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P R O C E E D I N G S

(7:01 p.m.)

1
2
3 MR. RAKOVAN: Good evening,
4 everyone. My name is Lance Rakovan and I am a
5 communications specialist at the Nuclear
6 Regulatory Commission, or NRC, and it's my
7 pleasure to facilitate tonight's meeting. I'm
8 going to help do my best to keep tonight's
9 meeting on track and I hope you'll help me out
10 with that.

11 The purpose of this meeting is
12 to provide you with an opportunity to give us
13 your comments on a proposed rule amending Title
14 10, Part 51 of the Code of Federal Regulations,
15 as well as the generic environmental impact
16 statement for license renewal of nuclear plant
17 or NUREG 14.37, revision one. You'll probably
18 hear the term GEIS, or G-E-I-S, a lot tonight
19 and that's what they're talking about then.

20 Tonight's meeting is just one
21 way that you can participate in this commenting
22 process and we'll be covering more about that
23 soon. The meeting is essentially going to have
24 two parts, first we are going to have a
25 presentation, going over some of the

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1 information that we think that's important for
2 you to know, and then essentially we'll be
3 opening the floor up to comments from you.

4 There are yellow and blue cards
5 on the table where you checked in. If you are
6 interested in commenting, hopefully you filled
7 out a yellow card. If not, I'll bring them
8 along later and you can fill one out. I do
9 have a few people who are signed up to talk, so
10 once we are done with the presentations, we'll
11 basically be opening the floor up to you to
12 make your comments.

13 We are transcribing tonight's
14 meeting so when you do approach the microphone,
15 number one, please use a microphone every time
16 you make a comment, make sure you let us know
17 who you are, any groups that you are with and,
18 if you can, try to keep side conversations down
19 to a minimum. And also, silence electronic
20 devices so we can make sure that we get a clean
21 and clear transcript of tonight's meeting.

22 We also have a phone line, but
23 I do not believe anybody has joined us. If
24 there is someone on the line, can you please
25 say something right now? Okay, figured I would

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1 check, I will do that a couple of times during
2 the meeting.

3 Another item out on the table
4 is our public meeting feedback forms. If you
5 picked up one of those and can fill it out for
6 us, give us your idea on how tonight's meeting
7 went, and we really do pay attention to those,
8 so you can have an effect on how we plan our
9 future meetings. You can either leave those
10 with any of the NRC staff here tonight or you
11 can drop them in the mail, postage is free on
12 that.

13 Just in case you missed them,
14 restrooms are back out the door to your left
15 and back towards the lobby, they will be on
16 your left eventually. Those are the closest
17 ones I could find, so just in case you need
18 one.

19 I wanted to take a moment to
20 introduce our speaker tonight, which is Jeff
21 Rikhoff. He is the lead for the generic
22 environmental impact statement or GEIS. I also
23 wanted to point out that we have Jason Lising
24 with us, who is the rulemaking lead for this
25 initiative. If you could, please hold any

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1 questions that you have on Jeff's presentation
2 until he is done. We'll have a quick Q&A
3 session, if you have any clarifying comments on
4 his presentation before we open it up to the
5 floor for comments.

6 So, with that, I'll pass things
7 over to Jeff.

8 MR. RIKHOFF: Thank you, Lance.

9
10 I would like to thank everyone
11 for coming out this evening. We really
12 appreciate you taking the time to meet with us
13 and provide us with your comments. Again, my
14 name is Jeff Rikhoff, I am the generic
15 environmental impact statement project manager
16 and I am here to explain how we revised the
17 generic EIS.

18 First, let me give you a little
19 background information. This is part of the
20 license renewal program initiated in the late
21 1980s, the NRC undertook a comprehensive review
22 of environmental issues associated with the
23 continued operation of nuclear power plants
24 beyond the term of the current operating
25 license.

1 The results of this
2 comprehensive review were published in 1996 as
3 the generic environmental impact statement for
4 license renewal of nuclear power plants, also
5 known as the GEIS. During the comprehensive
6 review, the commission determined that certain
7 environmental impacts associated with license
8 renewal were the same or similar for all plants
9 and, as such, could be addressed generically.
10 In total, 92 environmental impact issues
11 associated with license renewal were
12 identified.

13 Therefore, the main purpose for
14 the GEIS is to identify and evaluate all
15 environmental impacts associated with license
16 renewal and assess environmental impacts that
17 are considered generic and common to all
18 nuclear power plants. The GEIS also defines
19 the number of issues that need to be addressed
20 in plant specific environmental reviews in
21 supplemental EISs to the GEIS. The results of
22 the environmental review on the 92 issues
23 conducted for the 1996 GEIS were summarized as
24 findings in Table B-1 in NRC Regulations 10CFR,
25 Part 51.

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1 In these regulations, the
2 commission also indicated its intent to review
3 and update Table B-1 in the GEIS every ten
4 years. This meeting tonight is part of the
5 process to revise the GEIS and update the
6 findings in Table B-1, we are here to receive
7 your comments as part of that process. The
8 range of environmental impacts issues
9 considered in every environmental review for
10 license renewal is comprehensive. This slide
11 gives you an idea of some of the areas that NRC
12 considers during license renewal environmental
13 reviews.

