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**NUCLEAR REGULATORY COMMISSION**

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**IN THE MATTER OF:**

PUBLIC SERVICE ELECTRIC  
& GAS COMPANY, et al.  
(Salem Nuclear Generator  
Station, Unit I)

Docket No. 50-272  
(Proposed Issuance of  
Amendment to Facility  
Operating License No.  
DPR-70)

**Place -** Salem, New Jersey

**Date -** Thursday, March 15, 1979

**Pages** 121 - 316

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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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In the Matter of:	:	DOCKET NO. 50-272
PUBLIC SERVICE ELECTRIC	:	(Proposed Issuance
& GAS COMPANY, et al.	:	of Amendment to
(Salem Nuclear Generator	:	Facility Operating
Station, Unit I	:	License No. DPR-70)

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Salem Chamber of Commerce Building  
Salem, New Jersey

Thursday, March 15, 1979  
1:30 P.M.

- - -

BEFORE:

GARY MILHOLLIN, CHAIRMAN

JAMES C. LAMB

LESTER KORNBLITH, Esq.

- - -

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1  
2 APPEARANCES:

3 CONNER, MOORE & CORBER  
4 BY: MARK J. WETTERHAHN, ESQ.  
5 1747 Pennsylvania Avenue, N.W.  
6 Washington, D.C. 20006  
7 Attorneys for Public Service Electric &  
8 Gas Company

9 BARRY SMITH, ESQ.  
10 and  
11 JANICE MOORE, ESQ.  
12 Office of the Executive Legal Director  
13 United States Nuclear Regulatory Commission  
14 Washington, D.C. 20555

15 KEITH A. ONSDORFF, ESQ.  
16 Deputy Attorney General  
17 520 East State Street  
18 Trenton, New Jersey 08608  
19 Attorney for Intervenors Eleanor and Alfred  
20 Coleman

21 VALORE, McALLISTER, DeBRIER, ARON &  
22 WESTMORELAND  
23 BY: CARL VALORE, JR., ESQ.  
24 535 Tilton Road  
25 Northfield, New Jersey 08225  
Attorneys for Lower Alloway Creek Township

RICHARD M. HLUCHAN, ESQ.  
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Attorney for the State of New Jersey

JUNE D. MACARTOR, ESQ.  
Deputy Attorney General  
Tatnall Building  
Dover, Delaware 19901  
Attorney for the State of Delaware

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1 MR. MILHOLLIN: Good afternoon, ladies and  
2 gentlemen.

3 My name is Gary Milhollin. With me on my  
4 right is Dr. James C. Lamb, and on my left is Mr.  
5 Lester Kornblith.

6 We are an Atomic Safety and Licensing Board  
7 designated by the Nuclear Regulatory Commission to  
8 conduct the proceedings in the application by Public  
9 Service Electric and Gas Company to expand the spent  
10 fuel storage capability of Unit I at the Salem Nuclear  
11 Generating Station.

12 Mr. Kornblith replaces Mr. Bright on the  
13 Board. Mr. Glen Bright was forced to remove himself  
14 from the Board because of an illness in his family.

15 At this time, I ask the parties to introduce  
16 themselves. First of all, the Licensee.

17 MR. WETTERHAHN: Good afternoon.

18 Appearing for the Licensee, Public Service  
19 Electric and Gas Company, my name is Mark J.  
20 Wetterhahn of the firm of Conner, Moore and Corber,  
21 1747 Pennsylvania Avenue, N.W., Washington, D.C.,  
22 20006.

23 With me is Richard Fryling, Jr., Assistant  
24 General Solicitor, Public Service Electric and Gas  
25 Company. Also, seated at the table is Edwin A.

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1 Liden, who is the Project Licensing Manager for Salem  
2 Unit I and II.

3 MR. MILHOLLIN: Thank you, Mr. Wetterhahn.  
4 For the Staff.

5 MR. SMITH: Good afternoon. My name is  
6 Barry Smith. I'm representing Staff.

7 Along with me is Janice Moore, Esq., and  
8 at counsel table I also have Gary Zech, who is Project  
9 Manager for Salem Unit I.

10 MR. MILHOLLIN: Thank you, Mr. Smith.  
11 The State of New Jersey.

12 MR. HLUCHAN: Good afternoon, Mr. Chairman,  
13 members of the Board.

14 My name is Richard W. Hluchan. I'm a  
15 Deputy Attorney General from Trenton, New Jersey,  
16 representing the State of New Jersey.

