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Environmental Impact Statement

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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WASTE CONFIDENCE DIRECTORATE

PUBLIC MEETING

+ + + + +

MONDAY

OCTOBER 28, 2013

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The public meeting was held at 7 p.m., at the Radisson Hotel and Suites Chelmsford-Lowell, Chelmsford, Massachusetts, Chip Cameron, facilitator, presiding.

NRC STAFF PRESENT:

KEITH MCCONNELL, NRC/WCD

MIRIAM JUCKETT, CNWRA

ANDY IMBODEN, NRC

DAVID CYLKOWSKI, NRC

SCOTT MOORE, NRC

PAUL MICHALAK, NRC

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

(7:00 p.m.)

FACILITATOR CAMERON: Okay. We're going to get started with tonight's meeting.

And good evening, everyone. My name is Chip Cameron.

PARTICIPANT: Woohoo!

FACILITATOR CAMERON: That doesn't happen very often.

(Laughter.)

FACILITATOR CAMERON: No, right. Welcome to the public meeting tonight. And our topic is going to be the Nuclear Regulatory Commission's draft Environmental Impact Statement and proposed rule on a topic called Waste Confidence.

And we're not going to use many acronyms tonight. But two that we will use are NRC, for Nuclear Regulatory Commission, and EIS, for Environmental Impact Statement.

And it's my pleasure to serve as your facilitator tonight. And I'm going to be assisted by Miriam Juckett who's right here. And Miriam is with the Center for Nuclear Waste Regulatory Analyses in San Antonio, Texas.

And what we'll try to do is to try to

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1 help all of you to have a productive meeting tonight.
2 And I just wanted to go over some meeting process
3 issues before we get into the substance of tonight's
4 meeting so that you'll know what to expect tonight.

5 And I wanted to talk about the objective
6 of the meeting, the format for the meeting, and
7 introduce some of the NRC staff to you.

8 The objective is very, very simple. The
9 NRC wants to listen to your comments, your
10 recommendations on the draft Environmental Impact
11 Statement and proposed rule on Waste Confidence.

12 And then the staff will consider those
13 comments when it's preparing the final Environmental
14 Impact Statement and the final rule on Waste
15 Confidence.

16 You should know that the NRC staff is
17 also requesting written comments on these subjects.
18 And the staff will tell you how to submit those
19 comments and what the submission date is.

20 But I want to assure you that anything
21 that you say tonight will carry the same weight as a
22 written comment. And it may be that you'll hear
23 information tonight, either from the NRC or from your
24 fellow audience members, that you'll want to use to
25 submit a written comment. It's fine to speak tonight

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1 and to also expand those comments by submitting a
2 written comment.

3 In terms of the format for the meeting,
4 we're going to have some brief NRC presentations for
5 you, then spend a few minutes on clarifying
6 questions, and then we're going to go onto you for
7 comment.

8 In terms of ground rules, just a few
9 really simple ground rules to try to help us all have
10 a productive meeting tonight.

11 When I call your name, and this is based
12 on either the pre-sign up for tonight's meeting or on
13 the -- I believe it's the blue cards that people were
14 given tonight, I'll call your name. And if you could
15 just please come up to the podium up here and just
16 introduce yourself and give us your affiliation if
17 that's appropriate, and then we'll listen to your
18 comment.

19 And I would ask that only one person at
20 a time speak for two important reasons; one is so
21 that we could give our full attention to whomever has
22 the floor at the time.

23 And, Gary, I'll be right to you in one
24 second.

25 Give our full attention to whomever has

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1 the floor at the moment. And also so that we could
2 get what I call a clean transcript. We are taking a
3 transcript of the meeting tonight. And Pete Holland
4 over here is our stenographer. And with one person
5 speaking at a time Pete will know who is talking.

6 And that transcript is going to be
7 available to all of you. It's going to be your
8 record of the meeting and it's going to be NRC's
9 record of the meeting.

10 I'm going to ask you to be brief with
11 your comments because we have a whole lot of people
12 who want to talk tonight. So I'm going to ask you to
13 follow a three-minute guideline so that we can hear
14 from everybody tonight before we adjourn.

15 And I apologize in advance if I have to
16 ask you to sum up your comments because I know that
17 you put a lot of work into this. And if you don't
18 get to say everything you want to say tonight, please
19 send us a written comment.

20 And I should point out that we do have
21 these forms on the seats and they're out at the
22 table. And they're called NRC Public Meeting
23 Feedback Forms to give us your opinion of how the
24 meeting was handled so that we can try to avoid any
25 mistakes or so that we can repeat any good parts.

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1 You can also put comments right on this
2 sheet. And it's already what's called franked, okay.
3 You don't need to put postage on it. You can mail it
4 to the NRC or you can leave with -- leave it with us
5 tonight.

6 One thing I do want to emphasize is that
7 the NRC staff is going to be listening to your
8 comments. They're not going to be responding to your
9 comments tonight or any questions that you pose from
10 the podium. But they will carefully consider those
11 comments and questions and they will address them in
12 the final Environmental Impact Statement.

13 We want to make sure that you know what
14 the process for the EIS, finalizing the EIS is, what
15 the format is for tonight. So, we will have about
16 ten minutes for questions after you hear the NRC
17 presentations on format, process, the organization,
18 and structure of the EIS.

19 We won't be able to answer any questions
20 on technical subjects in the meeting tonight. But,
21 out in the foyer we have some NRC experts. They're
22 going to be out there for the whole meeting.

23 If you do have a technical question,
24 just please go out and see them. But if you want
25 that to be on the record of the transcript, then

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1 you'll have to put that question or subject in your
2 formal comment so that will be on the transcript.
3 Because nothing that's discussed out there will be on
4 the transcript tonight.

5 Let me quickly go to Gary for a
6 question. Do you have a question about the format?

7 MR. SACHS: Sure. I see some fine people
8 standing up there with a sign. Often when the NRC
9 comes to Brattleboro they don't let people stand
10 behind them.

11 So I'm just wondering is the NRC
12 changing its ways? Are you letting people stand
13 behind you now?

14 Usually the people in Brattleboro range
15 in age from 65 to 94. These people look awfully
16 scary back there.

17 FACILITATOR CAMERON: Well, I don't
18 think they are trying to be scary. And I don't think
19 -- I don't know if there's anything about
20 Brattleboro. I'm just teasing about that, Gary.

21 But what we're trying to do is -- the
22 NRC does not want to -- it wants to limit the use of
23 signs if it interferes with the meeting, like
24 blocking someone's view or if there's a sign on a
25 stick, okay, that might harm someone, or even a

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1 poster that has sharp edges.

2 I can't speak for -- I don't think
3 there's necessarily a consistent NRC policy on that.
4 But I know that the Waste Confidence staff wants to
5 make sure that if there is an expression, free
6 speech, and it's not interfering, these people are --
7 may be scary but they're not --

8 (Laughter.)

9 FACILITATOR CAMERON: I'm sorry.
10 They're not standing in front of the slides, so
11 that's fine.

12 But thank you for pointing that out, Gary.

13 Now, what I'd like to do is thank all of
14 you for being here and to introduce the NRC staff who
15 are here, some of the NRC staff. Because the NRC has
16 brought a lot of people to make sure that they can
17 answer the questions that you have on that.

18 First of all, I'd like to introduce
19 Keith McConnell. And Keith is the director of the
20 Waste Confidence Directorate at the NRC and he's
21 going to be speaking in a few minutes.

22 Next we have Andy Imboden. And Andy's
23 the chief of the Communications and Rulemaking Branch
24 in the Waste Confidence Directorate and he also will
25 be talking.

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1 We have a representative from the NRC
2 office of general counsel who's here. This is David
3 Cylkowski.

4 And we also have as our senior manager
5 here I think is Scott Moore who is the deputy
6 director of the Office of Nuclear Material Safety and
7 Safeguards.

8 And out in the foyer is Paul -- well,
9 he's in the back of the room, Paul Michalak. Now,
10 Paul is the branch chief of the Environmental Impact
11 Statement Branch in the Waste Confidence Directorate.
12 And Paul has some of his staff here, experts, who
13 have authored many of the chapters in the
14 Environmental Impact Statement.

15 So, again, if you want to talk to them
16 they're back there. They'll go out into the foyer.

17 I'd also like to thank Susan Wittick
18 from the Waste Confidence Directorate and TR Rowe who
19 make all of the logistics possible for these
20 particular public meetings.

21 And I think with that, Keith, are you
22 ready to talk to us? This is Keith McConnell.

23 MS. NESTEL: Oh, are -- how about letting
24 us introduce ourselves? The public is here. I'm
25 Hattie Nestel and I work on Vermont Yankee shutting

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1 down --

2 FACILITATOR CAMERON: Okay.

3 MS. NESTEL: This is David Agnew and he
4 works on shutting down Pilgrim.

5 FACILITATOR CAMERON: Okay. Hattie and
6 David --

7 MS. NESTEL: Does anybody else want to
8 introduce yourselves?

9 FACILITATOR CAMERON: Hattie and David,
10 we're not going to do introductions of the public
11 now. We're going to be hearing from a lot of you and
12 you will be introducing yourself then, okay.

13 MR. SACHS: Will the NRC be helping over
14 at Fukushima beginning on the 8th of November?

15 FACILITATOR CAMERON: That's a process
16 question that we'll --

17 MR. SACHS: I thought it was a waste
18 issue --

19 FACILITATOR CAMERON: -- get to when we
20 -- after we go to the -- Gary, I'm going to have to
21 ask you to just hold it until we get to the question
22 period, please.

23 We're going to go to Keith McConnell now
24 and then Andy Imboden. And then we'll go on to
25 answer questions that are on process.

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1 MR. SACHS: Do you know the answer to
2 that?

3 FACILITATOR CAMERON: Go ahead, Keith.

4 DIRECTOR MCCONNELL: We'll address your
5 question during the question and answer period if
6 that's acceptable.

7 MR. SACHS: You don't know if there's NRC
8 people helping remove the waste from Number 4's --

9 FACILITATOR CAMERON: Gary, Gary --

10 MR. SACHS: You give us a chance --

11 FACILITATOR CAMERON: And, Gary, please,
12 let's just let the people talk and then we'll see if
13 we can answer that question for you.

14 Go ahead, Keith.

15 DIRECTOR MCCONNELL: Okay. Thanks,
16 Chip.

17 As Chip indicated, I'm Keith McConnell
18 and I'm the director of the Waste Confidence
19 Directorate at the NRC. And I, too, would like to
20 welcome you here tonight to this public meeting on
21 the Waste Confidence proposed rule.

22 I do have a couple of announcements at
23 the outset that might be of interest to you all with
24 respect to our public meeting schedule. As you may
25 or may not know, with the government shutdown we had

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1 to postpone five of our public meetings that were
2 scheduled in other regions of the country.

3 Since we've been back to work now for
4 about a week and a half we've rescheduled those
5 public meetings. And the list of the times, the
6 dates, and the venues is out on the table for anybody
7 who's interested.

8 The second announcement I'd like to make
9 is that we have extended the public comment period
10 for comments on the draft proposed rule and draft
11 Generic Environmental Impact Statement.

12 It's been extended from November 27th of
13 this year to December 20th. The reason that was
14 extended was to allow us to reschedule those public
15 meetings and have them within the public comment
16 period.

17 The third -- third and final
18 announcement I'd make is that we've also scheduled a
19 thirteenth interaction with the public. It will be
20 on December 9th and it'll be a facilitated
21 teleconference. It would be the last interaction
22 that we have planned and it would be the last
23 opportunity to provide -- for the public to provide
24 comment on the draft Generic Environmental Impact
25 Statement and proposed rule.

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1 The purpose of today's meeting is to
2 solicit your comments on this draft Generic
3 Environmental Impact Statement and proposed rule
4 regarding the storage of spent nuclear fuel beyond
5 the operating life of a power reactor and it's before
6 -- and before it's disposed of in a geologic
7 repository.

8 These two documents, the draft Generic
9 Environmental Impact Statement and proposed rule, are
10 the culmination of the NRC activities over the past
11 year to address the U.S. Court of Appeals from the
12 District of Columbia's decision to vacate the 2010
13 version of the Waste Confidence rule and remand it
14 back to the NRC staff to fix certain deficiencies
15 that The Court had identified.

16 Given that the purpose of tonight's
17 meeting is to solicit comments from you, we, the NRC
18 staff, intend to limit what we present at the outset
19 of the meeting so that everybody has an opportunity
20 to provide their comments and put them on the record.

21 I would note, however, as Chip's
22 mentioned, that the technical staff who are
23 responsible for writing the vast majority of the
24 draft Generic Environmental Impact Statement are here
25 tonight and they're out and available in the foyer,

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1 although most of them are back in the back of the
2 room right now. But, they are out there to answer
3 any questions that you might have on those two
4 documents so I'd offer that you take advantage of
5 that opportunity.

6 I'd also like to talk briefly about our
7 rulemaking process. Rulemaking is a very important
8 part of what we do at the NRC. It's the vehicle that
9 we use to implement national policy and standards and
10 it's also the mechanism we use to ensure that public
11 health and safety is protected and that the
12 environment is protected.

13 The meeting tonight is just one of the
14 very important parts of that rulemaking process and
15 so we do encourage you to participate. And we
16 encourage everyone to participate in the form that
17 they want to participate in.

18 I'd also note that this meeting is just
19 but one of several ways we've attempted to make the
20 Waste Confidence rulemaking effort as open and as
21 transparent as possible.

22 We thank those of you that have
23 participated in the past in the public scoping
24 meetings we had back in October and November of last
25 year. And we also thank those of you who have

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1 participated in the monthly public status calls that
2 we've had going on since January.

3 And I would note that we have one
4 additional monthly status call that will take place
5 on Wednesday of this week at 1:30. And that meeting,
6 or that call, will discuss in more detail the
7 rescheduling of the public meetings and the extension
8 of the public comment period.

9 We do want your perspectives and your
10 input. In that regard, there are some specific
11 questions that the NRC Commissioners have asked, in
12 the announcement for the proposed rule, for the
13 public to comment on specifically. We would hope you
14 would take the opportunity to comment on those
15 particular aspects.

16 By providing comments on those specific
17 issues as well as any general comments you might
18 have, it will help us improve the final documents and
19 it will be very important information for the
20 Commission to have as it deliberates the final
21 documents that we would provide them.

22 So with that, again, I welcome you all
23 to tonight's meeting. And I'll turn it over to Andy
24 Imboden and he'll provide a brief background
25 presentation on what's in the draft GEIS and proposed

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1 rule. Chip.

2 FACILITATOR CAMERON: Okay. Thank you,
3 Andy. And, Miriam, when we go for questions we'll go
4 to Gary.

5 MR. IMBODEN: Thank you and good
6 evening. My name is Andy Imboden. I'm the chief of
7 the Communications Planning and Rulemaking Branch for
8 the Waste Confidence Directorate. And I'd like to
9 add to Keith's welcome and thank you all for
10 participating today.

11 At tonight's meeting I'll give a brief
12 history of Waste Confidence, outline key aspects of
13 the draft Generic Environmental Impact Statement and
14 the proposed rule, and explain how you can comment on
15 the documents. Then we'll get to the public comment
16 portion, which is the heart of the meeting.

17 Waste Confidence accomplishes two
18 things; it generically addresses the environmental
19 impacts of continued storage and makes the
20 determination about the feasibility of safe storage
21 and the timeframe for repository availability.

22 The draft Generic Environmental Impact
23 Statement for Waste Confidence satisfies just a part
24 of the Commission's National Environmental Policy Act
25 obligations for reactor licensing and relicensing and

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1 the licensing and relicensing of spent fuel storage
2 facilities.

3 The draft Environmental Impact Statement
4 also serves as the regulatory basis to support
5 changing the Waste Confidence rule.

6 The Environmental Impact Statement and
7 proposed rule only cover the timeframe after the
8 license life for operation of a reactor; however,
9 it's important to note that the proposed rule on
10 Waste Confidence does not license any particular site
11 or facility nor does it allow long-term storage of
12 spent nuclear fuel at any site.

13 The NRC's history with Waste Confidence
14 began in 1984 when the Commission issued the rule.
15 Since then, the rule has been updated most recently
16 in 2010.

17 In 2012, the rule was challenged and the
18 Court of Appeals for the D.C. Circuit vacated the
19 2010 rulemaking. The Court identified three
20 deficiencies with the Commission's environmental
21 analysis that supported the 2010 Waste Confidence
22 rule.

23 The Court found that the analysis didn't
24 evaluate the environmental effects of failing to
25 secure permanent disposal of the spent nuclear fuel.

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1 The Court also directed the Commission
2 to provide a forward-looking assessment of spent fuel
3 pool leaks and spent fuel pool fires.

4 The Court stated that a generic approach
5 either with an environmental assessment or an
6 Environmental Impact Statement would appropriately
7 address the issues associated with Waste Confidence.

8 Following The Court's decision, the
9 Commission directed the staff to prepare an
10 Environmental Impact Statement evaluating these
11 issues with the possibility of issuing an updated
12 Waste Confidence rule.

13 There are two things I'd like for you to
14 remember. The first is that Waste Confidence is just
15 a small part of the overall environmental analysis
16 for reactor or storage facility licensing or
17 relicensing.

18 Secondly, the Waste Confidence rule does
19 not license any facility or authorize storage after
20 the expiration of a facility's license.

21 The draft statement describes the
22 impacts of continuing to store spent nuclear fuel
23 beyond the licensed life for reactor operations
24 whether in spent fuel pools or at independent spent
25 fuel storage installations located at both reactor

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1 and away from reactor sites.

2 The draft statement describes why we're
3 revisiting Waste Confidence. It discusses the
4 alternatives considered, it describes how
5 environmental impacts were evaluated, it describes
6 what facilities are covered and the environmental
7 impacts of continued storage at reactor sites and
8 away from reactor sites.