14 The revised GEIS discusses the
15 environmental impacts for each of the resource
16 areas shown on this slide. The information
17 provided in Table B-1 in 10CFR, Part 51, is a
18 summary of the findings on the 92 environmental
19 impact issues analyzed in the GEIS. In other
20 words, the GEIS provides the technical basis
21 for the findings in Table B-1.

22 As many of you may be aware,
23 the issues in Table B-1 are categorized as
24 either category one or two. Category one
25 issues are considered generic, as the impacts

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1 were determined to be the same or similar at
2 all nuclear plants.

3 Category two issues are impact
4 issues that need to be addressed in plant
5 specific environmental reviews. Category one
6 impacts are only addressed in the GEIS and not
7 in the supplemental plant specific
8 environmental reviews unless new and
9 significant information is found that would
10 change the findings in the GEIS.

11 In the review and update of the
12 GEIS, we reevaluated the original 92
13 environmental impact issues listed in Table B-1
14 to determine if any of these issues needed to
15 be updated, modified or deleted. We also
16 considered whether new environmental impact
17 issues needed to be added.

18 Issues identified during plant
19 specific environmental reviews and changes to
20 environmental laws were considered. We also
21 considered reorganizing the 92 issues to simply
22 impact discussions and to streamline
23 environmental impact analyses. We also
24 reviewed the organization and format of the '96
25 GEIS and revisited the discussion and analysis

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1 of refurbishment impacts. The review and
2 update took into account public comments we
3 received on the GEIS during scoping and during
4 plant specific environmental renewal reviews.

5 Several new category one and
6 two issues have been added to the revised GEIS.
7 In addition, based on previous environmental
8 reviews and public comments, some issues were
9 recategorized from category two to one. It's
10 important to note that even though category two
11 issues would now be category one, the staff
12 would continue to evaluate these issues for any
13 new and significant information during each
14 plant specific environmental review. New
15 category one issues are shown on this slide,
16 these issues were added as a result of previous
17 environmental reviews and public comments.

18 And this next slide shows new
19 category two issues. Again, these issues were
20 added as a result of previous environmental
21 reviews and public comments.

22 And the next slide shows the
23 issues that were recategorized from category
24 two to one. Again, these issues were
25 recategorized based on previous environmental

1 reviews and public comments. As a result of
2 the review and update, as well as lessons
3 learned and knowledge gained during nearly
4 forty environmental reviews, we came up with
5 the proposed reorganized list of 78
6 environmental impact issues, which still
7 include all of the 92 original impact issues
8 addressed in the 1996 GEIS.

9 The reduction in the number of
10 issues was primarily the result of combining or
11 regrouping similar issues. The Appendix B
12 handout illustrates how these issues were
13 reorganized. Many issues that were addressed
14 separately in the 1996 GEIS that were similar
15 or related have been regrouped under a broader,
16 more encompassing impact issue. For example,
17 three separate aesthetic issues in the 1996
18 GEIS have been combined into one aesthetics
19 impact issue that still considers the aesthetic
20 impact of the nuclear plant, as well as
21 transmission lines.

22 We also found very few
23 instances where power plants were being
24 modified or refurbished for license renewal.
25 These refurbishment activities have consisted

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1 primarily of steam generator and vessel head
2 replacement. As a result, most of the
3 refurbishment impact issues have been combined
4 with continued plant operations issues. Power
5 plant modifications and refurbishment
6 activities associated with license renewal will
7 continue to be addressed in plant specific
8 environmental reviews.

9 Based on comments received
10 during scoping and during plant specific
11 environmental reviews, we also decided to
12 reorganize the GEIS from a cooling systems
13 based approach to a resource based approach.
14 The impacts on each resource area are discussed
15 in one place, rather than having to hunt
16 through several chapters in the 1996 GEIS to
17 find relevant discussions of impacts. To make
18 it easier on the reader, we folded the
19 discussion of impacts in chapters 3 through 8
20 into one environmental consequences chapter,
21 organized by environmental resource area.

22 The review and update of the
23 GEIS and our regulations, however, is not yet
24 complete, all of the comments received during
25 the comment period will be considered by NRC

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1 staff as we develop the final rule and revised
2 GEIS, which are scheduled to be issued in early
3 2011. The final rule and revised GEIS will
4 contain the commission's final determination on
5 generic impacts associated with license
6 renewal. The comments you provide tonight and
7 those received during the comment period will
8 help in finalizing the staff's proposed rule
9 and revised GEIS.

10 Recently, the NRC received
11 several requests to extend the public comment
12 period for the proposed rule and GEIS revision,
13 the Commission is currently considering these
14 requests. I am the NRC point of contact for
15 the GEIS revision, along with Jason Lising, who
16 is the point of contact for the proposed rule.
17 We are working together to ensure that all
18 comments on the proposed rule and revised GEIS
19 are considered and addressed.

20 The proposed rule and revised
21 GEIS are available to the public on our webpage
22 and through our public document room. You can
23 view these documents on the Web at the
24 addresses indicated on this slide. In
25 addition, we will be happy to mail copies to

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1 anyone who requests one. In addition to
2 providing oral comments tonight, there are
3 several ways to provide written comments to the
4 NRC. You can write to us at the address on the
5 slide and in your handout or by e-mail and the
6 Web. Again, all comments received during this
7 public comment period will be considered.