17 MR. MILHOLLIN: Thank you, Mr. Hluchan.  
18 The State of Delaware.

19 MS. MACARTOR: Good afternoon.

20 My name is June Macartor, Deputy Attorney  
21 General representing the State of Delaware.

22 MR. MILHOLLIN: Thank you, Ms. Macartor.  
23 The Colemans.

24 MR. ONSDORFF: Good afternoon, gentlemen.  
25 My name is Keith Onsdorff, an Assistant

1 Deputy Public Advocate for the State of New Jersey.

2 I represent the Colemans.

3 MR. MILHOLLIN: Thank you, Mr. Onsdorff.

4 Lower Alloways Creek.

5 MR. VALORE: Good afternoon, Chairman,  
6 Board members.

7 My name is Carl Valore, representing Lower  
8 Alloways Creek Township, Special Counsel.

9 Seated to my right is Mr. Richard Traae,  
10 a Committeeman from Lower Alloways Creek. Seated to  
11 my left is Mayor Sam Donelson, the Mayor for Alloways  
12 Creek Township. To my far left is William Horner,  
13 the Township Solicitor for the Township.

14 MR. MILHOLLIN: Thank you, Mr. Valore.

15 This preliminary conference has been convened  
16 pursuant to 10CFR 2.752. This is one of the regulations  
17 of the Nuclear Regulatory Commission. It provides  
18 for a pre-hearing conference among the parties for  
19 the purpose of preparing for the hearing itself.

20 The Board, this Board, has also scheduled  
21 both for this evening and tomorrow a special pre-  
22 hearing conference for the purpose of entertaining  
23 limited appearances by members of the public. This  
24 special pre-hearing conference this evening will begin  
25 at 7:00 P.M., in this room, and tomorrow it will

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1 begin at 9:00 A.M. in this room.

2 We urge members of the public to attend.

3 MR. ONSDORFF: Mr. Chairman, I filed a motion  
4 regarding the consolidation of the special pre-hearing  
5 conference for limited appearances with this pre-hearing  
6 conference for the parties of the proceeding solely  
7 for the purposes of whatever the contents of the pre-  
8 trial order which will be executed after these  
9 proceedings.

10 MR. MILHOLLIN: The Board is aware of your  
11 motion.

12 MR. ONSDORFF: I thought it might be  
13 appropriate to address that right away and see whether  
14 there's any opposition. I haven't received anything.

15 MR. MILHOLLIN: The Board proposes to rule  
16 on your motion in just a few minutes.

17 MR. ONSDORFF: Thank you.

18 MR. MILHOLLIN: Or at least the Board  
19 proposes to take up your motion in just a few moments.  
20 Let me continue.

21 Both of these conferences, both this one and  
22 the one this evening, and tomorrow, were scheduled  
23 for February 22nd and 23rd, but they were canceled  
24 because of the snowfall which occurred during that  
25 week.

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1 I will now state briefly the background of  
2 this case. The Public Service Electric and Gas  
3 Company holds a license to own and operate the Salem  
4 Nuclear Generating Station. It applied on November  
5 the 18th, 1977, for permission to increase the  
6 capacity of its spent fuel storage pool from 264 to  
7 1,170 spent fuel assemblies. The application has been  
8 amended by several supplements filed since November  
9 18, 1977.

10 On February the 8th, 1978, the Nuclear  
11 Regulatory Commission published a notice in the  
12 Federal Register describing this proposal. In response  
13 to the notice, three petitions for a hearing were  
14 filed.

15 After a pre-hearing conference on May 18,  
16 1978, this Board admitted two of the petitioners as  
17 parties to this proceeding. First, they are Lower  
18 Alloways Creek Township and, secondly, Alfred and  
19 Eleanor Coleman of Pennsville, New Jersey. The States  
20 of New Jersey and Delaware were also granted permission  
21 to participate.

22 On January the 19th, 1979, the NRC Staff  
23 transmitted its Safety Evaluation Report and its  
24 Environmental Impact Appraisal to this Board and to  
25 the parties.



1                   It might be appropriate at this time for the  
2 NRC Staff to make a brief statement of the procedure  
3 the Staff followed when it evaluated the application.  
4 Will the Staff care to make such a statement at this  
5 time?

6                   MR. SMITH: Yes, Mr. Milhollin.

7                   I think it may be more appropriate for the  
8 Project Manager, since he is more intimately involved,  
9 to give that synopsis, but I'll be glad to.