9 It also contains information on the
10 costs of the alternatives to the rulemaking. It
11 describes the cumulative environmental impacts of
12 continued storage, and it contains information on the
13 feasibility of a repository and the feasibility of
14 safe storage of this spent fuel.

15 The draft statement assesses impacts of
16 continued storage of spent fuel for three timeframes
17 based on when a repository would become available.

18 The first timeframe is the short-term
19 timeframe which would be 60 years after licensed life
20 for operations. The long-term timeframe is 100 years
21 beyond that for a total of 160 years. The indefinite
22 storage scenario was that no repository would become
23 available.

24 MR. SACHS: Can you be clear again on
25 what the three deficiencies were that were found?

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1 MR. IMBODEN: Yeah. I --

2 FACILITATOR CAMERON: We're going to let
3 him finish his talk and then we're going to go out to
4 --

5 MR. SACHS: It's a clarifying question -

6 FACILITATOR CAMERON: -- questions.

7 MR. SACHS: -- to finish the rest of
8 what he said --

9 FACILITATOR CAMERON: But we want to let
10 them finish their presentations so that you can hear
11 the whole thing. And he's almost done.

12 MR. SACHS: Well, it needs to be
13 expressed in a very clear way. The three
14 deficiencies are this, this, and this. How are those
15 three deficiencies being addressed?

16 FACILITATOR CAMERON: We'll get to that
17 question. Thank you, Gary.

18 Go ahead.

19 MR. IMBODEN: The draft statement serves
20 as the regulatory basis for the proposed rule. The
21 proposed rule would generically address the
22 environmental impacts of continued storage. These
23 impacts would not be revisited in future site-
24 specific licensing proceedings unless the NRC
25 discovers something about the site that would make

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1 the application of the conclusions in the
2 Environmental Impact Statement inappropriate.

3 The proposed rule would revise the
4 Nuclear Regulatory Commission's regulations.
5 Specifically the citation is Title 10 of the Code of
6 Federal Regulations, Section 51.23.

7 This proposed rule states that the
8 analysis supports the Commission's determinations
9 that it is feasible to safely store spent nuclear
10 fuel following licensed life for operation of a
11 reactor.

12 It also states that it's feasible to
13 have a mined geologic repository within 60 years
14 following the licensed life for operation of a
15 reactor.

16 And we are specifically seeking comment
17 on whether those final -- the final rule should
18 contain these two statements.

19 There are several ways to comment. To
20 ensure that your comments are considered they must be
21 received by December 20th, 2013. Mailed comments
22 must be postmarked by December 20th, 2013.

23 All comments, whether submitted in
24 writing or provided orally, are considered equally.
25 Some have already commented and others will comment

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1 later and we're here tonight so that you can tell us
2 your comments on the Generic Environmental Impact
3 Statement and proposed rule.

4 Tonight's comments are being transcribed
5 and will be considered part of the record. You could
6 also leave written comments with the NRC staff
7 located at the registration desk outside the door and
8 we will make sure that those comments are added to
9 the docket. And you may also e-mail, fax, or mail
10 your comments to the NRC.

11 You may also provide comments using the
12 Federal Rulemaking website, www.regulations.gov.

13 That concludes the NRC's presentation
14 and I thank you for your attention.

15 Chip?

16 FACILITATOR CAMERON: Okay. Thank you.
17 We're going to go to, Miriam, we're going to go to
18 Gary and let's get him on the record for two
19 questions that he had; one about Fukushima and one
20 about the three deficiencies. And then we'll see if
21 anybody else has questions.

22 MR. SACHS: I don't know what you're
23 referring to, but I can speak to-- didn't the NRC
24 recently -- didn't -- it doesn't make a difference.
25 Gary Sachs, Brattleboro, Vermont.

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1 Didn't the NRC recently say that they
2 are not to be held accountable to the U.S. Federal
3 Courts?

4 And so I'm wondering how it is that the
5 NRC wants to be outside the court system, that's what
6 I understand. So I'd like it if somebody could speak
7 to that.

8 And I'm wondering how it is that the
9 court system in the, I believe it was the D.C.
10 Circuit Court, found those three deficiencies.

11 I'm not so sure I'm seeing the NRC being
12 quite as transparent if I hear the NRC saying that
13 they don't -- they're not to be held accountable in
14 the Federal Court system.

15 FACILITATOR CAMERON: Okay.

16 MR. SACHS: So I'm trying to get some
17 clarity on that.

18 FACILITATOR CAMERON: Okay. Thank you.

19 MR. SACHS: Because that, to me, is
20 relative to the GEIS issue.

21 FACILITATOR CAMERON: And, Pete, this is
22 Gary Sachs who's making that comment, S-a-c-h-s.

23 I think the questions are about the
24 court case. And perhaps we can just give a summary
25 of what the findings of The Court were in regard to

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1 that.

2 Andy?

3 MR. IMBODEN: Yes, this is Andy Imboden
4 with the NRC.

5 The Court found three deficiencies with
6 the 2010 rule, which is why the rule was vacated and
7 which is why -- one reason why we're here today.

8 And the three deficiencies were that The
9 Court found that the NRC's analysis did not evaluate
10 the environmental effects of failing to secure
11 permanent disposal of the spent nuclear fuel.

12 MR. SACHS: And you guys have solved
13 that?

14 MR. IMBODEN: Our -- the question was
15 did we solve that. That's one of the things that
16 we'd like to get your comment on today. One of the
17 timeframes we're working with is the indefinite
18 scenario. And so that would be the case where a
19 repository is never available.

20 The other two deficiencies that The
21 Court found was that the NRC did not provide a
22 forward-looking assessment of spent fuel pool leaks
23 and spent fuel pool fires.

24 MR. SACHS: That's what happened.

25 MR. IMBODEN: And the -- you know, those

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1 you could find in the draft Generic Environmental
2 Impact Statement and the proposed rule. And we'd
3 like your comments on our analysis on those subjects,
4 absolutely. Thank you.

5 MR. SACHS: Number three? I forgot
6 number --

7 FACILITATOR CAMERON: Okay. Do you have
8 one more?

9 MR. IMBODEN: There are no repositories.

10 MR. SACHS: No repository, I got number
11 two.

12 MR. IMBODEN: Right. Spent fuel pool
13 leaks.

14 MR. SACHS: Got it.

15 MR. IMBODEN: Spent fuel pool fires.

16 MR. SACHS: Thank you.

17 FACILITATOR CAMERON: Okay. Thank you,
18 Gary.

19 Are there other --

20 MR. SACHS: But that doesn't address the
21 other part of my question. The other part of my
22 question has to do with after that. The NRC came
23 forward saying that they don't believe the Federal
24 Courts have a right to rule on what the NRC decides.

25 That was this year, 2013. I'd like

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1 someone to respond to that in regard to --

2 FACILITATOR CAMERON: Gary, Gary, we'll
3 put that on as a comment on the record. Because I'm
4 not sure that people are certain --

5 MR. SACHS: That's my understanding.

6 FACILITATOR CAMERON: -- what you're
7 talking about. And I'll tell you what, we'll put
8 that on as a comment on the record. And we have our
9 lead attorney here on Waste Confidence -

10 MR. SACHS: Sure.

11 FACILITATOR CAMERON: -- Tison back
12 there, and you can talk to him about that. Thank
13 you. Thank you very much.

14 Anybody else have a question on
15 structure, process?

16 Yes, sir. And please introduce
17 yourself.

18 MR. STAMM: My name is Steven Stamm and
19 I'll introduce myself further when I ask other
20 questions.

21 But you had made the statement that the
22 NRC has asked specific questions that you'd like
23 feedback on. And I just wanted to get the
24 clarification as to where specifically in the
25 documents that I can find those questions.

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1 FACILITATOR CAMERON: Good. Great,
2 great question. And I believe these are in the
3 Federal Register Notice. And Andy's going to find
4 the exact cites.

5 Do we have the Federal Register Notice
6 out there?

7 PARTICIPANT: Yeah, we do.

8 FACILITATOR CAMERON: Okay. Good.

9 PARTICIPANT: Section 4.

10 FACILITATOR CAMERON: Okay. Do you want
11 to just tell this gentleman?

12 MR. IMBODEN: For the record and for
13 everybody, we have copies of the rule, the proposed
14 rule, the Federal Register Notice out in the foyer.
15 It's Section 4 of the document and the citation of
16 that page is Volume 78 of the Federal Register, page
17 56799.

18 And, you know, I think you can see
19 that's the kind of questions that the Commission is
20 specifically soliciting your input on. Thank you.

21 All those documents are available from
22 our Waste Confidence website.

23 FACILITATOR CAMERON: Okay. Other
24 questions on organization?

25 Yes, sir.

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1 MR. TILBURY: Very simply, how can you -
2 -

3 FACILITATOR CAMERON: If you can
4 introduce yourself to us, please.

5 MR. TILBURY: Very simply, how can you
6 come up with all these statements and then listen to
7 the comments?

8 I would think that you would listen to
9 the comments and then come up with the statements.
10 That's my simple question.

11 FACILITATOR CAMERON: Okay. Perhaps,
12 Andy, could you just explain about the process for
13 putting together a final EIS that starts with scoping
14 and what we're doing with the draft?

15 MR. IMBODEN: Yes. This is Andy Imboden
16 with the NRC.

17 What we're doing is we're following the
18 well-established rulemaking and Environmental Impact
19 Statement process.

20 The NRC, back in October of last year,
21 solicited comments from the public on the scope of
22 what we should consider and what we shouldn't
23 consider of this review.

24 We took a look at that. We have quite a
25 lot of public input on that. We had four public

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1 meetings and got several hundred comments. Put out a
2 scoping report which summarized everything, we put
3 that out in March.

4 The NRC took that, along with the other
5 documents that have compiled the long, rich history
6 that the NRC's had with Waste Confidence since 1984,
7 and put together this draft Generic Environmental
8 Impact Statement and the proposed rule.

9 They're proposed, they're draft. We're
10 looking for public comment on these documents. We're
11 looking, so that way you could tell us what you think
12 about them and if we should miss something or if we
13 should consider something else.

14 We're going to take all that at the end
15 of the comment period; so we have now a 98-day
16 comment period so that should be -

17 MR. TILBURY: If you had called it a
18 draft, I -

19 MR. IMBODEN: Yeah. It is a draft.
20 Yeah. The draft Environmental Impact Statement. And
21 the other term that's used is proposed rule. You
22 could think of that as a draft rule. That's just the
23 term of art for that.

24 And then we're going to take that back
25 and the Commission and the staff, when we put the

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1 final rule and final Environmental Impact Statement
2 out, the public comments will have been considered
3 and responded to.

4 FACILITATOR CAMERON: Okay. Thank you
5 very much. Let's take one more question and then
6 we're going to start with comments.

7 Yes, ma'am.

8 MS. SHAW: Thank you. Sally Shaw. I'm
9 from Gill, Massachusetts, in the evacuation zone of
10 Vermont Yankee Nuclear Plant.

11 I have a question about the process of
12 what happens to the NEPA EIS that you're working on
13 here, the GEIS. Who reviews it?

14 I know traditionally the EPA reviews
15 NEPA documents; however, when I looked at the EPA's
16 regulatory guidance on nuclear plants it said that
17 they review Environmental Impact Statements regarding
18 reactor licenses, new reactors, license renewals,
19 that sort of thing, but they do not look at spent
20 fuel pool issues because that's covered under the
21 Waste Confidence rule.

22 So we have a little tautology here and
23 I'd like to know how we're going to get out of it.

24 FACILITATOR CAMERON: Okay. Good
25 question. And, Andy, do you want to answer Sally's

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1 question, please?

2 MR. IMBODEN: Yeah, hi. Andy Imboden
3 from the NRC.

4 That's an excellent observation. That
5 guidance was written before The Court vacated the
6 rule. So the EPA will be revising the -- or not
7 revising. Pardon me.

8 The EPA will be reviewing and providing
9 us comments on our draft Generic Environmental Impact
10 Statement.

11 MS. SHAW: Do they have the authority to
12 say, sorry, you didn't do it, you need to start over?

13 MR. IMBODEN: The EPA has all the
14 authority they have on this Environmental Impact
15 Statement as they do with any Environmental Impact
16 Statement.

17 MS. SHAW: Could you answer my question,
18 though, have they ever sent one back and said sorry,
19 this doesn't cut?

20 MR. IMBODEN: The question was did the
21 EPA ever send one back? Not any one that I've worked
22 on. I'm not familiar with anything else. Sorry.

23 FACILITATOR CAMERON: And I guess a
24 logical follow up, are the EPA comments, are they
25 public? Can people look at those comments at some

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1 point in the process?

2 MR. IMBODEN: Oh, yeah. Yeah. We'll
3 most likely put that in, I think, Appendix C of the
4 Environmental Impact Statement of the final will have
5 all kinds of the correspondence we have with other
6 federal agencies.

7 MS. SHAW: The final?

8 MR. IMBODEN: In the final.

9 FACILITATOR CAMERON: Okay. Thank you.
10 Thank you for that question, Sally.

11 We're going to start the comment
12 process. Thank you all for those questions.

13 And I was going to ask, Councilman
14 Giunta, do you want to come up and address us first
15 and then we're going to go to Jim Lampert and Mary
16 Lampert. This is Councilman Giunta from the City of
17 Franklin, New Hampshire.

18 Yes, please. Thank you.

19 COUNCILMAN GIUNTA: Good evening,
20 everyone. And I wanted to say I don't know where
21 you've heard my name before, but it's very unusual
22 for someone to get my name the very first time
23 around. So you're good at what you do.

24 FACILITATOR CAMERON: Thank you.

25 COUNCILMAN GIUNTA: My name is Tony

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1 Giunta. I am a city councilor from the City of
2 Franklin, New Hampshire.

3 For those of you who do not know where
4 the City of Franklin is located, we are in central
5 New Hampshire. We are just above Concord and we're
6 almost directly in the middle of the state.

7 For the record, I don't have specific
8 comments for the number of questions that were asked
9 out of the Federal Register. What I am going to tell
10 you is I am here tonight in support of what currently
11 exists in the proposed rule. So hopefully that's
12 enough, that I don't need to go and pick apart with
13 all the comments. I am in favor of that.

14 Now, you might ask why. Why am I in
15 favor of it? The City of Concord has 8,500 citizens
16 of which I proudly represent. Prior to becoming city
17 councilor, I was also mayor of that city from 2000 to
18 2002 and reelected 2002 to 2004.

19 We had at the very tail end of my
20 mayorship in that city our most major employer in the
21 city, our biggest employer in the city, they had made
22 the decision that they were going to move out of our
23 city.

24 Franklin is a proud former mill town.
25 And, as you know, the mills made that decision back

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1 in the 60s and 70s and moved off-shore.

2 Industry, light industry and medium
3 manufacturing came into the City of Franklin. They
4 started making that decision in 2005. It was
5 devastating for our city, major employer.

6 The reasons they were moving out of our
7 city were many. Like everybody else, reducing costs,
8 going to China.

9 I'm here tonight, not to focus on that
10 negative story, but to tell you that things have
11 turned around. That decision has turned 180 and now
12 they are coming back. They are returning with 200
13 jobs to our city and they are also coming and
14 investing in our city. They've invested into an \$11
15 million foundry which is one of the leading foundry's
16 in the world when it comes to manufacturing their
17 particular product.

18 That \$11 million is going towards our
19 tax base and it's very important for our city
20 government as well as for the citizens.

21 The decisions to come back were based on
22 several. One being the quality of the product that
23 they were producing overseas was not up to the
24 quality that they can get here in the United States.
25 So, they were throwing away a lot of product overseas

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1 and they could do much better here and be much more
2 competitive with the work that was being supplied by
3 the workers from the City of Franklin.

4 The other reason was energy costs are
5 stable and if not coming down. They have access to
6 natural gas. The one thing I can tell you that
7 probably was not on the top of their mind when they
8 decided to come back was "does New England have a
9 viable, sustainable energy electricity grid?" That
10 was assumed that was the case in the City of
11 Franklin.

12 I'm here tonight to tell you as a city
13 councilor that the reliability of the New England
14 electrical grid must be maintained. And it is up to
15 NRC to oversee that one of the major factors in
16 maintaining a reliable electric grid is nuclear
17 power.

18 PARTICIPANT: False.

19 COUNCILMAN GIUNTA: I was at a meeting
20 in Plymouth and I didn't see a lot of people here in
21 favor of Hydro-Quebec, which is the largest hydro
22 project to come down from Canada. That would have
23 been an excellent source, but people are opposing it.

24 Like it or not, part of the mix of a
25 reliable system of electricity in New England is

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1 nuclear power.

2 PARTICIPANT: Not according to --

3 PARTICIPANT: That's not true.

4 COUNCILMAN GIUNTA: It may not be
5 according to anybody. I am telling you --

6 FACILITATOR CAMERON: Okay. Let's not
7 have a debate with the speaker, please. Just please
8 continue, Councilman.

9 COUNCILMAN GIUNTA: Understood. Thank
10 you.

11 MR. SACHS: Why aren't we invited up to
12 the podium?

13 FACILITATOR CAMERON: Okay. Go
14 ahead, Councilman. You have the right to give your
15 comment, okay.

16 MR. SACHS: I'm happy to hear your
17 opinion, Councilman.

18 COUNCILMAN GIUNTA: If we do not ensure
19 --

20 MR. SACHS: We all have --

21 COUNCILMAN GIUNTA: -- a reliable
22 electrical grid, we will reverse this trend that we
23 are seeing --

24 MR. SACHS: If we're lucky.

25 COUNCILMAN GIUNTA: -- of industry

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1 returning back to New England. And I look to the NRC
2 to make sure that our grid is reliable for the
3 future. So to end, I support the adoption of the
4 Waste Confidence rule and the draft Environmental
5 Statement.

6 MR. SACHS: You're repeating yourself.

7 COUNCILMAN GIUNTA: As adopted it will
8 ensure the continued availability of sustainable,
9 reliable, affordable nuclear power to the New
10 Englander grid.