8 And with that, I'll turn the
9 meeting back over to Lance.

10 Thank you very much.

11 MR. RAKOVAN: Thanks, Jeff.

12 Just before we turn things over
13 for commenting, I just wanted to make sure that
14 there weren't any questions, specifically on
15 the material that Jeff just presented. So we
16 are going to try to stick to comments tonight
17 but I figured just in case you have any
18 questions, I would give you a chance right now.

19
20 Okay, seeing no hands, we'll go
21 ahead and move to the comment portion of the
22 meeting. Right now, I have three people who
23 have signed up to comment and I will ask them
24 to come up to the microphone in the order that
25 I've been given their names.

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1 If you have any questions, we
2 may try to answer them kind of one layer deep,
3 if you will, but again, since we are here to
4 listen to your comments, we would like to focus
5 on that. So any questions that we think are
6 going to need a little bit more in depth of a
7 discussion, we'll probably ask that you step
8 outside with the appropriate NRC staff or we
9 can handle it after the meeting, but we would
10 like to keep the focus of tonight's meeting on
11 commenting.

12 The three people that I have
13 signed up are Steven Heiser from
14 Nuclearstreet.com, Mary Lampert from Pilgrim
15 Watch and John Snooks from Nuclear Energy
16 Institute. So Steven I know presigned and I'm
17 not sure he is here so, Steven, are you here?
18 Would you like the microphone?

19 Okay, it doesn't appear that he
20 is here.

21 Ms. Lampert, are you ready to
22 give your comments?

23 MS. LAMPERT: I think I'll
24 follow NEI.

25 MR. RAKOVAN: You'll follow

1 NEI? Okay. Boy, nobody wants to come to the
2 microphone.

3 John Snooks from NEI, would you
4 like to be the first person to come to the
5 microphone?

6 MR. SNOOKS: I guess by
7 default, I am.

8 MR. RAKOVAN: Okay, by default,
9 you'll take it.

10 MR. SNOOKS: Thank you. Good
11 evening. My name is John Snooks, I am with the
12 Nuclear Energy Institute task force on
13 environmental review of the GEIS and also the
14 Part 51 Rule, proposed rule change.

15 For those of you who are
16 unfamiliar with the task force, it's a group of
17 14 member utilities with various members and
18 expertise in not only legal, environmental and
19 licensing. Our charge is very simple, to
20 review the documents discussed earlier this
21 evening, as well as one other which is a
22 proposed to change to a Regulatory Guide 4.2
23 that accompanies any rule change. Usually
24 there is a reg guide that goes along with that.

25 NEI, will be, I should say,

1 submitting comments in a formal mechanism.
2 Tonight is very simply to propose just a few
3 comments to the staff at this public
4 opportunity, for which we appreciate and also
5 thank the staff. As far as the comments
6 themselves, we would also like to encourage the
7 committee here to bring forth our, that is
8 NEI's, request for an extension to December
9 14th, so we would reemphasize our earlier
10 request.

11 We have, tonight, I am just
12 going to talk about three brief topics in
13 general which we would like the staff to
14 consider, the first is seismology. We feel
15 that seismology should be removed from
16 consideration in the GEIS. Seismology we feel
17 is a condition of the site, it is unaffected by
18 continued operation of the plant. Instead,
19 seismology continues to be and is adequately
20 covered by rule as a safety issue.

21 Secondly, we would like to
22 support the staff's conclusion regarding
23 transmission lines, as far as what is
24 considered in scope. Subsequently to 1996
25 GEIS, and with deregulation, we feel that the

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1 staff's position on transmission lines now more
2 accurately reflects the present situation with
3 utilities. And then, lastly, we have to make
4 the staff aware of a number of factual
5 corrections in Table 3.1-1 and also Appendix C.
6 These are tables and an appendix that talks
7 about specific characteristics of the various
8 utilities involved with the plants themselves,
9 but more recent information may be available,
10 we feel, that points out the various
11 characteristics that are included in these,
12 both table and the appendix.

13 We would also like to point out
14 the information that needs factual correction
15 does not effect any of the assessments that
16 have been undertaken by the staff. Beyond
17 that, those are the three generic comments that
18 I wanted to bring forth. We will be attending,
19 that is NEI, the other public meetings that
20 will be held and we'll be presenting both
21 public comment there and also the written
22 comments, as I mentioned.

23 If there are questions, I'll be
24 happy to entertain them, or later on.
25 Otherwise, I thank you for the opportunity.

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1 MR. RAKOVAN: Thank you, sir.

2 Ms. Lampert?

3 MS. LAMPERT: Yes, I'm Mary
4 Lampert and I'm speaking on behalf of a public
5 interest group, Pilgrim Watch. We are in the
6 process of the adjudication process for the
7 Pilgrim Nuclear Plant and so I might be
8 speaking a little bit from lessons learned.

9 And I want to make a point in
10 regard to that, that I think in the future that
11 your public meetings, such as these, would be
12 best to be held beside reactors that have not
13 yet applied for license renewal. That would be
14 more beneficial for them.