10                  MR. MILHOLLIN: What I had in mind was just  
11 a statement generally for the benefit of the public of  
12 what the Staff does when it receives an application,  
13 what things it considers, and the disposition the Staff  
14 arrives at in this case. I wasn't thinking of anything  
15 in great detail.

16                  MR. SMITH: An application is received and  
17 it is then distributed to various reviewers, technical  
18 reviewers, in the NRC organization. At that time,  
19 each reviewer would review the application and determine  
20 if there were any outstanding or any questions  
21 involving this application which they feel needs to  
22 still be answered and are not answered in documents  
23 filed with the application. If there are, these  
24 questions are sent out to the applicant, and the  
25 applicant comes back and submits responses, and the

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1 review continues until the response is either  
2 acceptable or at some time would be rejected.

3 In this case, there were a number of  
4 requests for questions from the Staff. Responses were  
5 made and were found acceptable.

6 At that time, the Staff puts together a  
7 document which summarizes the type of review undertaken,  
8 and this is in the Safety Evaluation Report, and that  
9 basically looks at all the safety aspects of the  
10 modifications required, requested by the Licensee.

11 Also, there's an environmental review taking  
12 place by a different division of the Staff which tries  
13 to determine if there would be any significant impact,  
14 environmental impact, by this action, which would  
15 require, first of all, the preparation of a formal  
16 environmental statement and any particular mitigation  
17 actions which might be necessary.

18 The culmination of this review is that  
19 with certain conditions the Staff finds this action  
20 acceptable from a safety standpoint and also finds  
21 nothing that would significantly affect the  
22 environment caused by this modification.

23 MR. MILHOLLIN: Thank you, Mr. Smith.

24 The Board's function in this case, speaking  
25 now of this Licensing Board, is not to redo the work

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1 already done by the NRC Staff. The Board's function  
2 here is to inquire into any questions which are  
3 properly raised by parties to this action. So, this  
4 afternoon this Board will discuss with the parties  
5 the specific issues which have been put forward for  
6 our disposition.

7 Before doing so, we might dispose of two  
8 motions filed by the Colemans. The first is for an  
9 extension of time to respond to the motion by the  
10 Licensee for summary disposition. That motion is  
11 granted.

12 The Colemans shall file their response by  
13 mailing it on March 30, 1979.

14 Do you wish to make a statement about that?

15 MR. ONSDORFF: I would like to be heard,  
16 Mr. Chairman.

17 We have requested April 19th as the time we  
18 would like to have that extended to, and I believe there  
19 are additional factors bearing on the necessity of  
20 this additional time. Mr. Smith mentioned that the  
21 Staff propounds questions to the applicant which the  
22 applicant answers. We have been relying to a great  
23 extent upon the Colemans to marshal the facts in this  
24 case because of the limited resources of the Public  
25 Advocate in Trenton, 80 miles away, and this Board,

1 last July, granted our request that the Colemans be  
2 added to the service list.

3 However, despite that addition of the  
4 Colemans to the service list, the responses of the  
5 applicant to the Staff's questions were not served  
6 upon the Colemans; thereby, depriving them of the  
7 opportunity to have this factual data upon which the  
8 Staff's Safety Environmental Analysis which was done  
9 available.

10 We have had conversations with the attorneys  
11 for the applicants prior to today's proceedings, and  
12 they indicated they will provide the Colemans with that  
13 material. However, we do not have it today, and  
14 therefore, until that material is received we are  
15 really precluded from marshaling these facts which  
16 we feel are crucial to submitting our response to  
17 this motion for summary disposition, which covers all  
18 the admitted contentions in issue that, in essence,  
19 would be a conclusion of these proceedings without  
20 an evidentiary hearing being held. So, this is  
21 crucial.

22 The contentions were initially admitted  
23 last May, or when the Board's order was issued soon  
24 thereafter, which allowed the applicants a number of  
25 months to prepare their motion and papers in support

1           thereof.

2                   I believe it would be in the area of about  
3 eight months. Pursuant to the rule, we have approxi-  
4 mately twenty days. We're asking for a very short  
5 extension, another thirty days, to April 19th, and  
6 in light of the disproportionate amount of time I do  
7 not think that's an unreasonable amount of time to  
8 request.

9                   I also spoke to Mr. Smith prior to the  
10 proceedings getting underway today, and Mr. Smith  
11 indicated he would likewise be filing a motion for  
12 summary disposition, or the equivalent thereto, right  
13 around March 30th, I believe.

14                   Mr. Smith, is that the time you indicated?

15                   So, if I'm going to be responding thereto,  
16 I think the April 19th date -- it possibly could be  
17 consolidated, and I could submit a single response.