11 And let me say this, all the meetings
12 I've been to there has always been opposition to
13 those in favor.

14 FACILITATOR CAMERON: Okay. Thank you.
15 Thank you very much, Councilman.

16 COUNCILMAN GIUNTA: Thank you for your
17 time.

18 FACILITATOR CAMERON: Yeah. You're
19 going to hear things tonight that you may not agree
20 with, you may not think are expressed correctly on
21 both sides of the issue and I'm just going to have to
22 ask you to be polite and don't interrupt people.
23 Just have the courtesy to let them give their
24 comment. Thank you.

25 Jim Lampert?

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1 MR. LAMPERT: I'm Jim Lampert. I'm from
2 Duxbury, Massachusetts. I'm not from Plymouth, but
3 on the other hand I look out my bedroom window and I
4 do see the Pilgrim Power Plant.

5 Just a little two vignettes of
6 background. First, I am an MIT graduate and, heaven-
7 forbid, also a lawyer. And, second, my familiarity
8 with nuclear power probably goes as far back as
9 anybody's in this room to about 1954 when my father
10 was designing the first land-based nuclear electric
11 power plant to go online in this country.

12 I'm a little disappointed in this
13 particular rule in a number of aspects. First, let's
14 start off with the idea that it's generic.

15 Having spent a little time in a
16 dictionary today, generic, to most people, means that
17 something applies equally to all members of the
18 class.

19 I would strongly doubt that anybody in
20 this room in their heart of hearts believes that
21 everything that's said in this draft GEIS or in the
22 NUREG applies equally across the board to every
23 nuclear power plant.

24 Can you say it applies equally to every
25 PWR and every BWR?

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1 Can you say it applies equally to a
2 plant that is operating perhaps efficiently and
3 certainly making money?

4 And, also, to a plant like Pilgrim that
5 is losing approximately \$30 million every year? That
6 has had ten times as many shutdowns this year as the
7 national average? That has had close to 20 unusual,
8 quote, "events," closed quote?

9 I doubt that every plant generically in
10 this country is having this type of trouble.
11 Because, frankly, if you stand back and look at it,
12 what conclusion can you draw? That they don't have
13 enough money to do the preventative maintenance that
14 needs to be done to continue to operate in a way that
15 any rational person would consider safe.

16 At a conference at the Mass State House
17 a couple of weeks ago -- Arnie Gundersen -- when you
18 hear a plant is safe what should you assume? "You
19 should assume," -- and this is quoting Arnie -- "it
20 is meeting the minimal requirements of a compliant
21 agency."

22 If you read the report itself, there are
23 more other words other than generic that give me some
24 problems. Let's look at spent fuel storage.

25 I looked in vain because people kept

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1 saying, "Oh, the NRC has said they're all equally
2 safe, all methods."

3 Well, unless somebody at the NRC can
4 point me to where that is, all I found in the NUREG
5 was that both provide, quote, "adequate protection."

6 What's adequate mean? One definition is
7 barely sufficient. A second is mediocre.

8 You also look at the word, "Oh, we
9 provide reasonable protection."

10 Let's look at reasonable. Plausible,
11 and unfortunately what is probably the most accurate
12 here, inexpensive.

13 Plants -- in looking at the problems of
14 safety with various types of storage, the NRC takes
15 consequences on the one hand and it multiplies them by
16 probability on the other.

17 And if you look at the probability you
18 see numbers like 10 to the minus 7, 10 to the minus
19 8, 10 to the minus 15, which basically guarantees
20 that no matter how large the potential consequences
21 are -- and a study done for the Mass attorney general
22 said the potential consequences of a spent fuel fire
23 at Pilgrim is \$488 billion. And this was in dollars
24 a few years ago. And 24,000 latent cancers.

25 Does anyone believe that that is

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1 generic?

2 FACILITATOR CAMERON: Could I just ask
3 you to wrap up, please?

4 MR. LAMPERT: Yeah.

5 FACILITATOR CAMERON: Thank you. Thank
6 you very much.

7 MR. LAMPERT: We support -- we do not
8 support the GEIS that is one of the two major
9 supporting documents on which the NRC relies, frankly
10 because it is not site-specific, and that the
11 rationale for it is that they want to achieve
12 efficiency.

13 I would suggest that the proper
14 rationale is let's achieve the public health and
15 safety in a way that is reasonable and beyond
16 inexpensive.

17 FACILITATOR CAMERON: Thank you. Thank
18 you very much, Jim.

19 And next we're going to hear from Mary
20 Lampert.

21 MS. LAMPERT: Unfortunately, our sons are
22 overseas. Mary Lampert, director of Pilgrim Watch
23 located in Duxbury, Massachusetts, focused on
24 Pilgrim.

25 First, I would advise that we stop the

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1 train on this whole issue. The reason being first
2 the national -- the Congress charged the National
3 Academy of Sciences to determine the adequacy of NRC
4 regulations. And it asked specifically an emphasis
5 on waste storage. Until that document is completed,
6 it is premature to carry on with this business you're
7 doing.

8 Furthermore, it's premature because the
9 probabilistic risk assessment, which is a foundation
10 of assessing the impact of the various areas you
11 looked at, are currently based on pre-Fukushima
12 assumptions and probabilities; and, therefore, it's
13 inappropriate to use a PRA of yesterday to make any
14 judgment in this area until it has been updated.

15 I would direct you in this to Chairman
16 Macfarlane's notation note on the SECY dealing with
17 filtration where she goes into the problems with PRA
18 that she's identified.

19 Pilgrim Watch supports the no-action
20 alternative obviously and for two principal reasons.
21 First, as my husband talked about, it should be site-
22 specific, not generic.

23 The other reason is the foundation of
24 the GEIS of the final document rests on the draft
25 GEIS and the -- what I call the earthquake study that

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1 looks into pool fires.

2 My husband talked about the GEIS and I
3 will have written comments. The problems with the
4 earthquake study are multiple. I would refer you to
5 the analysis by Dr. Gordon Thompson submitted by
6 Diane Curran.

7 The highlights of what's wrong are as
8 follows: The study did not consider geometry. It
9 didn't look at or compare high-density to low-density
10 storage, which is very important element.

11 It's limited in its consideration of
12 water loss. Looks at complete water loss. And in
13 actuality, NUREG-1738 that was put out in 2000,
14 finally, and I see admitted the total drainage was
15 the most -- was not the most severe, rather partial
16 drainage. But the study doesn't look at partial
17 drainage.

18 It's limited in consideration of
19 initiating events. It doesn't consider an attack,
20 only earthquake. It makes no linkages amongst
21 reactor accident and pool accident. There's no
22 analysis of cask drops. Misleading statements about
23 mitigating actions.

24 It simply says that adding water or
25 reshuffling how the assemblies are in the pool. But

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1 it gives no data how many reactors have water-spray
2 systems. How did they test whether adding water at a
3 certain point to a burning assembly would exacerbate
4 fire, not correct it?

5 As far as duration goes, it only
6 considers up to seven days of a boil fire accident.
7 Has nobody figured Fukushima?

8 Also it uses MELCOR. And there's been
9 no demonstration that MELCOR has -- is able to look
10 at heat transfer and other important elements to do a
11 real empirical study, not start with a conclusion and
12 pretend to have a study.

13 Last, the study --

14 FACILITATOR CAMERON: Mary, can I just
15 ask you to sum up for us --

16 MS. LAMPERT: Sure.

17 FACILITATOR CAMERON: -- please?

18 MS. LAMPERT: The study assumes there is
19 no risk to cask, but it doesn't show that. What we
20 need is a comparison of casks storage under various
21 conditions to spent fuel pool various conditions, and
22 then you might come out with something.

23 That's what we expect. We don't expect
24 no science to masquerade as science. We support
25 expedited transfer of a spent fuel and hardened

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1 dispersed dry cask storage. Thank you.

2 FACILITATOR CAMERON: Thank you. Thank
3 you, Mary.

4 Our next three speakers are Stratton
5 Kirton, Doug Bogen, and Nancy Wrenn. And this is
6 Stratton Kirton.

7 MR. KIRTON: Hi. Good evening. As you
8 heard, my name is Stratton Kirton. I'm here on
9 behalf of the CASEnergy Coalition. It's a national
10 grassroots organization that advocates for the use of
11 nuclear power as a carbon-free source of energy.

12 I'm here tonight to give remarks on
13 behalf of the coalition and on behalf of myself.

14 I would like to start by thinking --
15 thanking the Commission and thanking everybody who
16 showed up here tonight. I think it's important that
17 all of our voices are heard no matter what side of
18 this issue we're on.

19 So I'm here to express my support and
20 confidence in the storage of spent fuel on-site at
21 nuclear facilities. The industry has shown that over
22 the course of decades it is committed to responsible,
23 safe, and secure storage techniques on-site.

24 Now, we all know that on-site storage
25 was never intended as a permanent solution. And we

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1 also know that industry's gone to great lengths to
2 make on-site storage as safe and secure as possible.

3 PARTICIPANT: No way.

4 MR. KIRTON: These facilities meet the
5 standards and rigorous requirements that are set by
6 the NRC. And the industry's invested billions of
7 dollars and hundreds of thousands of man-hours, post
8 9/11 alone, in securing and reinforcing these
9 facilities.

10 Now, I would also like to talk about an
11 issue that's near and dear to my heart more so than
12 specifically on the Environmental Impact Statement or
13 the draft rule, and that's climate change.

14 MR. SACHS: Are you a volunteer?

15 MR. KIRTON: I'm sorry, I'm here to give
16 a statement.

17 So I grew up in a small --

18 MR. SACHS: You said grassroots, does
19 that mean volunteer?

20 MR. KIRTON: I grew up in a small
21 fishing village on the Gulf of Mexico. Now, my home
22 town was hit with a 19-foot tidal surge seven years
23 ago. A tidal surge that had never been recorded in
24 that level in the entire history of this little town
25 which was originally settled by the Spanish hundreds

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1 of years ago. So as long as they've been keeping
2 records, nothing like this had ever occurred.

3 Now, our nation gets 19 percent of its
4 electricity from nuclear power. But when you look at
5 what percentage does it get from its clean-air
6 electricity, that number jumps up to over 60 percent.
7 Almost two-thirds of our clean-air electricity comes
8 from nuclear.

9 Now, looking at everything that we know
10 to be true in terms of climate change, looking at
11 what the IDCC summary report that was recently
12 released said in the upcoming meetings in Poland,
13 climate change is a serious issue.

14 And I -

15 PARTICIPANT: What's IDCC?

16 MR. KIRTON: I'm sorry, what's that?

17 PARTICIPANT: What is IDCC?

18 MR. KIRTON: Sorry, the Intergovernmental
19 Panel on Climate Change.

20 So I personally see climate change as
21 the largest threat that my generation faces. And I
22 do not understand from my personal perspective why we
23 would try to shut down our largest source of clean-
24 air energy and carbon-free energy.

25 So --

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1 MS.SHAW: This is about Waste Confidence.

2 FACILITATOR CAMERON: Excuse me, could
3 you just not make comments and just let them speak,
4 you know.

5 MS. SHAW: I'm sorry, I have Tourette's.

6 MR. SACHS: Well, the rest of us want to
7 speak about the Waste Confidence.

8 FACILITATOR CAMERON: Okay. I'm sorry.
9 I'm sorry, Sally.

10 MR.SACHS: He's not speaking about that.

11 FACILITATOR CAMERON: Look, there's a
12 whole lot of range of subjects covered under Waste
13 Confidence, okay. So the NRC staff is going sort out
14 what's relevant and not relevant. So just please let
15 the people finish their statement.

16 Stratton, do you want to go ahead?

17 MR. KIRTON: Yes. And finishing my
18 statement I would just like to say as the Commission
19 considers this issue and future issues, I would just
20 encourage them to think about all we can do to
21 strengthen our nation's commitment to all clean-air
22 technologies, including nuclear.

23 Thank you for your time.

24 FACILITATOR CAMERON: Okay. Thank you,
25 Stratton.

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1 And, Doug, Doug Bogen and Nancy Wrenn.
2 And then we're going to go to Leslie Sullivan Sachs
3 and to Gary Sachs.

4 MR. BOGEN: Good evening. My name is
5 Doug Bogen. I'm executive director of Seacoast Anti-
6 Pollution League based in Portsmouth, New Hampshire.
7 And my organization has been around for 44 years. We
8 started back in 1969. I think we probably predate
9 the NRC, at least in its current form.

10 And I mention that not just because
11 we're all getting old fighting this issue, but we've
12 been raising these issues of what to do with the
13 waste all that time for four decades now and still no
14 solution. This is really a bizarre situation. It
15 feels like we're watching endless reruns of a bad
16 movie.

17 This past procrastination is finally
18 catching up with the NRC and with the nuclear
19 industry and we really need a serious investigation
20 of these issues.

21 You know, at Seabrook we have about 600
22 tons of this high-level radioactive waste stored in a
23 spent fuel pool and some in waste casks. We do not
24 feel that it is secure in either of those locations.

25 This waste cask storage site is a former

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1 parking lot. It's surrounded by a chain-link fence.
2 It's across from the visitor's center so I guess you
3 can all see it on your way into the place. But we
4 don't think that's a secure location.

5 It's a few feet higher than the plant,
6 itself. We are on the coast, of course, in Seabrook.
7 But it's still too close to the ocean. With the seas
8 rising, storm surges are increasing, we really
9 question whether that site would be good for another
10 100 years or even more. So, it's highly doubtful.

11 The NRC really needs to get to grips
12 with the climate disruption issue. They need to be
13 looking at what effects that's going to have on this
14 waste especially if it ends up in the places it
15 currently is.

16 Along with hundreds of other groups and
17 many others here, we strongly support hardened on-
18 site storage of this waste and removal of the fuel
19 that's in the spent fuel pool as soon as possible.

20 After Fukushima it's really getting
21 absurd for the NRC and the industry to argue that dry
22 cask and wet pools are equally safe. We've had a
23 live action, full-scale experiment with extended
24 power outages and water pump loss and the casks
25 remain safe at Fukushima while the pools boiled,

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1 caught fire, exploded, you name it.

2 I think that should make the point
3 pretty clearly that these two approaches are not the
4 same and they do not make us equally safe.

5 We had a power station power outage at
6 Seabrook back in March of 2001. It was not due to an
7 earthquake or a tsunami, but just a run-of-the-mill
8 Nor'easter. Fortunately several -- despite several
9 problems, including pump failures, the emergency
10 diesel generators did kick in and they did provide
11 power.

12 But we should all recognize that our
13 plants, especially at Seabrook, they only have four
14 hours of battery power. That, again, is an absurd
15 situation in the age of extended batteries. And we
16 do not trust the current systems to really protect us
17 in the case of a power outage.

18 And that's really what we're dealing
19 with here whether it's due to an earthquake or due to
20 a storm, it's the power going out that we have to be
21 concerned about.

22 We can't afford to continue to maximize
23 acceptable risk by filling or overfilling these pools
24 while avoiding the cost of dry cask storage. We can
25 pay some now to deal with this problem or pay much

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1 more later. And we'd rather not pay for it with our
2 health and those of our children or grandchildren.

3 We abhor the continued arrogance of the
4 NRC to claim that they have confidence in dealing
5 with this issue when they've clearly just been
6 putting it off for future generations to deal with.

7 We heard from the spokesman from the
8 Seabrook plant back in 2006 that, quote,
9 "Environmentalists can submit as many plans as they
10 want. The decision on dry cask storage has already
11 been approved."

12 And that was from Alan Griffith, the
13 spokesman for Seabrook in 2006, seven years ago.
14 There's never been a public hearing on that site, on
15 the process. And to this day we haven't really heard
16 the details.

17 We're tired of the systematic arrogance
18 of the nuclear industry and the regulatory system.
19 We're glad the judicial process is finally calling
20 you out on this charade.

21 Passing this problem off to the next
22 generation once again is clearly not acceptable and
23 it's the reason that we're all here. We must have a
24 viable solution to -- before relicensing is done and/
25 or we start any new plants.

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1 So, we do not have confidence in this
2 process or in this GEIS and we think this is really
3 what the NRC stands for, no confidence, no
4 competence. Thank you very much.

5 FACILITATOR CAMERON: Thank you, Doug.

6 Nancy? This is Nancy Wrenn.

7 MS. WRENN: My name is Nancy Wrenn. I
8 am a retired hazardous waste planner with the
9 Massachusetts Department of Environmental Protection
10 and a member of the Boston branch of Women's
11 International League for Peace and Freedom and a
12 board member of Mass Peace Action.

13 Both of these organizations have long
14 opposed nuclear power plants. We are pleased that
15 the Vermont Yankee Plant owners have decided to phase
16 out this plant and we hope that a similar action will
17 take place at the Plymouth, Massachusetts plant in
18 the near future.

19 We concur that the nation has a very
20 serious challenge in protecting the environment
21 surrounding these plants and the many other aging
22 plants in the country from hazards associated with
23 storage of nuclear waste.

24 We are aware of the continuing pollution
25 from the Fukushima plant in Japan and the apparent

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1 impossibility of containing it.

2 We urge that as soon as possible all
3 U.S. nuclear power plants be phased out in favor of
4 renewable wind and solar sources of energy.

5 In the phase-out period the radiated
6 nuclear fuel should be stored in concrete and steel
7 dry casks which do not require electricity. Because,
8 according to the Union of Concerned Scientists, they
9 are passively cooled by natural air flow.

10 To protect against possible flooding in
11 plants located on the coast, hardened dry cask
12 storage as close to the source of generation as
13 possible is recommended as an interim measure.

14 Scientists now claim that the irradiated
15 nuclear fuel will degrade with age. This means that
16 when and if a better storage option is possible,
17 transfer of this more radioactive and thermally hot
18 fuel from the casks will be extremely risky.

19 The NRC and the Nuclear Power Industry
20 have us caught between a rock and hard place. We
21 urge that these plants be phased out.

