


United States Nuclear Regulatory Commission Official Hearing Exhibit	
In the Matter of:	Entergy Nuclear Operations, Inc. (Indian Point Nuclear Generating Units 2 and 3)
	ASLBP #: 07-858-03-LR-BD01
	Docket #: 05000247   05000286
	Exhibit #: ENT000133-00-BD01
	Admitted: 10/15/2012
	Rejected:
Other:	Identified: 10/15/2012 Withdrawn: Stricken:

ENT000133  
Submitted: March 28, 2012



## Donald P. Cleary Environmental Safety Consultant

### Summary

Donald Cleary is an Environmental Safety Consultant to Talisman. He has over 38 years experience in the nuclear regulation industry, with expertise in the areas of environmental impact, power and alternate energy sources, and regional socioeconomic impacts. Prior to joining Talisman, Mr. Cleary established Cleary Associates, Inc., a consulting firm specializing in nuclear energy and environmental regulation. During this time, Mr. Cleary assisted Advanced Systems Technology and Management, Inc. in reviewing and advising the Director, Advanced Fuel Cycle Initiative (AFCI), Office of Nuclear Energy, Science and Technology at the U.S. Department of Energy (DOE) on AFCI reports to Congress and the AFCI annual report. He also provided recommendations on AFCI compliance with the National Environmental Policy Act.

Mr. Cleary began his federal service as an Industry Economist with the National Marine Fisheries Service. During much of this time, Mr. Cleary was involved in bio-economic modeling to support the development of fishery management schemes and in engineering-economic analysis of seafood harvesting and processing technologies. After leaving the National Marine Fisheries Service, Mr. Cleary joined the Regulatory Staff of the U. S. Nuclear Regulatory Commission (NRC). He had a lead role in the development and application of methodologies to assess topical areas covered in environmental impact statements for the construction and operation of nuclear power plants, including need for power (electrical generating capacity), alternative energy sources, and regional socioeconomic impacts (including the impacts of severe accidents after the TMI Unit-2 accident). He was an expert witness for need for power and alternative energy sources in numerous licensing hearings. During his time with the NRC, Mr. Cleary also managed several rulemakings and the writing of a Regulatory Guide.

He has a Bachelor of Arts in Economics from the University of Massachusetts, Amherst, a Master of Arts in Economics from the University of Florida, and has taken additional graduate courses in Natural Resource Economics and Policy at the University of Michigan. He was awarded the Meritorious Service Award for Engineering Excellence from the NRC in 1997.

### Education

M.A., Economics, University of Florida  
B.A., Economics, University of Massachusetts, Amherst

Additional graduate study in Natural Resource Economics and Policy, University of Michigan



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## **Qualifications**

**Environmental Impact Statements** - In consultation with the Yucca Mountain program office of the Department of Energy and the NRC Office of Nuclear Material Safety and Safeguards, designed a study and identified contract expertise to develop the analysis of whether the values given in 10 CFR 51.54, Table S-4 are consistent with the transportation of higher enrichment and higher burn-up fuel to a single repository, such as Yucca Mountain.

As Section Leader of the Regional Impact Analysis Section, Cost Benefit Analysis Branch and later the Site Analysis Branch, within the Office of Nuclear Reactor Regulation at the NRC, was responsible for developing guidance for sections of the environmental impact statement dealing with need for facility, cost of power plants, alternative energy sources, and the socioeconomic impacts of plant construction and operation. Developed a research program to support the guidance. Was also a technical reviewer for environmental impact statements written by the national laboratories and was directly responsible for writing sections of environmental impact statements and for preparing and defending testimony whenever issues were especially difficult or precedent-setting. Had frequent contact with technical and legal representatives of utilities, interveners and the general public, federal and state officials, and researchers from universities and other research organizations. Assisted NRC attorneys in developing their cross examination in adjudicatory hearings. Initiated a research program to look at various regional socioeconomic impacts of nuclear power plant construction and operation with the objective of creating a knowledge base that would result in better focused socioeconomic NEPA reviews for individual plant applications.

As Acting Branch Chief of the Site Analysis Branch, was responsible for the oversight of the evaluation of: industrial and other man-made hazards in the vicinity of power reactors; suitability of reactor sites with respect to the built environment, man-made hazards, socioeconomic and demography; antitrust reviews and Price-Anderson indemnity reviews.

**Licensing and Renewal** - As Senior Task Manager in the Office of Nuclear Regulatory Research and Office of Nuclear Reactor Regulation was involved in the development of regulatory requirements for the renewal of operating reactor licenses. Also responsible for directing contract support in producing a series of technical and policy issue papers. Was the lead in writing an advance notice of proposed rulemaking (53 FR 32919), and in designing and conducting a public workshop on license renewal.

Assigned position as Task Manager of the NRC's effort to amend its environmental protection regulations in response to 10 CFR Part 51. Subsequent to publication of the final rule amending 10 CFR Part 51, was also Task Manager for a rulemaking amending the 1996 10 CFR Part 51 license renewal rule with respect to the environmental impacts attributable to transport of fresh fuel to and spent fuel from individual power reactors and the review of a petition which would amend the requirements of 10 CFR Part 51 to consider severe accident mitigation alternatives in license renewal applications. Was also Task Manager of an analytical effort to provide the technical basis of a rulemaking to support a revision to the alternative site review requirements



of 10 CFR Parts 51 and 52 with respect to early site permit reviews.