18                   In light of these factors, I think that  
19 April 19th would be the earliest fair date we could  
20 submit our response, unless there are countervailing  
21 factors which can be cited that would outweigh our  
22 need for this opportunity, unless the plant is going  
23 to be shut down in the interim. I'm not aware of such  
24 factors, but possibly Public Service could enlighten  
25 us as to whether or not --

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1 I know the plant's been down for some period  
2 of time since the last conference last May, I don't  
3 know exactly what the time frame is for removing the  
4 first third of the core. I think that's certainly a  
5 factor that should be considered in determining when  
6 our response is to be filed.

7 Thank you.

8 MR. MILHOLLIN: We shall now just pursue the  
9 general question of scheduling for the hearing and  
10 the various motions for summary disposition.

11 I think it would be in the interest of  
12 justice now to decide on a schedule for all of these  
13 matters. So, since Mr. Smith's name has been  
14 mentioned, perhaps Mr. Smith would like to respond to  
15 the statement that he plans to file a motion for  
16 summary disposition.

17 MR. SMITH: Mr. Chairman, the rules for  
18 motion of summary disposition are somewhat different  
19 from an ordinary motion. They say the response  
20 should be in the form of opposition and doesn't say  
21 anything about the form of support. Usually we take  
22 the position that a response could be in support.

23 We do support the motion for summary  
24 disposition. The only area where we may differ  
25 somewhat, or take a little different approach, is on

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1 the contention relating to transferring the fuel from  
2 Unit I to Unit II. Our position, as we set forth in  
3 our motion in this proceeding, would be that that is  
4 an unreviewed safety question and it would require  
5 the Licensee to come in and ask permission to do this.  
6 Therefore, it would require a license member.

7 Other than that we support the motion, and  
8 a great majority of the Licensee's motion is based  
9 on the SER-EIA.

10 Under the rule we would be required to file  
11 March 26th. Due to time constraints and my schedule  
12 and back-up counsel, I would like to file either our  
13 response or our own motion however it may be fashioned  
14 on March 30th. That would be our request.

15 MR. MILHOLLIN: The nature of your motion  
16 would be by way of support of the Licensee's motion?

17 MR. SMITH: Yes. It would be filed in  
18 response and support.

19 MR. MILHOLLIN: On March 30th?

20 MR. SMITH: Yes.

21 MR. MILHOLLIN: Very well. I assume when  
22 you say in response -- well, perhaps I shouldn't  
23 press you on it.

24 Do you think you will file anything which  
25 would have to be responded to by any other party?

1 MR. SMITH: Our response will primarily be  
2 based on the SER and EIA which we filed, prepared on  
3 January 15th, and sent on January 19th.

4 There will be one or two additional  
5 affidavits that will be filed along with this  
6 document in amplification of what is in the SER, if  
7 that addresses your question.

8 MR. MILHOLLIN: Yes, it does. Thank you.

9 MR. VALORE: Mr. Chairman?

10 MR. MILHOLLIN: Yes, Mr. Valore.

11 MR. VALORE: Carl Valore, Jr., representing  
12 Lower Alloways Creek, for the record.

13 I fail to see how the NRC can take such a  
14 position in that case when it probably has not had the  
15 opportunity to review the Answer that I filed to the  
16 motion by the Licensee, which was filed on March 12th,  
17 within the time period by the Board. The Board has  
18 already given an extension to the intervening Colemans  
19 to file an Answer.

20 It would seem to me the NRC, under those  
21 circumstances, should consider what the Intervenors  
22 are filing before it takes a position, and I think it  
23 has already indicated its position without seeing  
24 the responding pleadings they have filed and does not  
25 conform to the requirements under the rules.

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MR. WETTERHAHN: May I be heard on the subject generally?

First of all, if the Staff indeed does file a response to our motion, even if it were accompanied by affidavits, the NRC rules do not provide for an answer by any other party, and the Board would have the issue of our motion for summary disposition before it. There's no responsive pleading a second turn for responsive pleading.

With regard to the extension of time asked by the Public Advocate for the Colemans, we do have a problem with the length of time that is requested. During the course of the discovery phase of the proceeding we sent out interrogatories and request for admissions from the Colemans, and the indication that we got back is that neither Mr. or Mrs. Coleman claimed any expertise on the subject matter and that the Public Advocate in his role as their counsel had retained separate consultants, I believe, in California. The Board is aware of this through various motions to send material to them.