22 FACILITATOR CAMERON: Okay. Thank you,
23 Nancy. We're going to go to Leslie Sullivan Sachs
24 and then to Gary Sachs and then to Anna Baker.

25 MS. SACHS: Hello. My name is Leslie

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1 Sullivan Sachs. I'm with the Safe and Green Campaign
2 which represents towns in 20 miles around the Vermont
3 Yankee Nuclear Power Plant.

4 And we should be celebrating. A year
5 from now Vermont Yankee will be closed and that means
6 it will no longer be producing nuclear waste.

7 But we're not celebrating. We're not
8 celebrating for the reason that we're all in this
9 room. We don't know what to do with that waste. We
10 don't know what to do with 40-plus years of this
11 stuff. And like Doug said, we've been working on it
12 for 40-plus years.

13 Vermont Yankee has 2,627 fuel assemblies
14 in its spent fuel pool, seven stories above the
15 Connecticut River. That's four times as many as it
16 was designed to hold.

17 That's many more times than the fuel in
18 Fukushima. We have had a whole series of visitors
19 from Fukushima. We have been honored to have hosted
20 Chikako Nishiyama who is a city councilor in one of
21 the towns in Fukushima that was evacuated.

22 And my wish is that the people who make
23 these rules spend time with the individuals who are
24 impacted by the small risk. I see it over and over
25 again in the 544-page document, small risk. I am

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1 sure that they said the same thing about Fukushima.

2 The fuel pools are not protected by any
3 redundant emergency systems or cooling systems nor
4 are they housed in any robust structures.

5 The casks, the dry casks at Fukushima
6 continued to function as they were designed after the
7 disaster there. The spent fuels are attractive
8 targets for terrorists. We love that in Vermont.
9 Fly right over and go to Indian Point on the way.

10 All of the fuel pools should be
11 immediately transferred into dry cask storage. Now,
12 are we happy to have -- you know, I think we're going
13 to end up with something like 60 dry casks on the
14 banks of the Connecticut River. No.

15 But I live five miles from those spent
16 fuel -- that spent fuel pool and the risks are
17 undeniable. And the improvement, the reduction of
18 those risks is equally undeniable when you move to
19 dry cask storage.

20 I -- you know, in a few days, on
21 November 8th, all of you in this room probably,
22 because you follow the issue, will be holding your
23 breath watching to see what happens in Fukushima when
24 they attempt to move -

25 FACILITATOR CAMERON: Can I ask you to

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1 wrap up, please, Leslie?

2 MS. SACHS: Sure. I'll wrap up.

3 FACILITATOR CAMERON: Thank you. Go
4 ahead.

5 MS. SACHS: When they attempt to move
6 those fuel assemblies out of the fuel pool. We don't
7 need anymore lessons-learned from Fukushima.

8 FACILITATOR CAMERON: Thank you. Thank
9 you, Leslie.

10 And, Gary, would you like to join us?

11 MR. SACHS: Gary Sachs, Brattleboro,
12 Vermont. Mostly I'm here to give people a chance to
13 heckle me if you'd like, since I've been heckling
14 from the back room so please feel free to start in.
15 Hope it serves you. I don't hear much. Keep going,
16 keep going, Sally.

17 Oh, the NRC, it's my belief that if the
18 NRC is not able to stop what occurs right now in
19 Fukushima or if they're not able to stop the
20 degradation of San Onofre's reactor or their steam
21 generators, that it shouldn't be in the business of
22 regulating nuclear power.

23 If you can't stop criticality, how can
24 you regulate it? If you can't find the cause at
25 Fukushima, how can you call yourselves a regulator?

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1 In regard to this Environmental Impact
2 Statement, I do not believe that leaving the waste
3 for 50 years in the pool at Vermont Yankee will be
4 anywhere near as adequate as putting the waste into
5 dry casks.

6 That pool, again, as my wife said, is
7 50-feet, 60-feet off the ground. It's the Boiling
8 Water Mark 1 Reactor. We've all seen the, Fukushima
9 1, Fukushima 2, and Fukushima 3. Except Fukushima 3
10 held plutonium in it. How much plutonium is damaging
11 to the human body? Is it a one-hundredth of a gram?

12 How many pounds were in Fukushima 3?
13 500? But let's turn a blind eye to that. No, let's
14 look instead and see what we're doing here.

15 Oh, we want to approve the NRC's GEIS.
16 We want to say it's fine. You guys, go ahead, you've
17 got it all under control. We know that, we trust you
18 because you're so open with us.

19 I did hear the NRC say this year they
20 don't think they should be under the control of the
21 Federal justice system. Who do you want to be under
22 the control of, Congress?

23 Markey's now a senator. He might be
24 able to do something to have better effect with you.

25 It's my belief that CASE is entirely

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1 paid, Coalition for Safe Energy, from my dealings
2 with them. I consider grassroots to be individuals. I
3 don't consider them to be paid informants.

4 We have a problem. We have a problem in
5 terms of climate change and we have a problem in
6 terms of nuclear power. Nuclear power is
7 unnecessary. I don't consider it a clean energy
8 source because -- oh, that was a nice - clean-air
9 electricity. That was great. I'd never heard that
10 before. Thank you. I'll get to look that up when I
11 go home tonight. That's a new an acronym, clean-air
12 electricity. Thank you very much, Slander, was that
13 your name? No, no, no, I'm sorry, Sparford?
14 Stoddard?

15 Thank you.

16 FACILITATOR CAMERON: Okay. That was
17 Gary Sachs. And now we're going to go to Anna Baker.

18 Anna? And then to Bruce Skud and David
19 Agnew.

20 MS. BAKER: Hi. My name is Anna Baker
21 and I come from the Pilgrim area. I'm 20 miles away
22 from Pilgrim in Marshfield, Massachusetts.

23 I didn't prepare a statement tonight
24 because I wanted to react to what was going on and be
25 able to assess and think on my own and clearly.

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1 And just to point out one of the
2 frustrations I have with this discussion in general,
3 one is that, as Mr. -- I believe it was Mr. Stratton
4 said about clean-air electricity, it's really too bad
5 that people from the climate front are pitting
6 climate activists against nuclear -- or anti-nuclear
7 activists because I think a lot of us are one in the
8 same.

9 I, myself, consider myself a climate
10 activist. I believe that climate change is real and
11 it's one of the biggest generational fights we'll
12 have. But I also believe that even though I don't
13 consider myself anti-nuclear, I do believe that many
14 of the nuclear power plants are threatening us with
15 one of the biggest lifetime threats we'll ever have.

16 So we are not necessarily two different
17 fronts. And I hope Mr. Stratton's point was not that
18 you have to be pro-nuclear or pro-climate. You can
19 be both.

20 But that also leads me to a point that I
21 sort of touched upon which is that a lot of us are
22 not necessarily anti-nuclear. You don't have to be
23 anti-nuclear to believe that there are many problems
24 at the current plants we have running.

25 Call yourself whatever you want, it

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1 doesn't mean that Pilgrim, for example, doesn't have
2 a mass of problems that could eliminate our whole
3 geographic area and sacrifice our lives and
4 livelihoods.

5 The problem I think the public has with
6 this Waste Confidence rule is the word confidence.
7 And I was talking to a fellow who worked for the NRC
8 outside the room who was sort of nodding along with
9 me and saying you should give that feedback.

10 And I think the word confidence to the
11 public really means it's somewhat of a cocky
12 statement. In my mind it's like saying we have the
13 utmost confidence that everything will be fine.

14 Now, you know, the Japanese people were
15 promised this as well in Fukushima and look what
16 happened. So maybe a better use of the word -- a
17 different word would be good in this position. So
18 something like waste estimation rule, waste
19 assumption rule. I think confidence is really going
20 beyond what you can possibly, possibly believe in.

21 So I think that that word is pitting the
22 public against the NRC. And I think we need to work
23 together here as NRC's supposed to represent the
24 public and not the industry.

25 Lastly, I wonder if there are NRC

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1 staffers who deduce that, given the problems at
2 Fukushima and given all the problems with the waste
3 that's building up at a lot of the sites, if the NRC
4 staff deduces that there is no -- that they don't
5 have confidence that the waste will be stored safely
6 is there a way, an outlet for these people to give
7 anonymous feedback?

8 Maybe there is no such thing as
9 confidence to some of the staffers that work at the
10 NRC and maybe they're too afraid to speak up to their
11 higher ups or to the government because they work for
12 the NRC.

13 Is there a way for people to give
14 feedback to the NRC who work within the NRC that
15 maybe there is no confidence that this waste plan is
16 a good one?

17 And I truly believe that a lot of people
18 who work at the NRC are now starting to rethink
19 whether or not confidence or this Waste Confidence
20 rule is something that they should back.

21 So I'm hoping that we can come to that
22 solution. Thank you.

23 FACILITATOR CAMERON: Thank you, Anna.
24 Thank you very much.

25 We're going to go to three more people

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1 and then we're going to take a break for ten minutes.

2 And first we're going to go to Bruce
3 Skud who's right here, then David Agnew, and then
4 Ellen Ginsberg.

5 MR. SKUD: Thank you, Chip. My name is
6 Bruce Skud representing No More Fukushimas, a
7 grassroot group of citizens living near the Seabrook
8 Nuclear Power Plant.

9 On behalf of public safety, we urge the
10 NRC to continue the moratorium on licensing and
11 relicensing of nuclear plants until a safe, national
12 disposal site is up and running.

13 In the meantime, for short-term storage
14 at plants we urge the NRC to require immediate
15 transfer from wet storage to dry cask storage.

16 The U.S. has searched for a way to
17 dispose of spent fuel for five decades. It has
18 become an intractable problem. The closing of the
19 Yucca Mountain facility demonstrated that planned
20 facilities may never open even after billions of
21 dollars has been spent.

22 Putting aside the formidable challenges
23 of locating a geological site, governors and
24 legislatures vigorously oppose the siting of a
25 national repository in their states.

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1 The reason for their opposition is that
2 their constituents, including the business community,
3 are adamant that they do not want a repository in
4 their own backyard under any circumstance.

5 Let's be realistic, the fact that there
6 is federal jurisdiction over the siting of a national
7 repository means nothing. There's no question a
8 national repository would create new and horrible
9 safety problems.

10 In the remote possibility that a
11 national repository actually opens it would result in
12 tens of thousands of shipments of spent fuel across
13 the nation, raising the specter of catastrophic
14 accidents or terrorism.

15 If nuclear plants are required to have
16 evacuation zones, shouldn't there be a similar
17 requirement for these spent fuel transportation
18 corridors?

19 At the end of the day is this new
20 serious threat to national security really worth the
21 environment and public safety risk?

22 At this juncture the only logical way to
23 begin to effectively address the spent fuel problem
24 is to limit the generation of new spent fuel by
25 stopping the licensing and relicensing of nuclear

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1 plants.

2 A moratorium would ultimately end
3 production of spent fuel as operating licenses lapse.
4 Obviously, the U.S. should still need to address --
5 would still need to address spent fuel that has
6 already been accumulated.

7 Am I wrapping up now?

8 FACILITATOR CAMERON: Yes.

9 MR. SKUD: Okay.

10 FACILITATOR CAMERON: Thank you.

11 MR. SKUD: Basically, I want to say very
12 briefly about short-term storage of wet storage.
13 Shame on the Nuclear Regulatory Commission for
14 supporting wet storage. Wet storage is inherently
15 less safe than dry storage because it has to be
16 backed up by electrical generation that could fail
17 and dry storage does not require electric generation.

18 And at Seabrook there was a 4.0 level
19 earthquake only 20 miles from the plant just a few --
20 just a year ago. And as Doug Bogen mentioned, it's
21 destined to be coated with -- covered with water some
22 day. Thank you.

23 FACILITATOR CAMERON: Okay. Thank you.

24 Thank you, Bruce.

25 And, David, David Agnew?

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1 Oh, I'm sorry, David.

2 MR. AGNEW: Hi. Good evening. I'm
3 David Agnew. I'm with a citizen's volunteer group
4 called Cape Downwinders near Pilgrim Nuclear Power
5 Station.

6 I'm grateful that the public comment
7 period was extended for nearly a year; however, the
8 fact that such a brief comment period was initially
9 proposed indicates the NRC's disregard for public
10 involvement.

11 None of the following comments are
12 personal. When I say you, I'm referring to the
13 agency and to the Commissioners as a whole, not the
14 staffers.

15 It is telling that the NRC uses the term
16 confidence when talking about safeguarding nuclear
17 waste. That you dare use the word confidence when
18 talking about safeguarding rad waste for hundreds of
19 times longer than the entire Christian era is
20 preposterous.

21 Lest you think I have nothing good to
22 say about your regulatory agency, you may be glad to
23 hear that I give the NRC very high marks, but only
24 for hubris and audacity.

25 I wish to make it very clear how much

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1 contempt I have for your hubris and audacity. But I
2 recognize that although you are insensitive to the
3 cancers and birth defects of many thousand
4 generations to come, your staff are sensitive beings.

5 In deference to this sensitivity I have
6 redacted all expletives from these comments. You
7 have eliminated the risk of -- you have estimated the
8 risk of a core melt with containment breach at a G.E.
9 Mark 1 BWR at 1 in 1 million reactor years.

10 Actual reality has revealed the risk to
11 be 1 in 352 reactor years. That's 200- -- 2,841
12 times more likely than the NRC prediction.

13 You want us to believe another,
14 [expletive deleted], probabilistic risk assessment,
15 PRA, which assures that a high-level rad waste pool
16 can't be drained by an aircraft -- I'm sorry, it
17 assures us that a high-level rad waste pool can't be
18 drained by an aircraft carrying C4.

19 I live near a, [bleep], Mark 1 reactor
20 that's on a flight path for a major airport. There's
21 no airspace restrictions. Even a partial drain down
22 is likely to result in an inextinguishable, filthy,
23 [bleep], uranium fire.

24 The only thing between a 747 and the
25 spent fuel pool is a thin sheet metal roof. It's not

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1 safe now and I have no confidence that it will remain
2 safe until it has thoroughly decayed about a half a
3 million years. Sorry, but for me there's no reason
4 for me to believe your PRAs.

5 The nuclear industry promised cheap,
6 safe electricity from reactors which would operate
7 for 40 years during which time its hellishly, God-
8 awful waste would be safely removed.

9 The industry has delivered on none of
10 that. Instead leaving its, [bleep], waste scattered
11 across the country. A gift to accompany increased
12 cancer rates for yet unborn generations.

13 You have allowed the owners to operate
14 with insufficient funds to properly decommission
15 their, [bleep], cancer factories until such time as
16 the financial climate may allow it.

17 The NRC colludes with the industry to
18 enable all of this and for what? For industry
19 profits and little else.

20 We don't need nuclear power. It is
21 completely unnecessary in Massachusetts. And the
22 nation can convert to renewable energy for the same
23 money now spent on nuclear and fossil fuels.

24 For a hazard that will last for
25 thousands of years, Waste Confidence is an oxymoron.

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1 For a hazard that will last for hundreds of thousands
2 of years, use of the word confidence is simply
3 moronic.

4 We are seven decades into too cheap to
5 meter and no one knows what to do with the industry's
6 toxic waste. Whether the problem is NIMBY or
7 scientific, the result is the same. No one knows
8 what to do with the industry's [bleep] toxic waste.

9 I have another page, but I'll submit
10 that in writing. Thank you.

11 FACILITATOR CAMERON: Okay. Thank you,
12 David.

13 We have one more speaker before the
14 break and that's Diego, Diego Garcia.

15 MR. GARCIA: Good evening. My name is
16 Diego Garcia and I'm with an organization called
17 North America Young Generation and Nuclear.

18 And I'm a nuclear engineer and I
19 specialize in nuclear safety performance. Currently
20 right now looking into the safety mechanisms for
21 spent fuel pools on loss of all on-site power.

22 And, you know, I've dedicated all my
23 schooling, my professional life to make sure that we
24 can put our trust in nuclear energy. I did it
25 because I am personally a climate change advocate.

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1 And looking at the realistic solutions towards
2 achieving clean air, the clean-air standards that we
3 want in the timeframe that we want, clean-energy has
4 to be the cornerstone.

5 MR. SACHS: It's too slow.

6 MR. GARCIA: Right now, right now we
7 have -- we know the detail and characteristics of
8 used nuclear fuel and how to design its containment
9 and its protection. The record is clear from decades
10 of operation in the U.S. and around the world.

11 I appreciate the opportunity to support
12 the Commission's work in this area and to highlight
13 the public's awareness to the scientific and
14 engineering basis that gives me confidence as an
15 engineer working with the numbers. That although the
16 rhetoric might sound uncertain, it's backed up by
17 numbers that engineers devote their lives to getting
18 and the people put their trust in for our ability to
19 safely manage used nuclear fuel.

20 But myths and scare tactics threaten
21 this healthy discussion on the science and
22 engineering of material safety systems. As engineers
23 we welcome when people bring legitimate concerns that
24 we can take a look at, that we can evaluate, and we
25 can see if they're worth looking into and if they're

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1 worth the rhetoric.

2 But when things escalate and we are
3 unable to have a discussion on the merits, it's
4 unhealthy for us to continue moving forward.

5 MR. SACHS: On the merits you have to
6 have so many more -

7 MR. GARCIA: Gary -

8 FACILITATOR CAMERON: Gary, please, come
9 on.

10 MR. GARCIA: -- I think tonight you're
11 going to hear from a group of young people that are
12 realizing that for a realistic change in climate --
13 to curb a changing climate we need to embrace new
14 technology for nuclear energy.

15 And while it's not perfect, new
16 generation of nuclear engineers like me are clearing
17 regulatory hurdles to bring even safer and more
18 reliable nuclear energy that is leaps and bounds from
19 what we know today. And it keeps improving just like
20 all the other technologies are improving.

