-1.

We are here to receive your comments as part of that process. The range of environmental impacts associated -- excuse me, the range of environmental impacts considered in every environmental review for license renewal is comprehensive. This slide gives you an idea of some of the areas that the NRC considers during license renewal environmental reviews. The GEIS -- the revised GEIS discusses the environmental impacts for each of the resource areas shown on this slide. The information provided in Table B-1, in 10 CFR Part 51, is a summary of the findings on the '92 Environmental Impact Issues analyzed in the GEIS. In other words, the GEIS provides the technical basis for the findings in Table B-1.

As many of you may be aware, the issues in Table B-1 are categorized as either Category One or Two. Category One issues are considered generic, as the impacts were determined to be the same or similar at all nuclear power plants. Category Two issues are

impact issues that need to be addressed in plant specific environmental reviews. Category One impacts are only addressed in the GEIS and not in supplemental, plant specific, environmental reviews, unless new and significant information is found that would change the findings in the GEIS.

In the review and update of the GEIS, we re-evaluated the original 92 environmental impact issues listed in Table B-1 to determine if any of these issues needed to be updated, modified, or deleted. We also considered whether new environmental impact issues needed to be added. We considered issues identified during plant specific environmental reviews and environmental laws and regulations. We also considered reorganizing the 92 issues to simplify impact discussions and to streamline environmental impact analyses. We also reviewed the organization and format of the 1996 GEIS and revisited the discussion and analysis of refurbishment impacts. The review and update took into account public comments we received on the GEIS during scoping and during plant specific license renewal environmental reviews.

Several new Category One and Two issues have been addressed and added to the revised GEIS. In addition, based on previous environment reviews and

public comment, some issues were recategorized from Category Two to Category One. It's important to note that, even though Category Two issues would not be Category One, the staff would continue to evaluate these issues for any new and significant information, during each plant specific environmental review. New Category One issues are shown on this slide. These issues were added as a result of previous environmental reviews and public comments.

Here are the new Category Two issues. Again, these issues were added as a result of previous environmental reviews and public comment. And here are the issues, recategorized from Category Two to One. These issues were recategorized based on previous environmental reviews and public comment.

As a result of the review and update, as well as lessons learned and knowledge gained during nearly 40 environmental reviews, we came up with a proposed reorganized list of 78 environmental impact issues, which still include all of the 92 original impact issues addressed in the 1996 GEIS. The reduction in the number of issues was primarily the result of combining or regrouping similar issues. The Appendix B handout illustrates how these issues were reorganized. Many issues that were addressed

separately in the 1996 GEIS that were similar or related have been regrouped under a broader, more encompassing, impact issue. For example, three separate aesthetic issues in the 1996 GEIS have been combined into one aesthetic impact issue that still considers the aesthetic impact of nuclear plants as well as transmission lines. We also found very few instances where power plants were being modified or refurbished for license renewal. These activities have consisted, primarily, of steam generator and vessel head replacement. As a result, most of the refurbishment issues have been combined with continued plant operation issues. Power plant modifications and refurbishment activities associated with license renewal will continue to be addressed in plant specific environmental reviews.

Based on comments received during scoping and during plant specific environmental reviews, we also decided to reorganize the GEIS from a cooling system based approach to a resource based approach. The impacts on each resource area are discussed in one place, rather than having to hunt through several chapters in the 1996 GEIS to find relevant discussions of impacts. To make it easier on the reader, we folded the discussion of impacts in Chapters 3-8, into

one environmental consequence chapter, organized by environmental resource area.

The review and update of the GEIS and our regulations, however, is not yet complete. All of the comments received during the comment period will be considered by NRC staff, as we develop the final rule and revised GEIS, which are scheduled to be issued in 2011. The final rule and revised GEIS will contain the NRC's final determination on the generic impacts associated with license renewal. The comments you provide today and those received during the comment period will help in finalizing the staff's proposed rule and revised GEIS. Because we want all stakeholders to have sufficient time to provide us with constructive comments that will improve the quality of these regulations, as well as license renewal process, I am pleased to announce that the NRC will be extending the public comment period for an additional period of 90 days. The public comment period will now end January 12, 2010, 90 days from the original date of October 14, 2009. A Federal Register notice is to follow within the next week. I am the point of contact for the proposed rule, along with Jeff Rikhoff, who is the point of contact for the GEIS revision. We are working together to insure that all

comments on the proposed rule and the revised GEIS are considered and addressed. The proposed rule and the revised GEIS are available to the public on our web page and through our public document room. You can also view these documents and other related documents, including docketed comments for this rule that have been received by the NRC thus far, on the web, at the address indicated on the slide. Visit www.regulations.gov, then enter NRC-2008-0608 on the keyword or ID and click search. In addition, we will be happy to mail copies to anyone who requests one.