15 It is beneficial, obviously, to
16 speak to people like myself, who have been
17 through the mill or are in the process for the
18 lessons that we have learned, but I think it
19 would be most important for you to plan your
20 next meetings, and you don't necessarily, I
21 would think, have to restrict them to four, to
22 the sites that are coming up. I have not
23 studied this with a fine tooth comb because it
24 seems the NRC has been busy enhancing many rule
25 changes, so I have been actually focusing on

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1 emergency planning and some other ones.
2 However, my interest is with this.

3 The first area, I would say,
4 regards how the determination is made whether
5 it's a category one or category two issue. It
6 is clear that NEPA requires that new and
7 significant information be considered.
8 However, what is considered new and significant
9 by the NRC, who is making the call, hopefully
10 just by themselves is making the call, if it is
11 consistent with preexisting truths at the NRC,
12 then it is considered new and significant.
13 However, if it is contrary to preexisting
14 truths, then it is off the table or, better
15 still, NRC claims that the newer and more
16 significant information is safeguards.
17 Therefore, we can't see it.

18 And the example would be, for
19 example, security, that the references are, I
20 believe, to two Sandia reports, I think that's
21 the way it's referred, and one was redacted, I
22 think down to a page, so it really said
23 nothing. And so, in other words, what NRC is
24 telling state officials, what they are telling
25 some members of Congress, who certainly have

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1 clearance, is in the public, that we are
2 children, we are two year olds, that we are to
3 trust you. And therefore the security,
4 everything is fine and we have relied on these
5 studies but, you see, we can't tell you or show
6 you these studies so you can have an
7 independent review, so trust us. That is not
8 acceptable.

9 I would say for the nuclear
10 waste, confidence, which we call a confidence
11 job, update, it's the same thing, that it's a
12 cherry picking here and there, the ignoring of
13 the mountains of expert witness testimony
14 provided by the California Attorney General,
15 Massachusetts Attorney General, New York
16 Attorney General, and so what does this mean?
17 What it means is that we have to, I don't know,
18 how many cookies can I bake, you know, to pay
19 for this? Or our states that are strapped,
20 they have to go to federal circuit court to
21 find any relief.

22 And so you have, in the
23 security, for example, that, oh, it's category
24 one but we will consider it if a circuit court,
25 such as the 9th, says that it has to have an

1 environmental review, let's say in California.
2 But because maybe the New Jersey DEP didn't
3 have the case that, trust me, New York Attorney
4 General's Office has, well the 3rd Circuit
5 Court said something else, so take it off the
6 table there. It's a piecemeal approach.

7 We know there is something
8 wrong, fundamentally wrong with this process,
9 so what should be on the table? Well let's
10 start out with solid waste management. It is
11 clear that there are site specific issues going
12 on, irrespective of this foolishness of the
13 nuclear waste confidence job that was done on
14 this. We have the National Academy of Sciences
15 that pointed out the difference between the GE
16 Mark 1 and Mark 2, such as the Pilgrim and the
17 Oyster Creek and Vermont. There were, what, 32
18 of them where it's all stored in a densely
19 packed pool in the attic of the reactor.

20 That's a very different
21 situation than, let's say, for Seabrook or some
22 of the Indian Points where it's adjacent, not
23 that that's a beautiful situation either, but
24 the spent fuel pool is not in the attic of the
25 main reactor building outside primary

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1 containment, it's in an adjacent building. But
2 again, the mountains of information to say
3 that, oh, everything will be stored on site,
4 there's another rule coming up for even longer
5 for these casks than previously believed. This
6 obviously needs a site specific review because
7 each site is different for its capability to
8 handle being a dump site, which is what nobody
9 in these communities expected it to be, and
10 each reactor sites has a different capability
11 to store and how much is being stored, whether
12 it's densely packed or not.

13 Again, a mountain of
14 independent research that is totally
15 disregarded by the NRC, so how can there be any
16 respect? The same goes for low level waste.
17 Why should that be a category two issue?
18 Because, number one, not every reactor site is
19 in a state that's a member of a compact.
20 Massachusetts is not a member of a compact.
21 There is no room at the inn in Barnwell for us,
22 so we will be storing that on a receding
23 coastline overlooking Cape Cod Bay, number one.

24 Number two, as pointed out by
25 R.J. Machagianni's group, the Institute of

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1 Environment and Energy Research, that low level
2 waste, there is nothing low about it. It is
3 categorized low simply because of where it
4 comes from, not because of the toxicity or the
5 longevity of the waste, and so each reactor
6 site has a unique geographic location, if you
7 will, which could make it more or less
8 susceptible to environmental concerns. There
9 would be a different amount of waste that would
10 be required to be on site and to then blow it
11 off as well we have rules that determine
12 whether it is safely stored or not then gets
13 you down to another layer up to these rules
14 that don't even make any sense anyway.

15 There should be an opportunity
16 to adjudicate these issues, which you have not
17 allowed, again, based upon new and significant
18 information. Now we can get down to human
19 health, that should be a category two issue
20 just because, in this, I'm sorry, when I read
21 those two books, see this is why I have
22 glasses, I went up to 2.5 actually but when I
23 read through them, I said, you know, who wrote
24 this? This is a PR piece for the industry.
25 This is, you know, relax, be happy everybody,

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1 we are the friend atom. You do mention that
2 you did read BEIR 7, but I guess it didn't say
3 the right things because you blew it off as, oh
4 well, that essentially said the same thing as
5 BEIR 5.