21 Thank you very much.

22 FACILITATOR CAMERON: Okay. Thank you.
23 Thank you, Diego.

24 We're going to take a break. But, I
25 just was informed that there's a tractor trailer

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1 accident on Route 2 and it's closed in both
2 directions. I don't know what that --

3 PARTICIPANT: Was nuclear waste on it?

4 FACILITATOR CAMERON: Pardon me? I
5 don't want to -- I don't know what that means to
6 anybody, but I just wanted to tell you that, okay, in
7 case it is important to someone.

8 PARTICIPANT: We're here all night.
9 We're stuck.

10 PARTICIPANT: You've got us here all
11 night.

12 FACILITATOR CAMERON: Well, you know,
13 that's why I didn't want to make this announcement.
14 But let's take a ten-minute break, okay.

15 And we'll get started -- we're going to
16 get started with Genevieve Byrne, okay. So in ten
17 minutes we'll have Genevieve up at the podium.

18 (Whereupon, the foregoing matter went off the record
19 at 8:34 p.m. and went back on the record
20 at 8:49 p.m.)

21 FACILITATOR CAMERON: We're going to get
22 started if everybody could come back in.

23 (Brief pause.)

24 Okay. We're going to get started. Is
25 anybody here from St. Louis? Okay. Well, I can

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1 safely announce that the Redskins are the Redskins.

2 The Penguins? No. The Red Sox are
3 ahead 1 to nothing. Okay.

4 Okay. And I'm going to try to -- we
5 want to try to get everybody out of here so you can
6 watch the end of the game. So we're going to be
7 trying to move through quickly on this part of it.

8 We're going to go to Genevieve,
9 Genevieve Byrne. And Genevieve's right here. Then
10 we're going to go to Don Tilbury, Chris Williams, and
11 Karen Vale, okay. All right.

12 MS. BYRNES: Hi. My name is Genevieve
13 Byrne and I'll be speaking on behalf of the Project
14 for Energy Accountability and the Concerned Neighbors
15 of Pilgrim.

16 And I'm primarily going to be speaking
17 to the dry cask storage facility currently under
18 construction at Pilgrim.

19 But first I'd like to comment on the
20 generic nature of this Environmental Impact Statement
21 and urge the NRC to undertake a site-specific review
22 of reactors seeking to continue to store spent fuel
23 onsite.

24 There are reactors like Pilgrim that
25 should not be included in a Generic EIS because site-

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1 specific conditions make long-term fuel storage an
2 incredible risky undertaking.

3 Entergy began construction on the ISFSI
4 at Pilgrim a year ago and has sited the facility 106-
5 feet from the ocean at an elevation of 24-feet above
6 sea level. Entergy failed to obtain any local zoning
7 or construction permits for this facility until
8 citizens notified the town that construction was
9 underway.

10 Entergy then applied for and received
11 local zoning permits; however, relying heavily on the
12 idea that the NRC provides oversight and regulation
13 of dry cask storage facilities and nuclear waste
14 generally, the town rubber stamped Entergy's
15 construction and did not require public hearings or
16 environmental review regarding this multi-million
17 dollar project.

18 Plymouth citizens have appealed the
19 town's decision to Massachusetts land court. Judge
20 Foster is hearing the appeal and recently ordered
21 Entergy to notify him directly 90 days prior to
22 storing any nuclear waste.

23 He has taken citizen concerns seriously
24 and warned Entergy that they are continuing
25 construction at this site at their own risk.

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1 Entergy has stated that the ISFSI site
2 will be safe over the long run in terms of flooding,
3 sea-level rise, and coastal erosion because the site
4 falls within the design conditions of the plant,
5 itself-conditions established when the plant was
6 built 40 years ago and based on storm surge data from
7 the 1600s through the 1960s.

8 No Entergy or NRC representative has
9 been able to identify any updates to this data. As
10 of today there has been no site-specific
11 environmental review of Pilgrim's ISFSI either at the
12 Federal or the local level.

13 I hope you can understand why citizens
14 can see this as a cause for alarm. In the United
15 States we have reactors located on major freshwater
16 rivers, the Great Lakes, the Atlantic and Pacific
17 Oceans, and in the Gulf of Mexico in 31 different
18 states.

19 The environmental impacts of long-term
20 dry cask storage, or any fuel storage for that
21 matter, are not essentially the same in each of those
22 locations. Thank you.

23 FACILITATOR CAMERON: Okay. Thank you.
24 Thank you very much. We're going to go to Don
25 Tilbury, Chris Williams, Karen Vale, Steve Stamm,

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1 Sally Shaw, and Ellen Ginsberg. That's our next
2 five. And this is Donald Tilbury.

3 MR. TILBURY: Good evening. And thanks
4 for the opportunity to speak. I live in Hampton
5 which is right next to Seabrook.

6 FACILITATOR CAMERON: I'm sorry, Donald.
7 I'm sorry for interrupting you. But I just wanted to
8 ask people to just speak closer to the mic. There's
9 people in the back who are having trouble hearing.

10 MR. TILBURY: Is that better? Yeah.

11 The only thing I want to say is that
12 when Seabrook was built it was designed with a place
13 to put these spent rods into a pool. Shortly
14 thereafter it wasn't big enough so they got the idea
15 that they could double up in the pool, and that was
16 risky.

17 And now they want to put them into casks
18 and that's a hopeful afterthought, that's my only
19 opinion, it's an afterthought. Forget the
20 engineering, they don't know what to do with it, it's
21 just an afterthought.

22 FACILITATOR CAMERON: Okay. Thank you.
23 Thank you, Donald. All right.

24 And we have Chris Williams now.

25 MR. WILLIAMS: Chris Williams. I'm a

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1 Vermont organizer for the Citizen's Awareness
2 Network. I've got my executive report, executive
3 summary, got my CD. This is very, you know, big
4 stuff. This is a lot of pages, a lot of material.
5 I'm going to be submitting some comments in writing.

6 I remember when the Waste Confidence
7 rule came out in the 80s. And it's basically a way
8 for the DOE and the industry to cover, to cover
9 themselves for not coming up with a solution to the
10 back end of the nuclear production cycle for
11 commercial electric plants.

12 So I'm going to make some comments in
13 writing. But, you know, I want to take just a couple
14 minutes, because that's all I've got, to talk about
15 the reality of something now that we're having to
16 face in Vermont now that Entergy has announced that
17 they've lost enough money and they've given up.

18 I want to remind everybody that Entergy
19 was amongst a group of large utilities who back in
20 the 90s made the case that they wanted free markets
21 and open markets for energy and we need, you know,
22 vigorous, you know, market competition.

23 Part of their announcement in closing
24 Vermont Yankee was these markets are flawed and
25 messed up and they just don't work. And I just

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1 wanted to make that note.

2 So in Vermont we're going to close
3 Vermont Yankee down in one year. And when it closes
4 we're then going to have to deal with decommissioning
5 and the spent fuel. There's about 800-tons sitting
6 in the pool at Vermont Yankee about 120 miles from
7 here.

8 It's going to cost, according to
9 Entergy, a little over a billion dollars to
10 decommission the plant. A billion dollars. Because,
11 as part of their sales agreement in 2002, Entergy,
12 insisted – and the State of Vermont foolishly agreed
13 – that they wouldn't make anymore contributions to
14 the decommissioning fund. We, in Vermont, have \$580
15 million.

16 Entergy has the option to go into safe
17 store and they also have the option in safe store to
18 not move anymore of that fuel out of that pool for up
19 to 60 years.

20 NRC, this is real. This isn't, you
21 know, generic, this isn't theoretical. We need your
22 help. We need your understanding. We need action.

23 We have \$580 million. That \$580 million
24 will only grow if the market's gone. It actually
25 lost money in 2008 when the markets went down. And

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1 like everybody's IRA, it came back a little.

2 We need the NRC to get a grip on reality
3 and to help us. We cannot have the fuel in the pool
4 for 60 years or 40 years or 20 years. We need it
5 expeditiously moved out of the pool and into dry
6 casks. And that's going to cost hundreds of millions
7 of dollars that we don't have.

8 I hope the staff is writing this down
9 because this is going to be a big problem at other
10 merchant facilities. A big mistake was made when we
11 moved into the merchant mode with these plants. And
12 now we're seeing the reality unfolding in Vermont.

13 So I would ask that you, you know, take
14 a moment as you're working on your Confidence ruling
15 here or Confidence rule here and get a grip on
16 reality with regard to leaving that much waste in a
17 pool at a single reactor site for 60 years.

18 I have no confidence. The State of
19 Vermont has no confidence. The New England region
20 doesn't have any confidence. And if you put it out
21 there to the regular people all around this country,
22 there's not a lot of confidence to be had with such a
23 foolish plan. Thank you.

24 FACILITATOR CAMERON: Okay. Thank you.
25 Thank you, Chris.

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1 And this is Karen Vale.

2 MS. VALE: Hello. I'm Karen Vale. I'm
3 a campaign manager at Cape Cod Bay Watch, which is
4 based in Plymouth, Massachusetts, home of the Pilgrim
5 Nuclear Power Plant.

6 Can you guys hear me okay? Okay. So I
7 just have a couple general comments tonight. We will
8 be submitting more detailed comments at a later time.
9 But tonight I'm just going to mention a couple
10 things.

11 And both are related to the impacts of
12 climate change. And this is including sea level rise
13 and temperature on the continued storage of spent
14 fuel in the wet pools.

15 My first comment is that the draft GEIS
16 estimates that sea level will rise less than 1 meter
17 by the end of the century and this will not endanger
18 any U.S. nuclear power plant.

19 However, sea level rise will vary
20 greatly by region. It's inaccurate to assume a
21 blanket 1 meter rise for all plant locations and then
22 conclude that all plants will not be in danger.

23 1 meter is a global average. It's been
24 projected to be -- that it'll be much less in some
25 areas. But it's also projected to be -- that it'll be

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1 much greater in some areas as well. Areas like the
2 Eastern seaboard where many nuclear power plants are
3 currently sited.

4 Areas projected to experience the most
5 significant sea level rise should be addressed in the
6 GEIS using a global average to assume all plants are
7 safe is a flawed approach.

8 Just as an example, the projection of
9 sea level rise for Cape Cod Bay, and this is where
10 Entergy's Pilgrim nuclear power plant is located,
11 ranges between 4 and 6-feet by 2100. And it's also
12 projected that this rise will come with an increasing
13 severity of storms, surge, and wave action on top of
14 the higher water levels.

15 My second comment is that the draft GEIS
16 does not consider the impacts of rising temperatures
17 on the water sources intended to cool the spent fuel
18 pools. As an increasingly warming climate is heating
19 the water temperatures of our oceans, lakes, and
20 rivers, water is becoming too warm for plant's
21 cooling systems.

22 Cooling systems are only approved for
23 certain incoming water temperatures and their ability
24 to operate properly and safely has not been proven
25 under higher temperatures.

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1 Warming water's an increasing problem.
2 For example, just this past summer Pilgrim had to
3 power down several times due to the water in Cape Cod
4 Bay warming up and exceeding the 75-degree limit.

5 Now, generally appears -- it appears
6 that the bay is warming. And in recent years its
7 average summer temperature has been several degrees
8 warmer than its mean for the last century.

9 If this issue is included in a future
10 version of the EIS, a generic version would be unable
11 to properly assess how individual plants would be
12 affected. Plants have different equipment, different
13 ages of infrastructure, different environmental
14 conditions and changes. It's much more complicated
15 than could be covered in a generic EIS.

16 As with sea level rise, the NRC should
17 consider a worst-case scenario for each facility then
18 we might know if mitigation strategies, such as
19 chillers, for example, would be required to sustain
20 the temperature of wet pools during extended heat
21 waves.

22 That's all I have. Thanks for your
23 time. And, again, we'll be submitting more detailed
24 comments at a later time on these issues as well as
25 other concerns and issues we have with the GEIS.

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1 FACILITATOR CAMERON: Okay. Thank you.

2 MS. VALE: Thank you.

3 FACILITATOR CAMERON: Thank you, Karen.

4 And Steven Stamm now and then Sally Shaw
5 and then Ellen Ginsberg.

6 MR. STAMM: Thank you, Chip. My name
7 is, as you probably heard here, is Steven Stamm. I'm
8 retired. I worked for Shaw Stone, and Webster which
9 was in the business of building -- designing and
10 building nuclear plants as well as spent fuel storage
11 facilities; however, I retired about two years ago.

12 I have been active in the American
13 Nuclear Society as vice chair of the National
14 Standards Board and I am a former U.S. Navy nuclear
15 submarine officer. And so I'm pretty familiar with
16 nuclear power and a lot of the aspects of it;
17 however, I'm not speaking on behalf of these
18 organizations. I'm speaking on behalf of myself as a
19 concerned citizen.

20 And first of all I'd like to commend the
21 NRC on having these meetings and giving the public an
22 opportunity, including myself, to attend and to speak
23 on these issues and to voice our thoughts, and each
24 of our thoughts on these issues.

25 And I would like to also say that

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1 Chelmsford obviously is a good location for the
2 Northeast and I think the turn out reflects that.

3 I would like to voice concern,
4 irritation, and displeasure at our government,
5 including the NRC, on what happened with Yucca
6 Mountain. We spent over \$9 billion of evaluations
7 and designs to a facility and then turn around and
8 for political reasons without a fair hearing
9 basically have suspended work on it. That's a crime.

10 And it's us as taxpayers in the time
11 when we're talking about budget deficits and what's
12 going to happen, to have that money wasted is
13 unconscionable.

14 There have been multiple reports dating
15 back as far as 1945. And all of them concluded that
16 out of, you know, they looked at options but that
17 Yucca Mountain was a good site for repository and it
18 was better than the other options that were being
19 looked at.

20 The fact that that has been going on for
21 50-plus years, 60 years and it can't come to fruition
22 gives us no confidence that any type facility could
23 ever be built by our government.

24 And so anything that needs to look at
25 needs to take that into consideration. It might be

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1 possible for private enterprises to build such a
2 facility, but they're not going to do it on, you
3 know, without some financial support.

4 Based on past performance that I can't
5 see how anybody would have any confidence at all that
6 such a facility could be built by our government.
7 However, on the other side, fuel from our reactors --
8 and I know some of you are not in agreement -- but
9 fuel from our reactors is currently stored safely.
10 Some in pools and a lot of it is in dry cask storage
11 facilities.

12 And the -- I think that we need to give
13 them credit. And obviously your -- you need to voice
14 concerns when you have them specifically and I think
15 you've been doing that.

16 But while we don't have a central
17 repository, I think it's important that we have a
18 more than acceptable, a good system, and a safe
19 system for storing the fuel that we have.

20 And I think that this report goes in
21 that direction and I think it's technically
22 acceptable to do that and it does it.

23 So thank you very much.

24 FACILITATOR CAMERON: Okay. Thank you.
25 Thank you, Steven.

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1 And we're going to hear from Sally Shaw
2 now and then Ellen Ginsberg.

3 PARTICIPANT: The chairman recently found
4 enlightenment so I wanted to give some opinion. And
5 we're hoping that the Nuclear Regulatory Commission
6 will likewise be enlightened. Thank you.

7 MS. SHAW: My name is Sally Shaw. I
8 live in Gill, Massachusetts, near the Vermont Yankee
9 nuclear reactor. The U.S. Court of Appeals, D.C.
10 Circuit, found that NRC's Waste Confidence rule was
11 deficient.

12 The Court in its background comments
13 stated: Even though it was no longer useful for
14 nuclear power, spent nuclear fuel poses a dangerous
15 long-term health and environmental risk. It will
16 remain dangerous for time spans seemingly beyond
17 human comprehension."

18 The day that The Court made that
19 statement was a really great day for me.

20 In 1997 a report for the NRC by
21 Brookhaven National Laboratory found that a severe
22 pool fire could render about 188-square miles
23 uninhabitable, cause as many as 28,000 cancer
24 fatalities, and cause 59 billion -- cost \$59 billion
25 in damage.

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1 Based on a technical study of spent fuel
2 pool accident risk at decommissioning nuclear power
3 plants in 2000, the U.S. NRC conceded that the
4 possibility of a Zirconium fire cannot be dismissed
5 even many years after a final reactor shutdown.

6 Yet the NRC is confident that what has
7 happened at three reactors in Japan due to loss of
8 power, loss of cooling capability, and hydrogen
9 explosions could never happen here in reactors of
10 nearly identical age and design.

11 And because they think it could never
12 happen they do not really consider the consequences.
13 This is faith-based science. We should not be
14 creating any more highly irradiated nuclear waste
15 until real science comes up with a solution.

16 If they are so confident, the NRC should
17 put its money where its mouth is and require all new
18 and recently renewed operating licenses to be put on
19 hold and shut the reactors down until the nuke waste
20 solution that they have been saying is just around
21 the corner for the past 30, 40 years is built and in
22 place.

23 When the NRC ignores actual experience
24 while relying on theoretical and wishful
25 probabilities, we, the people, have no confidence in

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1 their regulations.

2 According to an article revealing
3 failure of concrete storage systems for melted and
4 damaged fuel from the Three-Mile Island meltdown, the
5 concrete modules are showing significant cracking and
6 degradation even though they were built in 1999 to
7 last for 50 years.

8 NRC said in the letter, which is dated
9 April 7th: "The Department of Energy has analyzed the
10 structural integrity of the modules which have walls
11 2-feet thick and determined that the problem is
12 getting progressively worse," NRC said.

13 NRC staff scientists declared that a
14 nuclear fuel fire and fuel exposed to air cannot be
15 ruled out even in the oldest fuel.

16 In the U.S. NRC's NUREG-1738, spent fuel
17 pool accident risks at decommissioning nuclear power
18 plants, for Vermont Yankee boiling water reactor, it
19 states that the critical failure mode for the gross
20 structural failure of the pool is an out-of-plane
21 shear failure of the pool floor slab.