Therefore, we don't believe that the Public Advocate can really rely on the fact that Mr. and Mrs. Coleman had not seen the material. First of all, while inadvertent -- well, the material was not sent

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1           them, but the cover letter transmitting all the  
2           material was sent to Mr. and Mrs. Coleman. It was  
3           only last week that we received a request from counsel  
4           for the Colemans to send the material to them.

5                     One piece of material was sent to them. There  
6           was a mix-up on the message. We have agreed to send  
7           the remainder of the material to them.

8                     MR. MILHOLLIN: When you say material, what  
9           are you referring to?

10                    MR. WETTERHAHN: We're referring to technical  
11           material, the application and amendments and responses  
12           to NRC questions which form the basis for our  
13           application for the fuel pool change.

14                    MR. MILHOLLIN: Do I understand you to say  
15           then that you did not serve your motion for summary  
16           disposition on the Colemans?

17                    MR. WETTERHAHN: It was served on the  
18           Colemans. I'll ask them to indicate if they've received  
19           it, both the Colemans and the Public Advocate, may I  
20           add?

21                    MR. MILHOLLIN: Those pleadings were served  
22           in a timely fashion?

23                    MR. WETTERHAHN: Yes, sir.

24                    MR. ONSDORFF: I don't mean to interrupt,  
25           but possibly it might be appropriate to respond at

1 this time because I believe counsel has characterized  
2 the response to an admission which was not the  
3 intention when the admission and the request was made  
4 by Public Service.

5 There's a request as to expert witnesses,  
6 using the Colemans as expert witnesses, and we certainly  
7 indicated in our communication to counsel for Public  
8 Service that we would not rely upon the Colemans to  
9 be our expert witnesses in our case.

10 MR. MILHOLLIN: The Board's aware of that.

11 MR. ONSDORFF: This is not to say that based  
12 upon the Colemans' years of working and studying and  
13 activity in the field of nuclear industry that they  
14 do not have expertise upon which we plan and have  
15 drawn on in the past.

16 MR. MILHOLLIN: I understand then that you're  
17 not contending, are you, that you were not served with  
18 the motion for summary disposition and the supporting  
19 materials?

20 MR. ONSDORFF: Absolutely not. There was a  
21 specific order that the Colemans would be added to the  
22 list, and that was certainly for a purpose. It was  
23 not to be done for no reason.

24 They were not served with the technical  
25 responses, and these responses dealt with the cost

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1 benefit analysis and other matters in contention in  
2 this hearing, and Mr. Coleman has an economics back-  
3 ground and his expertise in these areas we're entitled  
4 to rely upon. That's why he was put on the list.

5 He did not receive those materials.

6 MR. MILHOLLIN: When did those materials  
7 reach Mr. Coleman?

8 MR. ONSDORFF: They have not reached Mr.  
9 Coleman yet, except there is a letter dated December  
10 8th to the Board by Mr. Wetterhahn, and it indicates  
11 nine separate transmittals that had been made to the  
12 NRC Staff, which were then being also sent to the  
13 parties on the service list.

14 I called last week and counsel indicated  
15 Mr. Coleman had not received that material, and as a  
16 result of that in this morning's mail we got one out  
17 of the nine, the July 31st material.

18 MR. MILHOLLIN: Did you receive all of those?

19 MR. ONSDORFF: Yes, we have.

20 MR. MILHOLLIN: In due course?

21 MR. ONSDORFF: Yes, in December.

22 MR. KORNBLITH: Were you aware of the fact  
23 your client had not received them?

24 MR. ONSDORFF: I was not. I wasn't there.  
25 I cannot speak for my predecessor, whether he was

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1 aware or not.

2 MR. KORNBLITH: Was Mr. Potter aware of it?

3 MR. ONSDORFF: I don't know.

4 MR. KORNBLITH: It was shown on the  
5 transmittal letter as being without enclosures to the  
6 Colemans.

7 MR. ONSDORFF: I realize that was apparent  
8 by letter, and certainly by observing that he was put  
9 on notice if he did, in fact, make that observation.

10 MR. MILHOLLIN: Mr. Wetterhahn, do you have  
11 anything further on the general question of, shall we  
12 say, the timing of this motion, or the timing of the  
13 responses to this motion?

14 MR. WETTERHAHN: As we told counsel for the  
15 Staff, we would not object to an extension for them  
16 to March 30th for reply, and we would extend the same  
17 consent to the Public Advocate for the Colemans.