6 Well I don't know, I must have
7 read a funny BEIR 7, but it said three times
8 more damaging were the effects than they had
9 decided in BEIR 5. That sounded significant to
10 me. It also talked about the increased damage
11 to women, small children. It also talked
12 about, hey, let's just not talk about cancer,
13 let's get into research that is looking at
14 other diseases, not just cancer and birth
15 defects and reproductive disorders, let's add
16 the heart and a few other things.

17 Well it's clear, and it's very
18 clear, that there has been new and significant
19 information by --. I always thought the
20 National Academy of Sciences were a reputable
21 group, they weren't raving anti-nuclear people,
22 to the best of my knowledge, and the fact that
23 that information is not being considered, there
24 is something wrong with that. And there is
25 something wrong in not then going further, hey,

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1 are there demographic characteristics around
2 some sites that would fit into a great
3 susceptibility, number two?

4 Number three, have there been
5 site specific studies of already health damage
6 linked to radiation, such as at the Pilgrim
7 Nuclear Power Plant? That would be relevant to
8 making it a category two issue. And you talk
9 about cumulative effects. Well, to my mind,
10 that's a back door in because we know there is
11 a synergistic effect between radiation and
12 other toxins, each enhancing one another's
13 mischief, if you will. So if you happen to
14 have the misfortune of being near a nuke, near
15 a chemical plant, near maybe a coal plant,
16 probably your odds are greater for coming, for
17 being effected, your health being affected,
18 than if you are by a nuclear power plant in the
19 middle of a corn field someplace.

20 Now that's just not my
21 speculation, there's a mountain of research on
22 the synergistic effects of various toxins and,
23 hence, that would make it a site specific
24 issue. And so to call it a category one, one
25 can only do that if you are ignoring or just

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1 cherry picking and say this is what we want to
2 believe because it's good really for our
3 industry, but it's not honest and I think the
4 public knows that. There have been cases of it
5 being brought up in adjudication hearings going
6 forward.

7 What else was -- well there are
8 plenty of things missed. You weren't going to
9 look at emergency planning. Well that's taking
10 off the table again some of the main issues
11 that the public is concerned about. Have there
12 been site specific, are there site specific
13 differences? Obviously nuclear reactors, many
14 of them are originally licenses to operate in
15 sparsely populated areas, Pilgrim is an example
16 of that because Plymouth was considered out in
17 the boondocks. But as 30 years, 40 years
18 approaches, these heretofore sparsely populated
19 areas are now more densely populated areas.

20 However, the infrastructure has
21 often not changed. That is a site specific,
22 pertinent factor. To say well this isn't
23 important because FEMA does a foolish biennial
24 exercise or we have full faith in our emergency
25 plans is not credible. Why isn't it credible?

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1 Our community hasn't approved the plans for
2 years. The neighboring community has not
3 approved the emergency plans for years and we
4 are not different. And so to have these levels
5 really of smoke screens, and that's what I feel
6 like we are dealing with.

7 We justify or you justify
8 taking emergency planning as an issue we are
9 not going to discuss because you are basing it
10 on the false assumption that the emergency
11 plans in the biennial exercises demonstrate
12 everything is a okay. Well here is a quick
13 example. The emergency plan is based upon the
14 keyhole concept. If you read NUREG 06.54, I'm
15 probably going to have to get really strong
16 glasses but if you read that, you'll see they
17 are saying you evacuate two miles around, then
18 there is a keyhole, evacuate all or a portion
19 in the keyhole from two to five, maybe from
20 five to ten and then when you pass the ten mile
21 finish line, all is fine.

22 And the evacuation time
23 estimates done by KLD are based upon that
24 concept of that's what's going to happen, okay?
25 But there is a fundamental flaw going on

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1 because that is based upon the straight line
2 gaussian plume, that plumes will blow the
3 radiation in a straight line. However, that's
4 not applicable because in complex situations,
5 you need a variable trajectory model because
6 the wind is variable. What is a complex
7 situation? In a coastal area, either by a lake
8 or the ocean, or river valleys or hills or
9 considerable vegetation, mountains, and how do
10 we know this?

11 Well the NRC told us so, that's
12 how we know this. The NRC has warned, since
13 the early '70s, that in complex situations, the
14 straight line gaussian plume is not applicable.
15 Again in the '80s. Recently, of this very
16 year, the NRC, one of their chief emergency
17 planners, LaVie is his name, and he made a
18 presentation, which is on atoms, and slide
19 after slide after slide describes how and where
20 the straight line gaussian plume is not
21 applicable for emergency plans.

22 And the New York Attorney
23 General and Pilgrim Watch has brought this
24 forward in this NR SAMA adjudications, but the
25 New York Attorney General has done a pluperfect

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1 job in filing a motion for summary disposition
2 in the Indian Point license renewal based on
3 the fact that the straight line gaussian plume
4 is -- no, he didn't say that, what I'm
5 thinking, is not appropriate at that site, just
6 as the same expert witness said, in the current
7 ongoing adjudication of Pilgrim, not in a
8 coastal site, citing not only NRC documents
9 that high, citing DOE documents that high.

10 EPA, for example, does not even
11 recommend atmos in complex situations in their
12 --. Well you don't want to know, Part W, but
13 you go on and on and on. And so, therefore,
14 the foundations done of emergency planning is
15 fallacious. However, you use, here in this
16 document, in a rather shameful manner, that
17 because the plans are okay, because FEMA says
18 they are okay, then therefore we can blow it
19 off and it's something we don't have to
20 discuss.