22 With this failure mode the liner will be
23 breached and a large crack will develop through the
24 concrete floor slab within a distance equal to the
25 floor slab thickness from the pool walls. Possibly

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1 the entire floor will drop out, but I think that such
2 a gross failure is unlikely. However, the concrete
3 crack will be sufficiently large that the water in
4 the pool would quickly drain out.

5 Under NEPA, an EIS is intended to
6 carefully investigate the environmental impacts of a
7 potential action. One of NRC's assumptions
8 underlying their opinion that the impacts of spent
9 fuel storage can be considered generically, not on a
10 site-by-site basis, is that changes in the
11 environment around spent fuel storage facilities are
12 sufficiently gradual and predictable to be addressed
13 using a generic approach.

14 This assumption clearly ignores past
15 experience and the realities of a changing global
16 climate. It ignores the very real possibility of
17 severe storms and extreme circumstances.

18 FACILITATOR CAMERON: Can you wrap up
19 for us, Sally, please?

20 MS. SHAW: I will try. There is no such
21 thing as a probability weighted consequence; however,
22 there is such a thing as an unacceptable consequence.
23 That is what the NEPA process, if it worked, would
24 uncover, preventing catastrophically stupid
25 alternatives from being acted upon.

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1 The public and The Court wants to know
2 if X happens, Y will result. It's the NRC's
3 responsibility to investigate and describe in detail
4 Y the consequences. They have shirked this
5 responsibility again. The Waste Confidence GEIS is
6 flawed for the same reasons as the original Waste
7 Confidence decision.

8 Okay. Can I just make a final comment?

9 FACILITATOR CAMERON: Go ahead.

10 MS. SHAW: All right. I support the no-
11 action alternative decisions regarding highly
12 irradiated fuel assemblies should be made on a site-
13 by-site basis with maximum public input.

14 But the NRC, meanwhile, needs a paradigm
15 shift. Instead of trying to convince us over and
16 over again that a small risk outweighs a huge
17 consequence, maybe NRC should face the fact that
18 sometimes consequences are so unacceptable to the
19 people and the environment that they outweigh even
20 the smallest theoretical risk. Thank you.

21 FACILITATOR CAMERON: Thank you. Thank
22 you, Sally.

23 And we're going to hear from Ellen
24 Ginsberg, then we're going to go to Herb Robinson,
25 Kelsi Morris, Hattie Nestel, and Peter Katzen. And

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1 this is Ellen Ginsberg.

2 MS. GINSBERG: Good evening. I'm Ellen
3 Ginsberg. I serve as vice president general counsel
4 for the Nuclear Energy Institute. NEI's members
5 include all commercial operating reactor licensees.

6 I appreciate the opportunity to offer
7 comments on behalf of NEI and its members this
8 evening. We will be providing written comments and
9 my comments this evening are intended to supplement
10 and support those comments which we will later
11 provide.

12 Tonight there have been many questions,
13 as there have been in previous meetings, regarding
14 whether the NRC can and should generically address
15 the so-called Waste Confidence issues.

16 I'm here to explain my view and to
17 provide some input and information regarding how that
18 question has been answered by the courts. The bottom
19 line is the question has been answered in the
20 affirmative both by the courts and by the Commission.

21 As time is short, I will largely limit
22 my comments to the legal basis for proceeding
23 generically as reinforced by both the early decisions
24 by the U.S. Court of Appeals for the District of
25 Columbia in Minnesota v. NRC, which case was the

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1 first case to prompt the NRC to review the
2 environmental impacts following license expiration,
3 but before disposal -- pick up for disposal.

4 But before I even mention my analysis of
5 that decision, I wanted to mention also that the
6 Supreme Court, itself, has affirmed the Commission's
7 longstanding practice of considering environmental
8 issues through rulemaking in appropriate
9 circumstances.

10 Thirty years ago, in 1983, the Supreme
11 Court in a case some of you may be familiar with,
12 Baltimore Gas and Electric, concluded that the
13 generic method chosen by the Agency is clearly an
14 appropriate method for conducting the hard look
15 required by NEPA. That's exactly what the NRC is
16 doing with this rulemaking.

17 So returning now to the initial decision
18 that addressed Waste Confidence, which was the
19 Minnesota v. NRC decision, I would highlight that the
20 Court of Appeals said they're very -- in a very
21 straightforward fashion where factual issues do not
22 involve particularized situations, an agency may
23 proceed by comprehensive resolution of the questions
24 rather than re-litigating the question in each
25 proceeding in which it is raised.

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1 Parsing the issue further, The Court in
2 Minnesota --

3 MR. SACHS: Remember what happened in
4 Fukushima.

5 MS. GINSBERG: Parsing the issue
6 further, The Court in Minnesota said we agree with
7 the Commission's position that it could properly
8 consider the complex issue of nuclear waste disposal
9 in a generic proceeding such as rulemaking and then
10 apply its determinations in subsequent adjudicatory
11 proceedings.

12 Applying the legal principles set forth
13 in Minnesota, which were also affirmed in the 2012
14 decision on the most recent revisions to the Waste
15 Confidence rule, the Commission now has directed the
16 NRC staff to prepare a GEIS and rule.

17 This responds to the remand. NR- -- NEI
18 supports the Commission's approach. We believe it's
19 both legal and, as a practical matter, appropriate.

20 The present rulemaking evaluates the
21 environmental impacts from continued storage of spent
22 fuel after the end of the reactor licensed life or
23 operation but before it is placed in a repository.
24 This rulemaking does not substitute for licensing
25 actions that require site-specific NEPA analysis such

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1 as original licensing.

2 The NRC's EIS on the instant issues does
3 account for conditions at all reactor sites. We also
4 support this rulemaking because it's a reasonable use
5 of NRC, licensee, and public resources. It avoids
6 duplicative and inefficient site-specific reviews of
7 continued spent fuel storage issues.

8 We thoroughly concur, as well, that, for
9 example, the no-repository scenario affects all sites
10 similarly.

11 Further, there's been no evidence
12 presented that suggests that the issues of potential
13 leaks or fires require site-specific consideration.
14 The GEIS includes well-supported bounding analysis,
15 which is to say these analysis encompass all reactor
16 sites and operations.

17 Although much has been made tonight and
18 previously of the need for individualized
19 determinations, the Supreme Court and the Court of
20 Appeals have already said that the feasibility of
21 interim or ultimate nuclear waste disposal solutions
22 is one that is essentially common to all nuclear
23 facilities.

24 In our view, it is most sensibly treated
25 as such. Thank you very much.

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1 FACILITATOR CAMERON: Okay. Thank you.
2 Thank you very much.

3 Now -- and now we're going to go to
4 Herb, Herb Robinson. And after Herb we'll go to
5 Kelsi Morris and then Hattie Nestel and Peter Katzen.

6 This is Herb Robinson.

7 MR. ROBINSON: Yes. My name's Herb
8 Robinson. I graduated from the engineering college
9 at Cornell in the top quarter of my class. And I'm a
10 year shy of having 40 years' experience developing
11 complex reliable systems.

12 I can't say exactly where, but shall we
13 say if what I've helped develop -- or what I develop
14 personally -- disappeared, most of your credit cards
15 would stop working and so would most of your cell
16 phones. So I know my stuff.

17 Now, I only had maybe an hour and a half
18 to review this document so I spot checked. You know,
19 nobody's paying me to do this, nobody gave me talking
20 points. And I hadn't seen the list of questions that
21 they really wanted to answered.

22 But it turns out within an hour and a
23 half I'd spotted one of them anyway. And that's the
24 issue of indefinite storage. And one of the things
25 people haven't mentioned is the timeframe for

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1 indefinite storage is a million years according to
2 the EPA, just to put that into perspective.

3 So I obviously don't believe the
4 document adequately addresses the environmental
5 impacts of indefinite time storage.

6 And, for example, Section ES.9 of the
7 executive summary states that the indefinite
8 timeframe is highly unlikely. This would appear to
9 reflect a myopic and naive assumption that a
10 repository will become available.

11 That's in the face of mounting evidence
12 to the contrary. We must face reality. The Yucca
13 Mountain team consisted of the best people we have
14 and they had unlimited resources, yet they failed.
15 They didn't fail due to incompetent management nor
16 did they fail for lack of resources, they failed
17 because they were given an impossible task.

18 There is a parallel situation here. The
19 document doesn't properly address the environmental
20 impact of the indefinite timeframe because that is an
21 impossible task. We should be using proper
22 engineering methodology. And we better be talking
23 engineering here, not experimental science projects.

24 Proper engineering methodology uses
25 proven technology to achieve a practical result.

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1 There is no proven technology to displace something
2 for a million years. Not for 100,000 years, not even
3 for 10,000 years.

4 The longest lived man-made structures I
5 know of are the pyramids. They've been around for
6 5,000 years and they failed at their intended purpose
7 in prehistoric times.

8 There's not a really very good track
9 record here. And yet this document is making the
10 assumption that government will remain unchanged,
11 that everyone will follow the rules, and that there
12 will be no accidents for a million years.

13 This reminds me a lot of Lily Tomlin
14 asking for a dime on *Saturday Night Live*. It's a
15 joke and it's a rather bad one.

16 There is this little thing called
17 entropy, or Murphy's Law for the colloquial term, and
18 that isn't addressed by this document at all. So
19 just how stupid is this? Let's spot check the
20 document.

21 The NRC concludes in Section 4.1.3 that
22 the impact of indefinite storage on land use will be
23 small.

24 How does that jive with real world
25 engineering experience? We don't have many examples

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1 in this area, but we do have one rather significant
2 one, Fukushima Daiichi. That's the best real world
3 data we have now. That says that every 50 years we
4 will have a major leak of high-level nuclear waste
5 that will render about 250 square kilometers unusable
6 for a million years.

7 That works out to be 5 million square
8 kilometers or about one-thirtieth of the land area of
9 the entire world. I claim that's catastrophic, not
10 wrong.

11 FACILITATOR CAMERON: And, Herb, could
12 you --

13 MR. ROBINSON: But my estimate is based
14 on real world experience and EPA requirements. So,
15 in closing, I want you to remember the wisdom here is
16 to understand that we don't know. And that's the
17 most important part of the problem. Thank you.

18 FACILITATOR CAMERON: Thank you. Thank
19 you, Herb.

20 Is Kelsi, Kelsi? This is Kelsi Morris.

21 MS. MORRIS: Hi. I'm Kelsi Morris. And
22 I'm here also on behalf of CASEnergy Coalition.

23 Spent fuel is currently being stored
24 onsite in well-designed, well-protected facilities in
25 storage casks that are designed to avoid a wide range

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1 of threats.

2 That's not to say, that's not to say
3 that we don't look forward to, and are not open to,
4 the evolution of these devices and technologies.

5 MS. SACHS: I think 100 needs to be
6 changed to -

7 FACILITATOR CAMERON: Gary. Gary, come
8 on.

9 MR. SACHS: Hey --

10 FACILITATOR CAMERON: Listen, just let
11 her -- let her speak, please. Let her speak.

12 Go ahead.

13 MS. MORRIS: Over the last 30 years
14 nuclear energy facilities have safely and securely
15 stored used fuel in these structures. American
16 nuclear energy undergoes the most rigorous safety
17 precautions and inspections in the world with the
18 operating facilities subject to on-site inspections
19 by NRC staff 24 hours a day/7 days a week/365 days a
20 year.

21 Nuclear energy safely and cleanly
22 provides nearly 20 percent of our electric power with
23 absolutely zero GHG omissions and supports more than
24 100,000 high paying jobs.

25 Nuclear energy has a crucial impact on

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1 America's energy portfolio and thus a timely
2 resolution of this rulemaking is important for long-
3 term power planning. This issue halts the building
4 of new reactors and ultimately puts a delay on our
5 energy efficiency.

6 As the Commission continues these public
7 hearings, I would just like to reiterate that nuclear
8 energy has shown the utmost commitment to safely and
9 securely storing spent fuel. Thank you for your time
10 today.

11 FACILITATOR CAMERON: Okay. Thank you,
12 Kelsi.

13 And is Hattie, Hattie still here?
14 Hattie. This is Hattie Nestel.

15 MS. NESTEL: This seems -- feels like an
16 exercise of futility because our words are really
17 meaningless to the NRC. But I guess it's a good way
18 to communicate with each other and vent about our
19 frustrations.

20 I want to acknowledge one person that
21 was the head commissioner of the Nuclear Regulatory
22 Commission, Gregory Jaczko. And Gregory Jaczko was
23 going along and getting along just fine until
24 Fukushima.

25 And he went to Fukushima and he was

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1 really impacted by the human cry that was everywhere
2 and the people whose lives were destroyed even though
3 they were alive. Their families were no longer
4 together, their agricultural land was no longer
5 useable, their children were terrified of
6 grandchildren having cancer, which now 45 have
7 thyroid cancer that have been tested so far.

8 And he came and said Americans living in
9 Japan should evacuate out 50 miles from Fukushima.
10 And in essence he was ousted from the NRC with those
11 words. That was the end of his career. It was very
12 courageous of him.

13 And he came back and he wasn't -- it
14 wasn't a unanimous votes anymore to license new
15 plants in South Carolina and Georgia or relicense
16 Pilgrim, for example. It was 4 to 1, 4 to 1. He
17 voted against and against and against and he started
18 speaking the truth.

19 And he really suffered the consequences
20 like all whistleblowers do. The NRC doesn't want to
21 know the truth. And what he said was I really want
22 to give him this credit, "All 104 nuclear power
23 reactors now in operation in the United States have a
24 safety problem that cannot be fixed. And they should
25 be replaced with newer technology. Continuing to put

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1 Band-Aid on Band-Aid is not going to fix the
2 problem."

3 He continues to speak and he was in
4 Boston a week or two ago and he spoke about Fukushima
5 won't happen again. But believe me, a nuclear
6 accident will occur somewhere and this is wrong.
7 Unless we can guarantee that there will never be an
8 accident again, we have to shut all these reactors
9 down and for renewables.

10 Prime Minister Kan, Naoto Kan who was
11 prime minister during Fukushima, has admitted his
12 shame in believing that nuclear power could have ever
13 been safe. He -- that's unusual for a world leader
14 to say he was mistaken. You never hear that. I made
15 a mistake. He admits he made a mistake. And he has
16 anguish in his heart for the suffering that he sees
17 in the people of Japan.

18 And the fear in the world for anybody
19 who has half a brain or a third of a brain or an IQ
20 of over 60 maybe to not be afraid of what is coming
21 out of Fukushima at this time.

22 The other point I really want to bring
23 up is the lies that have come down from Entergy and
24 been completely ignored by the NRC. At Vermont
25 Yankee 11 people, top people in the Entergy

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1 corporation, swore under oath at the Department of
2 Public Service that there were no underground pipes
3 that could possibly exist or leak.

4 FACILITATOR CAMERON: And, Hattie, could
5 you finish up?

6 MS. NESTEL: They were caught in their
7 lies. Confidence, give me a break. For the good of
8 humanity we have got to stop this somehow. Thank
9 you.

10 FACILITATOR CAMERON: Thank you, Hattie.
11 And is William Maurer? And is it Bill? Bill, could
12 you please join us and then we're going to go to Ann
13 Darling, Dave McNeish, and then Rod McCullum.

14 MR. MAURER: Hi. Good evening. My name
15 is Bill Maurer. I come from Falmouth, Massachusetts.
16 I'm a member of the Cape Downwinders.

17 And I'm here about Pilgrim. I didn't
18 really make any -- I didn't make any prepared
19 comments, but I just wanted to tell you a little bit
20 about our experience with Pilgrim and their building
21 of a dry cask storage area.

22 And I think it speaks to the Entergy
23 culture similarly to the way Hattie -- Hattie's
24 experience was up at Vermont Yankee.

25 You know, we're watching Pilgrim morph

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1 into a -- from an energy-producing plant to a dry
2 cask -- to a nuclear waste storage dump. And they
3 started this, as Genevieve said, without any
4 permitting at all.

5 And it was only noticed by citizens from
6 an aerial photograph that saw some scarring on the
7 ground that looked like construction activity. And
8 so we called up the nuclear -- we, like, we e-mailed
9 the Nuclear Regulatory Agency, a Mr. Dean I think is
10 who I exchanged e-mails with.

11 And he reported that Entergy was just
12 doing preliminary work. You know, grading, cutting
13 trees, moving material around.

14 We went down to the building department
15 and found out, well, they didn't have any permits for
16 any of this yet and that they were actually pouring
17 concrete for the approached slabs, the heavy-haul
18 path, and the turning slabs. And they were getting
19 ready to build the retaining wall.

20 So what they did was they applied for a
21 fractional permit. They didn't apply for a permit to
22 build a nuclear waste dump site. They applied for a
23 permit to build a retaining wall so that they could
24 build the slab where the pads go.

25 By doing that, they avoided a

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1 comprehensive review of the project. This was done
2 by design. They started the construction before
3 having permits. This is a company that's got permits
4 for administration buildings, sheds for equipment,
5 meteorological towers, parking lot changes, tents to
6 have -- they get permits for tents to have functions
7 outside that they can't do inside.

8 And so now they're building a nuclear
9 waste dump site without any permitting at all. You
10 know, this is not a casual mistake. So that's the
11 culture of Entergy.

12 And it just boggles my mind that in the
13 town of Plymouth it is harder to get a permit to put
14 a deck on your house than it is to get a permit to
15 build a nuclear waste dump site.

16 There's another aspect to this about
17 oversight. And, you know, the whole thing about, you
18 know, Federal oversight versus municipal oversight.
19 Everybody's afraid of the NRC. They're big dogs.
20 And not too many people went against you.

21 And these little host towns know that
22 they can't afford a fight with you. And so in
23 talking to William Dean I learned that Entergy and
24 any of these host communities do not have to file
25 plans with the NRC prior to building a nuclear waste

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1 dump site at an existing reactor.

2 What happens is the NRC goes out, takes
3 a look at the construction after it's built, and
4 issues a certificate of compliance. So there's no
5 preliminary review.