**Accident Response** - At the time of the accident at Three Mile Island, mobilized contractors and supervised the design and implementation of research to identify and measure the economic and societal impacts of the accident. Was detailed for three months to the NRC Special Inquiry Group on Three Mile Island to write a report on the economic, social and psychological effects of the accident, which is included in “Three Mile Island; A Report to the Commissioners and to the Public.” Developed a plan to involve national experts and was a team leader in advising the NRC after the U. S. Court of Appeals ruled favorably on intervenor contentions that restart of TMI-1 might result in psychological stress within the TMI community. A research program was initiated, and nationally recognized experts were brought together in a workshop, NUREG/CP-0026, “Workshop on Psychological Stress Associated with the Proposed Restart of Three Mile Island, Unit 1.” Subsequently, the Supreme Court overturned the Court of Appeals. A number of the research contracts were completed and the results found their way into the literature on traumatic stress

**Training** - At the request of Office of Regulatory Research management, developed an in-house training unit, “Compliance with the National Environmental Policy Act in U. S. Nuclear Regulatory Commission Rulemaking and Licensing.” With participation from the NRC Office of General Council and the Environmental Protection Agency led periodic training sessions.

**Bio-economic Modeling** - As an Industry Economist and, later, Staff Specialist, Program Review and Evaluation, Office of Resource Utilization at the National Marine Fisheries Service was a primarily involved in bio-economic modeling to support the development of fishery management schemes and in the engineering-economic analysis of seafood harvesting and processing technologies. Was detailed to the University of Michigan as a Technical Advisor to the Great Lakes Fisheries Commission. During last two years with the agency, supported program planning, budgeting, and management information for the Office of Utilization’s six Divisions by conducting studies of the extent to which programs met their stated objective. Major Office programs included fish and shellfish harvesting technology, seafood processing technology, seafood inspection, fishing vessel loan programs, seafood market promotion, market news, fishery statistics, and economic research.

### **Employment**

**Talisman International, LLC**, Environmental Safety Consultant, 2007-Present

**Cleary Associates, Inc.**, President and Founder, 2001-Present

**Nuclear Regulatory Commission**, 1973-2001

Senior Task Manager

Regional Impact Analyst

Section Leader, Regional Impact Analysis Section

Acting Branch Chief, Office of Reactor Regulation



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**National Marine Fisheries Service, 1963-1973**

Industry Economist  
Staff Specialist, Program Review and Evaluation

**Honors**

Meritorious Service Award for Engineering Excellence, NRC, 1997

**Professional Activities**

Adjunct Lecturer, The Johns Hopkins University, taught “Environmental Policy Making,” 1995 and 1996.

**Volunteer Activity**

Board of Directors, Friends of Chernobyl Centers – United States, Inc. (FOCCUS), 2004 to Present.

Mr. Cleary is on the Grant Evaluation Committee which provides financial grants to the nine Centers for Psycho-Social Rehabilitation and Community Development in Ukraine and Russia, which were established by the United Nations to serve populations displaced by the Chernobyl nuclear accident. He was a member of the planning committee for an international conference on “Chernobyl, 20 Years Later,” held at the University of Wisconsin, March 23-25, 2006. At a Congressional reception on April 27, 2006, he accepted on behalf of FOCCUS a "Certificate of Special Congressional Recognition, "In recognition of outstanding humanitarian work to aid children affected by the Chernobyl catastrophe." Mr. Cleary serves as the Washington, D. C. representative of FOCCUS.

**Publications**

NUREG-1437, “Draft Generic Environmental Impact Statement for License Renewal of Nuclear Power Plants.”

NUREG-1440, “Regulatory Analysis of Proposed Amendments to Regulations Concerning the Environmental Review for Renewal of Nuclear Power Plant Operating Licenses: Draft Report for Comment.”

Draft Regulatory Guide DG-4002, Proposed Supplement 1 to Regulatory Guide 4.2 “Guidance for the Preparation of Supplemental Reports in Support of an Application to Renew a Nuclear Power Plant Operating License.”

NUREG-1439, “Environmental Standard Review Plan for the Review of License Renewal Applications for Nuclear Power Plants: Draft report for Comment.”



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Cleary, D. “Addressing the Concerns of the States and Others Regarding the Role of Need for Generating Capacity, Alternative Energy Sources, Utility Costs, and Cost-Benefit Analysis in NRC Environmental Reviews for Relicensing Nuclear Power Plants: An NRC Staff Discussion Paper.”

NUREG-1529, “Public Comments on the Proposed 10 CFR Part 51 Rule for Renewal of Nuclear Power Plant Operating Licenses and Supporting Documents; Review of Concerns and NRC Staff Responses.”

NUREG-1437, Vol. 1 Addendum 1, “Generic Environmental Impact Statement for License Renewal of Nuclear Plants: Main Report, Section 6.3 - Transportation, Table 9.1 ‘Summary of findings on NEPA issues for license renewal of nuclear power plants’: Final Report.”