21 Am I boring everybody? Well
22 tell me when you're bored because we can say
23 more.

24 Then you can get, for example,
25 to SAMA. We read here that mitigation has to

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1 be considered. No problem, but where are you
2 going to address the fact or are we going to
3 have to do it through the adjudication, then go
4 to the district courts, of, hey, using the Mac
5 or the Mac as to the computer code is not okay,
6 licensees. DOE has recognized that, that the
7 Mac S-II, which is the current computer code
8 that is used in these SAMA analyses and license
9 applications, underestimates consequence and,
10 hence, DOE insisted that it revised to Sand,
11 whatever David Jann called it, Sand, whatever
12 it was, Sandia, whatever, the numbers are
13 there. I can't remember them. There was a
14 nine in it, but it it's my petition for review,
15 for example, and it's also in the New York
16 Attorney General's, what have you.

17 So if they are allowed to use a
18 computer code that is knowingly underestimates,
19 according to DOE, according to the user guide,
20 etcetera, etcetera, it's David Shannon who
21 wrote this thing, something is wrong. Also, it
22 is wrong, what is embedded, what is the plume
23 model that's embedded in the Mac S and the Mac
24 S-II? It's atmos, the straight line gaussian
25 plume model. And so if the NRC persists in

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1 kowtowing to the industry and allowing these,
2 this to go on, how can we be, how can the
3 public, how can the state governments have any
4 confidence? I don't think they can.

5 So that gets to the severe
6 accident mitigation analysis, then I was
7 particularly interested not only in the SAMA
8 but I was interested in what you had to say
9 about groundwater because one of the
10 contentions I have that's still alive and well
11 at Pilgrim has to do with the aging, contention
12 of the insufficiency of the aging management
13 program for our buried pipes and tanks with
14 radioactive contamination. So I was very
15 pleased to see that you are considering that as
16 a contention two and pleased also to see that
17 Chairman Yaczko is taking this issue seemingly
18 seriously.

19 However, in reading the text
20 that is in this draft, I found insulting and
21 disconcerting because, again, the implication
22 was relax and be happy, the focus being on
23 tridium. Why just on tridium? You know there
24 are other bad guys that are being released.
25 Look at Indian Point, it's a good example. To

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1 give the confidence, and then you listed only a
2 few of the reactor sites that have experienced
3 leaks, not certainly all that have, nor is
4 there an honest caveat saying well these are
5 the leaks we know about because, get the
6 connection guys, we haven't required monitoring
7 wells, except if the water on site is potable,
8 potable, that you can drink it. I only know it
9 in French.

10 And anyway, the point of it is
11 that obviously we don't know how many leaks are
12 out there because no one is testing for it.
13 What, do you expect the licensee to be out
14 there with tablespoons and sampling? Of course
15 not. And so, and then you go on in your text
16 about the NEI voluntary program, which was a
17 total cave, as far as I'm concerned, by the
18 NRC. You don't leave public safety up to
19 industry's voluntary initiatives.

20 In the Pilgrim adjudication, my
21 expert witness, Arnold Gutterson, spent
22 considerable time going through Entergy's NEI
23 voluntary program, pointing out all the holes
24 and problems with it, that it gives absolutely
25 no confidence. And so unless you go the step

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1 further and have what initially the NRC staff,
2 before it was politically compromised out, had
3 recommended a requirement for cathodic
4 detection for buried components and then go
5 further with monitoring wells, go further with
6 a more regular inspection program and a
7 required baseline before, you know, right at
8 the time of license application, you haven't
9 got any assurance for the public.

10 But if you don't know anything
11 and you just read what's in the draft, it's
12 don't worry about it, it's all taken care of.
13 There is going to be a voluntary program, just
14 worry about tridium and it's fine, there's
15 never been a problem, and I don't think that
16 should be the role of our public safeguard.
17 NRC is supposedly working for the public. I
18 hate to be harsh about it, but I think it's
19 true. Then I'm very interested in meteorology
20 that is discussed, I thought in a positive way,
21 starting at 330, 331, etcetera. Those are the
22 pages, I didn't write down the names of the
23 chapters. Affected environment.

24 In fact, I was talking to the
25 meteorologist who was expert witness for

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1 Pilgrim Watch and for the New York and he was
2 saying have you seen anything in there? It
3 started to look good because they did mention
4 the revision to reg guide 1.23 that mentions
5 complex environments, that sounded good, but
6 then it didn't go anywhere, it wasn't hooked
7 into anything. It wasn't hooked into SAMA, it
8 wasn't hooked into plume models, it wasn't
9 hooked into anything.

10 Then you start yapping about
11 tornados. I went what? Where did this come
12 from? There are three pages of where tornados
13 have occurred, as opposed to discussing okay,
14 what's this mean? Complex sites, what is a
15 complex site? Therefore, what plume models
16 should be being used, should only be allowed to
17 be used at these sites in the environmental
18 impact statement, as opposed to talking about
19 tornados. You know, you could have been
20 talking about the latest movie or something,
21 you know? That made no sense to me and I
22 think, quite clearly, what is important, when
23 you are talking about the environment, is air
24 dispersion and dispersion through water.