Because of the generic applicability this rulemaking has for all U.S. nuclear plants seeking license renewal, and in an effort to enhance public outreach, this presentation will be available to the public 48 hours after the close of today's meeting. Access to viewing this meeting over the internet is as indicated on this slide, which is also in the handouts available here today. You can find this webcast by visiting out public website at www.nrc.gov, under the public meeting and involvement tab. Click on the meeting archives link, and then click the webcast archive link.

In addition to providing oral comments today, there are several ways to provide written

comments to the NRC. You can write to us at the address on the slide and your handouts, or by e-mail and the web. Again, all comments received during this public comment period will be considered. Thank you again, for your participation in this process. And then, with that, I will turn the meeting back to Ken.

FACILITATOR BAILEY: Good afternoon, everyone. As Lance mentioned earlier, my name is Ken Bailey, and I will be facilitating the questioning -- the clarifying question period and comment period. We would like to see if there are any clarifying questions on the subjects that were presented. If you have any questions, just raise your hand and I will call upon you, in order to -- in order to address your question.

UNKNOWN SPEAKER: I just wanted to --

FACILITATOR RAKOVAN: Ralph, Ralph, we need to get you on a microphone. If you could let us know who you are, please?

MR. ANDERSEN: Yes, sir. Ralph Andersen with the Nuclear Energy Institute. I just wanted to confirm the Federal Register notice announcing the extension of the public comment period, do you expect that within about a week or so? Is that right?

MR. LISING: Jason Lising and yes, Ralph,

that will be coming out within a week or so.

FACILITATOR BAILEY: Okay. Are there any other questions? Okay. If there are no other questions in hours, are there any questions from people participating on the phone lines? Okay. There does not appear to be any other questions. So, at this time, we would like to transition into our public comment period. And we have three pre-registered: Ralph Andersen, Kathy Yhip, and Nancy Ranek. Hopefully, I said that properly. Ralph, you can come up and begin to make your comment.

MR. ANDERSEN: My name is Ralph Andersen from the Nuclear Energy Institute. First of all, I'd like to express appreciation for the NRC's process that they've undertaken in proposing the -- the new regulation and the supporting guidance documents. I think having the public meetings at locations around the country is -- is productive. I -- I don't think NRC should necessarily evaluate, in retrospect, the -- what the level of participation is, necessarily, at those meetings. I think it's more important that you're reaching out and providing the opportunity. And I commend the agency for that.

Also, I would like to express appreciation of the restructuring that NRC did along the lines of

the resource areas, which was described earlier, and the notion of putting together a separate section on environmental consequences that allows one to easily understand the potential impacts associated with license renewal as well as, ideally, the potential benefits. The -- I think it makes it much easier and more accessible to members of the public. I will comment that I asked my wife to take a shot. She's my best critic and reviewer. She took a look at it and -- and she liked it. And so, for what it's worth, one member of the public appreciates the work that you put into that.

The simple comment that I wanted to make today is that we -- we have organized an industry task force of experts working in this area. We have met twice now. We have made sure that we are in attendance and provide some feedback at the public meetings and we will continue to do so. What I would express -- especially like to express our appreciation of -- I would have been continuing to support the idea, but now you've made your decision -- is on the extension of the comment period. For your information, our preliminary comments that we've developed on the proposed rule, the draft regulatory guide, and the Generic Environmental Impact Statement,

currently total just shy of 70 pages of detailed comments. Now that we have the extended comment period, we'll really go to work. So -- but -- but truthfully, what it does allow -- and I -- I just want to reinforce that -- is that provide -- besides providing comments and kind of a summary explanation of -- of why we suggest certain changes to the document, it really gives us a lot more time to fully develop our rationale so that -- that you have a better understanding of -- of -- of where we're going with it. And -- and thereby, I think it makes it a much more productive and constructive process. So again, I really appreciate that extension in the -- in the comment period.

We have made comments at previous meetings, as I mentioned. Because we -- we do understand that the comments provided at the public meetings are being documented, we don't see any reason to -- to repeat those here today. We do have a few additional comments we are making today. We will be making additional comments at the remaining two public meetings. Of necessity, these comments are somewhat at a high level, and I just wanted to clarify. I -- I do appreciate that -- as -- as one who has put out draft documents before, when you see the high level

document, you initially have the reaction of well, what are you talking about, specifically? You know, give me some examples. She me what you've got.