6 Nobody reviewed the siting of the pad,
7 you know. This is incredible.

8 FACILITATOR CAMERON: And could you --

9 MR. MAURER: This is not oversight.

10 FACILITATOR CAMERON: -- wrap up for us,
11 too, Bill?

12 MR. MAURER: Okay. That's it. That's
13 all I got to say.

14 FACILITATOR CAMERON: Thank you, though.
15 Thank you very much.

16 Ann, this is Ann Darling. And next
17 we're going to go to Dave McNeish and then Rod
18 McCullum.

19 MS. DARLING: Okay. Hi. I'm Ann
20 Darling. I live in Brattleboro, Vermont. I'm a
21 member of the Safe and Green Campaign. We are
22 comprised of folks who live in 20 miles of the
23 Vermont Yankee nuclear power facility.

24 A couple of things, one is I've -- I
25 just get so tired of hearing people say that nuclear

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1 power is clean. And I just want to say that we
2 learned with the environmental movement that good
3 science means when you're talking about fuel of
4 energy production you have to look at the whole life
5 cycle.

6 You have to look at mining, you have to
7 look at when you make the energy, and you have to
8 look at how you deal with waste.

9 So, I mean, look at coal. We're all up
10 in arms about coal because of all the strip mining
11 and what do we do to clean the air after it makes the
12 energy?

13 The same thing has to go for nuclear.
14 There is just nothing clean or green about it. We
15 all should have learned something about this lesson
16 as children, though, I want to say. And I'm a mother
17 and I'm going to sound like one.

18 If you play, you have to clean up after
19 yourself. And if you do not, you get your toys taken
20 away. That's the way it goes.

21 MR. SACHS: Clean up your mess before
22 you make a new one.

23 MS. DARLING: Exactly. I agree with
24 you. So I first came to Vermont in 1972, the same
25 year that Vermont Yankee was built. And at the time

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1 I took a tour of this sparkling new facility and I
2 was in awe. I was like the bridge the bridge of the
3 Starship Enterprise, I mean, it was just amazing.

4 And I just, you know, 40 years later I'm
5 in a very different place. I've moved from awe to
6 deep, deep fear. I've been to NRC hearings before,
7 I've read all kinds of things and I've studied the
8 issues. I've never heard anything from the NRC that
9 has made me feel safe.

10 And, in fact, I am more afraid listening
11 to the NRC because I can see that you are colluding
12 with the industry that you are supposed to regulate.
13 You may know more about nuclear engineering than I
14 do, but I knew -- know that you are not keeping me
15 safe.

16 I do not have to be a nuclear engineer
17 to know that dry cask is safer than an overcrowded
18 spent fuel pool on the banks of my beautiful
19 Connecticut River or on the banks of Massachusetts
20 Bay.

21 I will repeat what was said before,
22 shame on you for ever saying otherwise. I'm going to
23 sound like a mother again, shame on you. This is
24 supposed to be a democracy in which the common
25 citizen has a voice, but you are not listening. We

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1 need your help and not what Sally called your faith-
2 based science.

3 And I have no confidence in what you are
4 doing with the GEIS and I would like to, but I do
5 not.

6 FACILITATOR CAMERON: Thank you, Ann.
7 And, Dave, Dave McNeish?

8 Let's go to Rod. This is Rod McCullum.

9 MR. MCCULLUM: Thank you, Chip. And by
10 way of introduction I would like to say that nobody
11 is more interested in seeing used nuclear fuel leave
12 the reactor sites that it's currently stored at than
13 I am.

14 The reason for this is the last 15 years
15 of my career I have been working for the Nuclear
16 Energy Institute. I currently work as director of
17 used fuel programs there towards this very goal,
18 towards moving used fuel to safe geological disposal.

19 I continue to work towards it because I
20 know we'll get there. I know because in Sweden and
21 in Finland they're within a decade of safely
22 disposing of their used nuclear fuel in geological
23 repositories already under development.

24 I know France is not far behind. And I
25 can't imagine that our country would ever come in too

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1 far behind France in anything.

2 You know, I'm heartened. During the 15
3 years I've been doing this as the work has shifted
4 from disposing of it in the near term to storing it
5 in dry cask and pools, which we do both of those
6 things safely, I've had a chance to work with some of
7 the brightest professionals I could have ever
8 imagined meeting.

9 The engineers, the scientists who formed
10 the technical foundation which keep the risks in the
11 casks and the risks in the pool so low. I'm so
12 heartened today to see all these young people who are
13 devoting their careers to the same cause. It is
14 indeed noble work and it is work that has been well
15 done.

16 I'm also heartened to see that we have
17 not only robust engineering, but we have robust
18 public process. We've had a lot of energetic
19 discussion here. A lot of strong views on both
20 sides. That's what makes America a great country.
21 This is part of our process. And I thank NRC for
22 providing that.

23 It reminds me of my favorite Winston
24 Churchill quote. Winston Churchill once said,
25 "Democracy is the worst system of government ever

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1 known to man except for all the others."

2 And American democracy I think is
3 particularly good at being at least not as bad as all
4 the others. So while our legislative and executive
5 branches take their time trying to stay up with
6 France on geologic disposal, our judicial branch has
7 directed the Nuclear Regulatory Commission here to
8 look at the what ifs.

9 What if we don't dispose for these
10 incredibly long periods of time? And they have done
11 a credible job at looking at those ifs. We all need
12 to understand these are what ifs. These are bounding
13 scenarios.

14 They've talked about things like 60
15 years in pools. Since dry cask storage was invented
16 the average plant goes to dry cask storage 11 years
17 after it shuts down.

18 They've talked about putting dry-
19 transfer facilities at every site. That won't
20 happen. We'll use portable systems and every 100
21 years we will continue to license them well beyond
22 100 years.

23 There is a lot of technical information
24 already in the license applications. That's why NRC
25 went from 20 years to 40 years on license renewals.

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1 Those licensing processes will work faster than
2 global warming.

3 MR. SACHS: -- a question.

4 FACILITATOR CAMERON: Please let him
5 talk.

6 MR. MCCULLUM: So, you know, we've got
7 risk studies. Some of them are in the EIS on casks
8 and in pools. We'll be introducing some more in our
9 comments and scientific studies.

10 The risks are incredibly low on both
11 sides. The spent fuel study, so called earthquake
12 study, that has been cited here on several occasions
13 the fundamental conclusion of this study is that
14 after a couple months out of the reactor the fuel is
15 coolable in air.

16 And you can vary the assumption to that
17 study and months can become days. But over the time
18 periods we're not worried. It's not a big concern
19 for these time periods. And I think the most
20 powerful testimony of the safety of both pools and
21 casks is Fukushima because those casks were over
22 washed by the tsunami, they were shaken by the
23 earthquake.

24 The pools were not only over washed by
25 the tsunami and shaken by the earthquake, three of

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1 them were in buildings that were completely decimated
2 by hydrogen explosions.

3 There's been a lot of rumors spread
4 about what happened in those pools. But if you go on
5 YouTube and look at the video, that fuel is in pretty
6 much the same condition it was before the accident.
7 And it will be there as we safely move it out of the
8 pools as we've done in so many pools before.

9 Now, I want to go back and close --

10 MR. SACHS: Okay.

11 FACILITATOR CAMERON: Gary, Gary,
12 please. Come on, let's let him talk.

13 MR. MCCULLUM: -- with something that
14 Councilman Giunta said --

15 FACILITATOR CAMERON: Seriously.

16 MR. MCCULLUM: -- at the very beginning
17 of this meeting and that is the importance of safe,
18 reliable, clean electricity, affordable electricity
19 to his community. Business is coming back into his
20 community because they have confidence in our
21 infrastructure.

22 And what gives us that is a good mix of
23 energy, including nuclear along with all the
24 renewables. And it's great that natural gas is
25 cheap. But what causes us to lose that, what causes

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1 us to fall behind France and maybe even some
2 countries that are further behind is if we start
3 devoting resources to things that aren't significant
4 to reducing risk.

5 So I'm glad we're having this
6 discussion. And I thank the NRC for allowing me to
7 be a part of it.

8 FACILITATOR CAMERON: Okay. Thank you
9 very much. Thank you, Rod.

10 We're next going to hear from Debbie
11 Grinnell. Debbie and Chris, are they still here?
12 Are they? Okay.

13 Let's go to -- while we're waiting to
14 see if they come back in -- let's go to Samuel
15 Brinton, Daniel Curtis, and Mihai -- he's going to
16 tell us. Okay. Alright.

17 MR. BRINTON: Good evening, ladies and
18 gentlemen. My name is Samuel Brinton. I'm a
19 graduate student in nuclear science and engineering
20 as well as the technology policy program there at
21 MIT.

22 My research concentrates on the analysis
23 of nuclear waste systems in the context of
24 environmental, economic, and proliferation concerns.
25 I'm the son of a Three-Mile Island survivor. And

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1 when I told my mom that I wanted to become a nuclear
2 engineer she asked me if she had dropped me too many
3 times on my head.

4 And I said no. But some of us have to
5 go and try to solve these big problems. So I'm going
6 to try to solve some of these big problems and I hope
7 we can do that together.

8 As a student studying nuclear waste it's
9 really exciting to be in a room like this to hear the
10 concerns of my fellow citizens and to hope that
11 someday students like myself and those who you're
12 going to hear after me can help to address some of
13 them.

14 I want to, as we learned at MIT, address
15 the problem statement. The Commissioners asked us to
16 address a series of issues and I want to address
17 issue number one.

18 Should a timeline for repository
19 availability be removed from the rule text?

20 I.E., I'm going to concentrate on the
21 timeline for geological repository since this is what
22 I study.

23 There are a variety of policy
24 implications on this repository's construction, but
25 it is evident that a timeline, though complicated, is

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1 actually achievable.

2 My recent lecture on the history of
3 nuclear waste there at MIT was met with some
4 challenges because of its title. I called it the
5 search for Tartarus. I.E., it could be called the
6 search for hell.

7 Some may recognize that nuclear waste
8 repository may be a very difficult place to site.
9 But I recognized it as a place that is absolutely
10 fineable if you have Godly intentions.

11 In 1957 the National Academies of
12 Science established that a geological repository was
13 the preferred system for the permanent storage of
14 nuclear waste.

15 Now, I wasn't around in 1957 nor was I
16 around in 1970 when we tried to site the very first
17 geological repository. I was raised on farms in
18 Kansas and I am proud to say that the very first
19 repository was tried to be sited in my home state
20 there in Lions, Kansas.

21 This did not work out well. There were
22 technical challenges. And I've studied how horribly
23 the government mangled its issues trying to site a
24 repository in Lions, Kansas. And I can see a lot of
25 shaking heads. I recognize that challenge.

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1 We didn't do it right. But we can do it
2 right in the future. In 1982 the National Nuclear
3 Waste Policy Act began the site characterizations of
4 a variety of geological formations. And during 1987,
5 the year I was born, a political maneuvering
6 destroyed that process.

7 Geological repositories exist. In 1979
8 when my mother was evacuated from the school next to
9 Three-Mile Island the Congress also authorized the
10 Waste Isolation Pilot Project.

11 We have to recognize that these
12 geological repositories exist and that they are also
13 being constructed. This is applicable because the
14 permanent solution is feasible.

15 Let students like myself have the time
16 to study these challenges. And with enough political
17 action it will be able to move forward. And I will
18 make my last statement right now.

19 FACILITATOR CAMERON: Thank you.

20 MR. BRINTON: Thank you so much. Long-
21 term storage is available and students like myself
22 are ready to take the technical capabilities of
23 geological repositories as the next challenge.

24 Thank you for your time.

25 FACILITATOR CAMERON: Okay. Thank you.

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1 Thank you very much, Samuel. Thank you.

2 And Daniel, Daniel Curtis and then we're
3 going to go to Mahai Diaconeasa.

4 MR. CURTIS: All right. Good evening,
5 everybody. My name is Daniel Curtis. I am a Ph.D.
6 student at the Department of Nuclear Science and
7 Engineering at MIT.

8 I want to thank everybody for sticking
9 with it. It's getting late. I know we're all
10 getting tired. I want to thank the NRC staff.
11 They've got a thankless job here sitting in the
12 middle often unappreciated by both sides as it is so.

13 PARTICIPANT: - Federal government's got
14 no shame, young man.

15 MR. CURTIS: Right. No. I want to
16 thank them very much for their efforts. They're
17 doing hard work.

18 Alright. My own personal comments on
19 the issue tonight are short and simple. I support
20 the updates that are proposed by the NRC. I believe
21 that they are technically sound. That they represent
22 an appropriate interpretation of the professional
23 consensus of the nuclear engineering community.

24 There's a lot of sources we could point
25 to on this. I'd point you to the American Physical

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1 Society, the nuclear energy study group had a paper
2 in 2007 that determined independently, unequivocally
3 that with an appropriate schedule of monitoring and
4 inspection, dry storage can be provided for as long
5 as it's needed.

6 Now, we heard a lot about various
7 frustrations and concerns about the length of time
8 here. I can tell you people of my generation are
9 also frustrated. This is a problem that is not yet
10 solved. But it is one we're eager to solve. We're
11 eager to make sure that these dry storage systems are
12 reliable for as long as they're needed and we are
13 eager to solve the geological waste disposal problem.

14 I think that's all I've got. Thank you
15 guys very much.

16 FACILITATOR CAMERON: Thank you, Daniel.

17 And this is Mihai.

18 MR. DIACONEASA: Hello, everyone. I am
19 Mihai Diaconeasa originally from Romania. I was born
20 just a few months after the Chernobyl accident a few
21 hundred kilometers away from it.

22 Well, that did not impact my career path
23 and now I'm a graduate student at the MIT nuclear
24 science and engineering department with a background
25 in science, like physics, chemistry, mathematics, and

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1 applications in material science.

2 So I am aware of the renewables and
3 alternative energy. However, I focused my attention
4 on the PRA, like the probabilistic risk assessment,
5 and more exactly on the human reliability assessment
6 part. Because if you look back on the history and
7 you look at all the accidental incidents at the
8 nuclear power plants, most of them came from the
9 human errors.

10 And humans are made to fail. We cannot
11 avoid that. So it's better to design fail-safe
12 reactors. And I think the industry is doing a great
13 job nowadays and we need to continue on that path.

14 To the point I can state that the NRC
15 has a good approach into the rulemaking and the
16 technical basis is sound and reasonable.

17 However, I have a very first and
18 specific concern that I would like to consider --
19 that I would like the NRC to consider. Specifically
20 it is on the public confidence about reclamation of
21 orphan sites.

22 Measures must be taken to seek the input
23 from the local residents around an extended storage
24 site on the fairness of continued storage at that
25 site after the decommissioning of the reactor.

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1 As the NRC knows, there are multiple
2 sites across the country at which a reactor has been
3 decommissioned already and the dry cask storage
4 remains as the only remnant of this important energy
5 production.

6 The public in those communities have
7 received significant financial benefits during the
8 operation of the reactor which are no longer
9 available. The lost economic activity in those
10 communities should be considered in determining
11 appropriate use for the land of the decommissioned
12 reactor site including land that might be used for
13 containing storage.

14 If a community would feel burdened by
15 containing storage under the principles of consent-
16 based siting, that should also be considered.

17 Thank you very much.

18 FACILITATOR CAMERON: Okay. Thank you.
19 Thank you, Mihai. Thank you.

20 Okay. Is Margo, Margo? This is Margo
21 Roman and then we're going to go to Sheila Parks,
22 Cornelia Sullivan, Birgit Johanson, and Sara Altherr.
23 And then we have four more.

24 MS. ROMAN: Hi. My name is Margo Roman.
25 I happen to be a veterinarian very concerned about

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1 health and wanted to make just a few comments. I had
2 nothing really formally prepared.

3 In going to some of these meetings I'm
4 always looking at people with a lot of confidence in
5 looking at the science behind what they're doing.
6 And about in 1999 I went to Washington at a WAN
7 conference with Helen Caldicott. And at the
8 conference we were trying to make people aware about
9 the possibility of what might happen to the grid
10 during the change over to 2000, the Y2K issue.

11 And we addressed several issues. And
12 one of them was Helen, you know, asked us to go back
13 to our nuclear power plants, which in my case was
14 Plymouth, and find out what they would do if there
15 was a loss of electricity and how we were prepared to
16 have generators backup.

17 The other thing that she asked me to ask
18 the nuclear power plant was what would we do if we
19 had a terrorist attack. And she gave us two options
20 to ask the nuclear power plant.

21 What would you do if you had, you know,
22 a terrorist attack that attacked you by plane filled
23 with fuel?

24 So this is 1999. So I talked to nuclear
25 power plant at Plymouth and I said, I asked them what

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1 they were going to do as a backup and they did have a
2 backup plan. But they didn't have another backup one
3 in case that one didn't work.

4 And then I asked them what are you going
5 to do about a terrorist attack?

6 Well, we have a barbed wire fence and
7 three guards.

8 And so the next question was what are
9 you going to do if a plane filled with fuel leaves
10 Logan Airport and goes right directly into nuclear
11 power plant, what would you do?

12 And you know what the response was,
13 "Listen, lady, things like that don't happen so just
14 don't worry about it. It's not an issue. Don't
15 spend your time thinking about that."

16 So all of us -- I want to tell you that
17 planes do not go into any buildings. Planes don't do
18 those things. We know better. The nuclear power
19 plant was so sure, don't worry about it, don't worry
20 about it.

21 So I want to just make one other comment
22 about the Santa Fe Institute. Does anyone here know
23 the Santa Fe Institute? It's a think tank in Santa
24 Fe, New Mexico. A group of scientists come together
25 and discuss topics.

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1 And all of these students here that are
2 studying at MIT, I've been at Harvard, I've been at
3 Tufts, I've been at all these universities, okay, and
4 I want to tell you how smart I am, okay.