25 I don't think too many people

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1 are annoyed about the architecture of the local
2 nuclear plant, to be honest. And so those are
3 just a few thoughts, there will be many
4 thoughts in writing. We also, and I understand
5 it would not, I assume it would not be
6 appropriate at this point to talk about what I
7 would consider procedural issues, such things
8 as you talk about reasonable assurance often.
9 I mean that's a buzz word throughout the NRC.
10 I think it's one of, maybe the language, the
11 first words you learn when you join the group
12 or something, I don't know.

13 But that's a real problem with
14 this because nowhere is it defined. We know
15 reasonable assurance requires proof, but what
16 level of proof? The NRC never says. And so,
17 for example, if the bridge over in Minneapolis
18 is rebuilt and they say well we have reasonable
19 assurance at a level of 51 percent that this
20 bridge isn't going to fall down in the next two
21 months, versus well, you know, we have evidence
22 that meets a standard of proof of, oh, 90
23 percent, then I think you would feel a little
24 different going over that bridge.

25 But the NRC, although they do

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1 say, you know, technically, that it's a two
2 step process, what they fail to do is state
3 what level of proof is required. Technical
4 judgement, certainly that doesn't mean
5 anything. Beauty is in the eye of the
6 beholder, that's all that say. I'm sure the
7 technical judgement of NEI is very different
8 than the technical judgement of my experts. So
9 I think until the NRC faces this issue, as has
10 been faced in some other court cases where they
11 came up with 95 percent, in medical cases, that
12 you're saying, it's mumbo jumbo, you're not
13 saying anything.

14 Do you want me to say anything
15 about finances or have I just said enough?
16 Should we all go home?

17 Because I have some other real
18 important procedural things maybe you might
19 think about, one is participation with
20 finances, that it seems that a certain percent
21 of monies goes to Yucca Mountain, for example,
22 or, you know, what have you. Well why not a
23 percent, a very small percent, going into a
24 kitty so those who are accepted into the
25 adjudication process and meet a poverty level,

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1 that was me, could dip into it?

2 And I think it certainly would
3 be, leave a better taste in the mouth of the
4 Atomic Safety Licensing Board that you have a
5 fairer presentation because I, for example, had
6 to pay for everything out of my own pocket, and
7 I'm not the only person who is doing stuff like
8 this. And it does not even begin, when it's
9 the Lampert back pocket versus Pillsbury, the
10 NRC staff, Entergy, I don't call that a fair
11 fight because I am very limited in the
12 witnesses that I can hire, etcetera, etcetera,
13 and I think this is reasonable.

14 I know the Canadian Government
15 is doing things of this sort and it's been done
16 in some states with the chemical industry and
17 it's something you all ought to be thinking
18 about. I also find a two to one fight unfair,
19 that the NRC staff and sometimes, and I guess
20 in a few of the adjudications on license
21 renewal, has not said anything, but typically
22 they have been on the side of the applicant. I
23 do not understand why the NRC staff, just like
24 anybody else, would simply be allowed to file
25 amicus briefs and that's the end of it. I

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1 think that's something to consider.

2 I think it's also important,
3 well as I already started out with category one
4 and category two, that basic issue there. And
5 what else? Hearings, I think all hearings
6 should allow cross examination because the luck
7 of the draw in who you get from the Atomic
8 Safety Licensing Board, on how many questions
9 will be asked to which party's witnesses, and
10 whether the questions will be leading or not
11 leading, and I'm not really, I don't mean to
12 say anything against the board that I have, I'm
13 not saying this, but I've talked to some other
14 people and it is only reasonable that there
15 should be allowance for cross examination and
16 that the attorneys representing either party
17 should not have to have duct tape over their
18 mouths when they are there. That strikes me as
19 not a reasonable procedure.

20 And the application process, to
21 allow an application when a licensee is halfway
22 through their original license makes economic
23 sense, obviously to the energy companies, but
24 it makes absolutely no sense to even suggest
25 that halfway through the original license you

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1 can do an environmental impact statement or
2 make any judgement whether this reactor can go
3 20 years after 20 years, that's ridiculous.

4 So there will be more organized
5 comments in writing, but I hope I gave you all
6 something to think about and if you have any
7 questions of anything I said, I'd be more than
8 happy to try to explain my position.

9 Thank you.

10 MR. RAKOVAN: Thank you very
11 much for your comments.

12 I'll just see if Steven Heiser
13 might have snuck in the room when I wasn't
14 looking and also check to see if anybody has
15 called on the phone that I didn't hear beep in.
16 I'll also open the floor up one more time, if
17 there is anyone here who did not sign up to
18 comment that wants a chance to come up and
19 comment. NRC staff will be hanging around
20 after the meeting so if you want further
21 discussions, by all means grab someone whose
22 got a name tag on and if they can't answer your
23 questions, hopefully they can find the right
24 person to answer them.

25 Yes, Mary, if you want to come

1 to the microphone, please? Hold on, make sure
2 we can get you on the transcript.