Our issue is just simply timing. We want to be sure we've thoroughly vetted the comments that we've drafted before we begin to drop into the details and share those. So -- so I ask that you not be disappointed that we might go through the next two public meetings still without delving down into those details. What I -- what I would suggest is that we will make sure that we are very clear with our examples and details in our written comments that we provide. And, in fact, we would welcome an -- an opportunity, either near the end of the comment period or following closure of the comment period, whichever is more appropriate, at that time, to meet with you and to discuss even further the comments that we provide. That's not atypical from what we have done in the past, particularly where there are very, very extensive comments. So we -- we'd be happy to discuss that possibility with you. And again, timing would be the simple issue. With that, there are two other members of our task force that have registered to provide specific comments. So I will defer to them, at this point. Thank you.

FACILITATOR BAILEY: Okay. We will now have Kathy Yhip from Southern California Edison.

MS. YHIP: Good afternoon. My name is Kathleen Yhip. I'm a member of the NEI task force and representing Southern California Edison. Our request is for additional clarification, specifically with regard to Chapter 7.2 of the Reg. Guidance, where it talks about discussing alternatives for reducing adverse impacts. In particular, we're looking for additional clarification on whether or not the NRC's expectation is that applicants include, as part of that consideration, whether or not there's a degree of significance, as part of that discussion, much as there is for the mitigation alternatives. In our written comments from the industry, we'll include further details. Thank you.

FACILITATOR BAILEY: At this time, we'll have comments from Nancy Ranek from Excelon Generation.

MS. RANEK: Good afternoon. My name is Nancy Ranek. I am employed by Excelon Generation, but I'm speaking today on behalf of the Nuclear Energy Institute, or NEI. As Ralph has already mentioned, NEI is a policy organization of the Nuclear Energy and Technologies Industry, and participates in both

national and global policy making processes. In July of 2009, NEI created an ad hoc tack force, consisting of representatives from 14 of its member organizations to review and prepare comments on NRC's draft updated Generic Environmental Impact Statement for Nuclear Plant License Renewal and the accompanying proposed rulemaking and draft regulatory guide. It is as a member of NEI's task force that I'm here speaking today.

First, I wanted to -- in addition to Ralph's thanks -- provide my own thanks to the staff for hosting this meeting and for taking comments from the industry and others. We think that this process has worked well in the past and we fully support it.

I will make one specific comment today. My comment relates to the implementation of the final rule. And my comment has, essentially, two parts. First, the industry encourages the staff to finalize all of the documents associated with this rulemaking package at the same time. These are the revised regulations, the GEIS, and the regulatory guide. We note that the NRC has not always done this in past rulemakings and we believe it would benefit both the regulated community and the staff to have the level of certainty that would come if all of the documents were

finalized simultaneously.

The second part of my comment relates to the timing of the final -- of implementation of the final draft regulations. The industry suggests that the NRC establish an effective date for the final rule that is tied to the sufficiency determinations of applications. That is, the sufficiency of an application filed before the effective date of the final rule, should be judged, based on the existing regulations while the sufficiency of applications filed after the effective date should be judged based on the new final rule. We suggest that it might be reasonable for the effective date to be between six and 12 months from the final publication of the rule in the Federal Register, but we're still evaluating this and we'll address it more fully in our written comments.

This concludes my statement for today and thanks for your time.

FACILITATOR BAILEY: Once again, we would like to go to the phone lines to see if there is anyone who has any comments. There being none, we would like to solicit once again to see if anyone within would like to make any comments. If you do, please raise your hand and Lance or I will get you a

yellow card so that you can present your comment. There seems to be none. At this time, I will turn it back over to Tim, if he wants to close or say any words before closing.

MR. McGINTY: I just wanted to thank for this meeting, the fourth of six, that we didn't get a plethora of comments. But I do very much appreciate industry attending and making value added comments and value added to the process and working with the staff to make sure that -- that we understand any of -- any of the issues or comments that you have. I wish we could have elicited more comments from this process, but it's an initial reach-out via the web process. And I think Jason already described that there are other mechanisms. And, with that said, if there are no other further comments, if there is nothing further to add to this meeting, then we'll close it.

Thank you, very much.

(Whereupon, the meeting was adjourned at approximately 1:38 p.m.)

CERTIFICATE

This is to certify that the attached proceedings before the United States Nuclear Regulatory Commission in the matter of: Nuclear Reactor Regulation

Name of Proceeding: Public Meeting

Docket Number: (n/a)

Location: Rockville, Maryland

were held as herein appears, and that this is the original transcript thereof for the file of the United States Nuclear Regulatory Commission taken by me and, thereafter reduced to typewriting by me or under the direction of the court reporting company, and that the transcript is a true and accurate record of the foregoing proceedings.

Matthew Mawhinney
Official Reporter
Neal R. Gross & Co., Inc.