5 So the Santa Fe Institute brought
6 together scientists from all over, all specialties
7 around the nuclear physicists, the electrical, you
8 know, engineers, the botanists, the M.D.s, they took
9 all the medical specialties, you know, physical
10 specialties, brought them all together, sat them in
11 one room and said, "Listen, guys, we want you to
12 think of -- I want you to figure out what percentage
13 of information you know, you know, you know, you
14 know, you know, you know, you know, you know. That
15 you are so certain that you can tell somebody 100
16 percent that there is nothing else that could ever
17 happen."

18 And you know what this group knew? 4
19 percent. So if I studied for 38 years as a doctor,
20 have gone to seminars and learned everything that I
21 want to try, I'm constantly in continuing education,
22 taught at Tufts for eight years, how much information
23 do I know? Maybe .10001 percent. And I know this
24 much.

25 So for those brilliant students at MIT,

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1 you know this much. And the confidence that we have
2 to say that nothing could happen like Fukushima or
3 Chernobyl or Three-Mile Island is so -- it's so
4 arrogant on the part of this group to think that we
5 have to be so -- we know everything. We know the
6 engineering, we know -- they know this much, guys.
7 This much.

8 And in parting, as a veterinarian, 46
9 percent of dogs are getting cancer. 39 percent of
10 cats are getting cancer. They are canaries in our
11 coal mine. Let's look at that picture, guys, and
12 look at what's happening with these animals. They
13 are telling us what's wrong with us.

14 And all of us that know everything, I,
15 as a veterinarian graduating vet school I knew
16 everything, I know nothing, okay. Thank you.

17 FACILITATOR CAMERON: Okay. Thank you.
18 Thank you, Margo.

19 All right. This is Susan?

20 DR. PARKS: Sheila, Dr. Sheila Parks.

21 FACILITATOR CAMERON: Oh, okay.

22 DR. PARKS: My name is Karen Silkwood
23 and so is the name of everybody else in this room who
24 spoke against nuclear power tonight.

25 And just remember what they did to her.

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1 They being the NRC, our U.S.A. government, and
2 everybody who owns the nuclear power plants.

3 I'm also for the dry casks, let me make
4 that very clear. And when I was reading one of those
5 endless reports I came across a statement that said
6 the owners of the nuclear power plants are suing the
7 government, that means us, our money, for \$21 billion
8 because the government hasn't made good yet on how to
9 -- what to do with this nuclear power waste, the
10 spent fuel. \$21 billion!

11 So for me who -- I spent a lot of years
12 working against nuclear weapons and now I'm back here
13 on nuclear power, all nuclear power plants are crimes
14 against humanity. Crimes against the flowers, the
15 birds, the trees, the animals. Crimes against our
16 planet Earth.

17 And I have a solution. I just want to
18 add one thing before my solution. And one of the
19 other things about the repository, it's a nice word
20 for putting this poison that's going to murder
21 gazillions of people, they call it no nukes. We call
22 it the dump if they were going to put all this stuff
23 in the Great Lakes that would have affected the water
24 of 42 billion people, ho-hum.

25 So my solution is because nobody wants

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1 these spent fuel rods or this nuclear power waste any
2 place, but I want it at the White House buried there.
3 I want it buried in the homes of every Congress
4 person who doesn't stand up and say no more nuclear
5 power plants. I want it in the backyards of every
6 single person on the Nuclear Regulatory Commission.

7 And I want every one of the people that
8 I've just named to face a Nuremberg-like trial
9 because that's what you are doing. You are murdering
10 many more people than the Nazis ever did.

11 And let me address the legal counsel and
12 the Supreme Court. The Supreme Court of the United
13 States also said that slavery was legal lest you
14 forget and every single solitary thing that the
15 Nazi's did in Germany was legal. And that's what
16 this United States government is doing now, killing
17 all of us with these legal weapons of mass
18 destruction.

19 So I hope that all of you on the Nuclear
20 Regulatory Commission take what I'm saying very
21 personally because I mean it personally. Because you
22 can resign. You can get a better job. You can be a
23 whistleblower. You can be on the side of the angels
24 and you can look in the mirror again.

25 What do you tell your children and what

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1 do you tell your grandchildren? You know, this
2 planet isn't going to be safe for hundreds of
3 thousands of years. Thank you.

4 FACILITATOR CAMERON: Okay. Thank you.
5 Thank you very much. And is Cornelia still here?
6 How about Birgit, Bridget? And it is Birgit? Okay.

7 MS. JOHANSON: Okay. My name is Birgit
8 Johanson. I live in Jaffrey, New Hampshire. And I'm
9 a member of New England Coalition. And I'm also on
10 the board but I'm not addressing you on behalf of the
11 coalition tonight. These are my personal comments.

12 I've been involved in this issue really
13 not by choice approximately 30 years now. I was a
14 kid when I started. And there was a plan to site a
15 high-level nuclear waste dump here in the northeast,
16 the Eastern repository.

17 And looking over some of the documents
18 tonight I realized some of the terminology hasn't
19 changed at all. That's interesting.

20 So it's eating up a huge part of my
21 life. There are things I would rather been doing and
22 still today there are things I would rather be doing.

23 PARTICIPANT: Watching the Red Sox?

24 MS. JOHANSON: No, actually. So I want
25 to start because there's this assumption out there

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1 and it's stated repeatedly that the spent fuel is
2 safe, that it's managed safely, that it's current
3 condition is safe, that the fuel pools are safe, that
4 the reactors are safe.

5 And I would really like the NRC to
6 acknowledge that the current storage of spent fuel
7 pools is not safe. There isn't anything about it
8 that's safe. They're over stacked, they're beyond
9 the design life, beyond the intentions.

10 It can be made safer. I can agree with
11 that. But the assertion that doing nothing but
12 maintaining the status quo is safe is completely
13 untrue and needs to change. So step one is to
14 acknowledge that the spent fuel in the fuel pools is
15 not safe.

16 Second, NRC's rulemaking process is
17 vague. And I say this because it's like very, you
18 know, complex terminology that the average person
19 can't understand. That experts and lawyers spend a
20 very long time researching and pouring over. And
21 it's contradictory.

22 It's kind of obtuse. It's like almost
23 like church or something. Not in a bad way. I don't
24 intend to insult any church. But if you make
25 comments or criticisms, technical arguments, you

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1 point out design flaws, you point out things like the
2 underground pipes at Vermont Yankee that weren't
3 disclosed, your comments disappear into the
4 rulemaking process. And it could be years before NRC
5 turns around with a real solution.

6 Site specific arguments and move to
7 rulemaking and address basically after years of
8 study. So nothing is done quickly.

9 Some of the terms that I've come across
10 in what I was reading tonight because I didn't have
11 time to go over the 575 pages, although I fully
12 intended to and will. These ideas of generic and
13 efficiency are their ways to find words to describe a
14 process that has basically become unmanageable.

15 You are in charge of regulating a fleet
16 of aging reactors that is crumbling as we speak and
17 it's exposed to a multitude of threats from weather
18 and accidents, power outages, terrorism, and just old
19 age, decay, bad design. So, the process is
20 unmanageable.

21 And I think the NRC's job has become
22 unmanageable. So it's not -- I don't, you know, so
23 much have criticisms of individual there unless
24 they're so on the side of industry that they can't
25 make a rational decision on behalf of public safety,

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1 but you are as much trapped in the bureaucracy as
2 anyone else. This started mostly before you were
3 born.

4 FACILITATOR CAMERON: Can I ask you to
5 finish up?

6 MS. JOHANSON: I'm finishing, yes.

7 FACILITATOR CAMERON: Thank you.

8 MS. JOHANSON: So it's impossible to
9 ignore site-specific criteria and move them over to
10 rulemaking and still protect public safety.

11 So on any given day in the normal day in
12 the life of the NRC there's no transparency and no
13 real opportunity for the public to have any
14 meaningful input into how the reactors are run, how
15 they operate, and certainly no real opportunity input
16 into the best available methods for managing the
17 spent fuel.

18 And because of the sort of the nature of
19 the dialogue itself the way the rulemaking is set up,
20 you're only allowed to address certain specific
21 issues. Anything that falls outside of the question
22 being asked is not considered.

23 So the nature of the dialogue itself
24 limits inquiry and intelligent discussion.

25 To close, rulemaking that's vague and

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1 has, I guess, many holes in it --

2 FACILITATOR CAMERON: Could you finish
3 up for us, miss?

4 MS. JOHANSON: Yes. I am finishing up.
5 It's more of an obstacle to real solution than a
6 help. The guidelines are in principle founded upon
7 assumptions formed in the 1950s and before in the war
8 time era. To continue to build on such an outdated
9 foundation is a hazard. To stay in rigid compliance
10 with its own rules NRC has, in effect, bound its own
11 hands and put the public at enormous risk.

12 I support redesigning the entire legal
13 basis for the NRC's regulatory enforcement. Closing
14 aging reactors, moving all spent fuel to hardened
15 storage that can withstand climate change, power
16 outages, accidents, and terrorism. We should be
17 designing for the worst possible scenarios, not
18 deliberately minimizing the risks.

19 FACILITATOR CAMERON: Thank you. Thank
20 you, Birgit.

21 And Mr. Fleischer, is he still here?
22 This is Robert Fleischer, I believe.

23 MR. FLEISCHER: That's right.

24 FACILITATOR CAMERON: Okay.

25 MR. FLEISCHER: I'm on the Board of

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1 Health of the neighboring town of Groton. And I'm
2 not speaking as a member of the board -- of any board
3 of health, but as a private individual.

4 But in my experience on the board, for
5 example, a neighbor down the street from me had an
6 unfortunate accident. He had -- he was running his
7 truck on vegetable oil and he had a fire and a lot of
8 the vegetable oil spilled. And we made him clean it
9 up. Not just clean up the vegetable oil, but remove
10 the soil.

11 Vegetable oil. In other words, we
12 considered the protection of clean water so important
13 that vegetable oil was considered a threat, because
14 it is if it gets into the aquifer.

15 I don't see that same level of concern
16 about the essentials of life in our nuclear
17 regulation. And I think regulation is very
18 important. And I don't see regulation, for example,
19 as antithetical or the enemy of market forces.

20 And, in fact, you need good regulations.
21 Regulations that state what you insist must happen
22 for market forces to then work.

23 In other words, if you simply regulate
24 to the level of safety that the industry is willing
25 to offer you, then market forces aren't working in

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1 that area. They're not working to find a safe
2 solution. You're simply going to get what they
3 offer.

4 Now, if you really rely on market forces
5 after -- and you really regulate for real safety, the
6 safety you want, the protection of the environment
7 that you want, you might find that the market forces
8 do more than you expect.

9 They might push you to a new technology.
10 They might tell you one industry goes down. One
11 thing I don't understand is why this entire industry
12 which was predicated on finding permanent storage,
13 safe, permanent storage wasn't shut down when that
14 didn't happen.

15 And I see that as a fundamental failure
16 of regulation. And a failure that allowed market
17 forces to just produce poison and it really worries
18 me. Thank you.

19 FACILITATOR CAMERON: Thank you. Thank
20 you very much, Robert. And Cornelia, please? And
21 this is Cornelia Sullivan joining us. And next we're
22 going to go to Ben Chichester and we have one other.

23 MS. SULLIVAN: Good evening. My name is
24 Cornelia Sullivan. I'm a member of PAX Christie
25 Boston Chapter.

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1 This is my own personal statement. I do
2 not represent -- there wasn't time to clear this with
3 any other people, so this is my personal position.

4 No nuclear plant is safe. We had a
5 major problem at mile -- Three-Mile Island. Russia
6 had a major disaster at Chernobyl. Now Japan with
7 G.E. Technology has a two and a half year old lethal
8 nuclear problem. They do not have -- which they do
9 not have technical or financial resources to deal
10 with.

11 We have no time to waste if we want
12 human, animal, and plant life to survive. Please
13 decommission all nuclear plants. Finance the best
14 scientists and engineers to explore safe ways to do
15 this. Finance the best people to research and
16 develop renewable energy, solar and wind.

17 I believe the U.S. should follow
18 Germany's example in how to move forward in this
19 direction. Thank you very much.

20 FACILITATOR CAMERON: Okay. Thank you,
21 Cornelia. Is Ben Chichester here? This is Ben. And
22 how about Paul Haugsjaa? No? Okay.

23 MR. CHICHESTER: Good evening. My
24 name's Ben Chichester. I am affiliated with the
25 people who realize that a simple and spiritual life

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1 is the only life that can survive on the planet
2 Earth.

3 The Waste Confidence is a sham.
4 Everybody knows it's a continuation of the sham that
5 began with the Atomic Energy Commission back in the
6 50s which told us that they were going to care for
7 the wastes from cradle to grave.

8 And now here we are today, everybody's
9 got their hands on their head saying what are we
10 going to do with this waste? And there is not one
11 ounce of the waste that has been permanently disposed
12 since it has been produced in secret outside of any
13 democratic process by corporations in this country
14 who are still designing and exporting this dangerous
15 technology.

16 And three of them are burning holes to
17 China as we speak, out of control. And you're here
18 today to ask us to have confidence, which was a ploy
19 so that you continue the juggling act that you've
20 been doing for all these years with the nuclear
21 waste.

22 It is a ploy and it has to stop because
23 the people are onto it. This nuclear mafia that has
24 been running the nuclear bomb industry around the
25 country, around the world operates outside of the

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1 democratic process and the people want that to stop.

2 This nuclear waste has been called a
3 resource by people in my hometown who build nuclear
4 submarines where the nuclear waste is being stored
5 and building up at the military installations across
6 this country as well. And they want to call it a --
7 it's a resource that can be somebody wants to buy
8 that stuff. Well, good luck.

9 But everybody knows that if you have a
10 fancy coat and you shake enough hands, you can sell
11 anything, even nuclear waste.

12 So you come up with the nifty phrases
13 like interim storage and permanent disposal and below
14 regulatory concern. All these clever phrases to mask
15 what is really a crime against humanity to produce
16 waste that will last for thousands of years to pass
17 on to future generations. It's wrong. And it should
18 be stopped. Stop the charade.

19 Who profits? I'm here to suggest that
20 we need site-specific solutions. Nothing generic.

21 FACILITATOR CAMERON: And, Ben, could you
22 wrap up for us, please?

23 MR. CHICHESTER: I also want to say that
24 I was moved and I appreciated Gregory Jaczko, the
25 former Chairman of the NRC said pretty much what

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1 amounts to a death bed conversion although he didn't
2 die, but he saw other people dying. And he came out
3 and said that these plants are inherently unsafe.

4 And I am sure that he would say that
5 much that we know about long-term storage is their
6 solutions are unsafe. And we can't go forward
7 pretending that we have solutions in order to just
8 let the clock run out for these companies. Thank
9 you.

10 FACILITATOR CAMERON: Thank you. Thank
11 you, Ben.

12 And, Pam, Pam Boyes?

13 MS. BOYES: Hi. My name's Pam Boyes. I
14 fortunately don't have the experience of living near
15 a facility nor am I well-educated about nuclear
16 plants. But I do know a bit about history.

17 And remember history class, empires, the
18 rise and they fall? Languages, dead languages,
19 Latin, Greek, no one speaks them anymore. The
20 language of the Egyptians no one knew what -- how to
21 read it until, you know, one of Napoleon's soldiers
22 found the Rosetta Stone.

23 The secrets of old cultures are known to
24 us. The new stones at Turkey, Gobekli Tepe, there's
25 mass standing stones and they date from 1100 years

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1 ago. It's a whole culture and it's unknown to us and
2 it's only 1100 years old.

3 Nuclear waste is going to be around a
4 lot longer, okay. Now, the -- going back to the
5 proposed short-term storage, 60 years. What was life
6 like 60 years ago?

7 Okay. When we built things 60 years ago
8 what were they like? What will things be like 60
9 years from now?

10 Okay. How about 120 years ago? That
11 was 1893. The technology between 1893 and today is
12 significant. Going forward that's 2133. Those are
13 leap years. That's talking about a big difference.

14 So when you think about 60 years, 120
15 years in our country's social history 60 years we saw
16 a lot of social and political change. 120 years, the
17 same thing.

18 A lot of countries, a lot of peoples no
19 longer exist. Look at old stamp albums, there are
20 countries that no longer are. Those years mean a
21 lot. Our country is an empire. It might no longer
22 be.

23 So how safe is 60 years? Will our
24 empire be around in 120? Well, it hasn't been around
25 for a long time. And so I'm not really sure that I'm

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1 good with indefinite storage. I know that there's a
2 lot that's not safe.

3 We don't inherit the wisdom from other
4 empires. We lose it, okay. The Egyptians didn't
5 inherit the wisdom from their previous cultures, the
6 Greeks didn't pass it on, the marvelous
7 interconnection from the -- of the Roman Empire fell
8 apart, the wonderful wonders of the Byzantine Empire
9 fell apart with the bite of a flea.

10 Climate will be a part of the remaking
11 of our empire. But the nuclear waste, wherever it
12 is, is going to be burning away.

13 FACILITATOR CAMERON: Could you wrap up
14 for us, please?

15 MS. BOYES: Okay. The buildings it is
16 in will decay. The warnings around it will be
17 unintelligible, okay. There's no way to make sure it
18 is permanently safe, okay. We need to take a lot of
19 steps back and really think about the safest way to
20 do this.

21 Thank you.

22 FACILITATOR CAMERON: Thank you. Thank
23 you, Pam. I would just thank all of you for your
24 comments and your patience tonight. And I'm going to
25 ask Keith McConnell, the director, to close the

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1 meeting out for us.

2 MR. MCCONNELL: Yes. I'd just like to
3 reiterate what Chip just said, which is we do thank
4 you for your effort. We do also appreciate the
5 passion behind the comments. And also we do also
6 appreciate the effort that it takes to come to these
7 meetings.

8 So thank you for your comments and we'll
9 call the meeting closed. Good night.

10 (Whereupon, the above-entitled proceeding was
11 concluded at 10:29 p.m.)

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