3 MS. LAMPERT: Actually, this is
4 a question regarding cumulative impacts. My
5 best thinking is in the shower and this
6 morning, while thinking about this, I came up
7 with a good one. Is this an opportunity or did
8 you intend it for an opportunity, watch NEI
9 run, to consider this as a mouse hole for
10 health impacts? That we know, for example,
11 that the radiations effects are cumulative,
12 right? So the more you've been nailed by a few
13 milirem, it adds up, right? And we know there
14 is a synergistic effect of radiation and other
15 toxins, so this is all a cumulative impact
16 which would seem to fit neatly into that
17 category.

18 The genius thought this
19 morning, in my small mind, by myself, nobody
20 else thought it was genius because I hadn't
21 shared it yet, was the impact of global climate
22 change. So this is really looking at it from
23 another direction, but then it swings back
24 around again, that there would be a cumulative
25 impact. I mean Al Gore, everybody is, true,

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1 everybody is talking about climate change, it's
2 no longer a fantasy of Texans' imagination,
3 right? So what are the potential consequences
4 on a coastal environment, reactors that are on
5 a coast?

6 Well I've been thinking about
7 that because we noticed that the tides are far
8 greater where we are and we noticed that the
9 coastlines are eroding. We noticed that
10 there's an increased salinity in the ocean and
11 I was fixated on buried pipes and corrosion
12 because of this endless adjudication process
13 and so therefore what would be the impact, for
14 example, on increased salinity of buried pipes
15 that were built originally not to be under
16 water that we can project may be under water,
17 on corrosion and then more leaking out into the
18 environment would be an example.

19 Also, we have been told and we
20 have seen the increased frequency and violence
21 of storms, Northeast storms, etcetera, that's
22 another impact to be considered, not for the
23 storms that were analyzed 40 years ago or are
24 seen today but for what is projected in the
25 future. Then you look at reactors that are on

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1 lakes, well we know some, it was some in
2 Georgia, they couldn't operate because the
3 lakes went dry and who were dependent upon once
4 through cooling mechanisms, what is that
5 impact?

6 But reverse it, the impact on
7 the environment, that then the reactor that's
8 located on the lake, okay, in an area that's
9 subject more to droughts, etcetera, which we
10 see in our country, and has once through
11 cooling, is now the water pig taking water that
12 is already in scarce demand for the community's
13 needs, so that would be an environmental impact
14 caused from the cumulative effects of global
15 warming. This was a very clever shower I had
16 this morning. But is this what you had in mind
17 for the cumulative impacts?

18 MR. PHAM: I think I understand
19 what you are saying and I don't think we are
20 prepared to respond what --.

21 My name is Bo Pham, I'm the
22 Branch Chief of the Environmental Review
23 Branch.

24 Like I said, I don't think we
25 are prepared to respond to that. I think they

1 are all very good comments and definitely will
2 be considered as part of the review but when
3 we, as I understand it, when we talk about
4 cumulative impacts, they have cumulative
5 impacts of human health, like you mention.
6 Like you say, you know, it's not just what's a
7 direct impact but it's the build up over time.

8 So we consider cumulative
9 impacts of aquatic species, for example,
10 aquatic impacts, we are not looking at just
11 aquatic impacts from the cooling system of a
12 plant but it's everything else, i.e. if a
13 developer is building a golf course next door,
14 what is that doing? And so we consider that
15 too. So the intent of cumulative impact is so
16 that we don't put blinders on regarding the
17 proposed action and we look at everything
18 that's happening in the environment as well.

19 MS. LAMPERT: Which, I mean
20 this is a good one actually because that would
21 allow opportunity to bring in emergency
22 planning because the cumulative impact on the
23 ability of the infrastructure to allow for a
24 timely evacuation protective actions. We ought
25 to work together.

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1 MR. PHAM: Well I think that's
2 a very good comment and we'll definitely take
3 it into consideration.

4 MR. RAKOVAN: Bo, did you want
5 to close out the meeting tonight?

6 Before I let you do that,
7 there's one other thing I wanted to say. For
8 those of you who attended, you should not get
9 charged for parking so if they do try to charge
10 you for parking, let them know you were here
11 for this meeting and you can hopefully talk
12 with them and get that worked out, but you
13 should not get charged for parking, that's what
14 I was told.

15 With that, Bo?

16 MR. PHAM: Like I said, my name
17 is Bo Pham, I'm the Branch Chief of the
18 Environmental Review Branch.

19 Unfortunately, we came from
20 Atlanta, we didn't have as big a turnout either
21 and we certainly take to heart what you said,
22 Mary, about the location, picking the right
23 location and drawing the right audiences, so
24 that's something we are going to keep in mind.
25 But the other thing we'll note is the plants

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1 that have not, for each plant specific review
2 that we do, we do the public interaction
3 process and the public meeting again.

4 But I thank you everyone for
5 making it out here tonight and just listening
6 to the comments, I think they are all very
7 meaningful comments and we will spend a good,
8 like Jeff said earlier, we'll spend a good
9 portion of the year considering the comments
10 and responding to the comments and get the rule
11 and the GEIS, the final GEIS, out hopefully in
12 the 2011 timeframe, sometime.

13 So thank you again.

14 (Whereupon, at 8:02 p.m., the
15 hearing was adjourned.)

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CERTIFICATE

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

Name of Proceeding: Public Meeting

Docket Number: (n/a)

Location: Newton, Massachusetts

were held as herein appears, and that this is the
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Marty Farley
Official Reporter
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