18 MR. SMITH: Mr. Chairman, I'd like to make one  
19 comment with regard to Staff's scheduling and time  
20 for a response.

21 Mr. Valore seemed to indicate the Staff is  
22 not following the rules, and I would like to indicate  
23 that I don't know what time he was referring to were  
24 responses by the Staff to wait for Colemans' response  
25 to evaluate it, but under the rules for summary

1 disposition all parties have twenty days to respond,  
2 as I say, in opposition. It's silent on support.  
3 According to that rule, we would have until March  
4 26th, adding five days for mailing to respond. So,  
5 the Staff was not acting contra to our rules.

6 Generally, on motions parties have ten days  
7 and the Staff has an additional five days, and I would  
8 think the intent of that motion was to give the Staff  
9 an opportunity to look at what all the other parties  
10 are doing and then take their position. Under these  
11 rules we just don't have that option.

12 MR. MILHOLLIN: Thank you, Mr. Smith.

13 MR. ONSDORFF: Mr. Chairman, I don't mean to  
14 belabor the point, but there are other documents which  
15 apparently no one has received, and I brought these to  
16 the attention of counsel for the Staff and counsel for  
17 Public Service and was informed that these pertained  
18 primarily to Salem II.

19 As the Board is well aware, there's been a  
20 determination made there would not be a separate  
21 filing on the Salem II expansion and that the interested  
22 members of the public who were concerned about Salem  
23 II would be left to those matters being covered in  
24 the proceeding on Salem I.

25 In light of that, I feel it's certainly

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1 appropriate that all the materials dealing with Salem  
2 II also should be served upon all the parties so that  
3 those materials can be addressed as to the cumulative  
4 effects of expansion at both Salem I and Salem II,  
5 can be addressed in the Salem I proceeding. To date,  
6 I do not believe any of the parties have received  
7 materials which were exchanged between Staff and  
8 applicant pertaining to Salem II.

9 MR. MILHOLLIN: I would prefer to pursue the  
10 question for the time being of scheduling on responses  
11 to these motions and leave that question for a while.

12 It would probably be more appropriate to  
13 talk about the response date to this motion in connection  
14 with possible dates for the hearing itself and for the  
15 schedule of filing testimony.

16 The Board has to propose to the parties two  
17 weeks for purposes of discussion for the hearing  
18 itself, the week beginning April 23rd and the week  
19 being April 30th.

20 If we scheduled a hearing for either of those  
21 two weeks, that means the written testimony will be  
22 due around the 1st of April. Perhaps the first  
23 question should be whether the parties who intend to  
24 file written testimony are prepared to file written  
25 testimony by that date.

1 MR. SMITH: Mr. Chairman, did you say April  
2 1st for filing of testimony?

3 MR. MILHOLLIN: Written testimony. My  
4 question is, do the parties who intend to present  
5 written testimony think they can file it by then?

6 MR. WETTERHAHN: Speaking for the Licensee,  
7 if there are issues not disposed of by our motion for  
8 summary disposition, we would expect to file testimony  
9 very similar to the affidavits contained in there as  
10 our testimony, depending on which issues remain. Of  
11 course, our written testimony has already been  
12 submitted to the Board and parties in the form of the  
13 application, responses to questions and amendments to  
14 that application.

15 So, we don't believe that it would be  
16 onerous for us to submit testimony around the 1st of  
17 April.

18 Let me add that while the Licensee would be  
19 available both weeks, the second week starting April  
20 30th would be much more preferable.

21 MR. MILHOLLIN: Let me first ask the Staff.  
22 Since I assume no Intervenor plans to present any  
23 written testimony -- we'll investigate that assumption  
24 in a second.

25 First of all, since I'm fairly confident

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1 the Staff intends to present some testimony, I'll ask  
2 the Staff whether that date would be appropriate at  
3 this time.

4 MR. SMITH: Our primary testimony would be  
5 the exhibits, the SER and EIA and the affidavits which  
6 we plan to file with our motion for summary disposition.

7 All I can foresee is possibly some additional  
8 testimony if the Intervenors in response brought up  
9 something that we felt required additional direct  
10 testimony to address.

11 I think April 1st we could have our testimony,  
12 at least what we believe would be our case in chief,  
13 and I would also prefer the week of April 30th.

14 MR. MILHOLLIN: Is it correct that no  
15 Intervenor plans to file or present written testimony?

16 MR. VALORE: Mr. Chairman, we plan to file  
17 brief written testimony on the subject of the adequacy  
18 of consideration of alternatives, that testimony that  
19 there has not been adequate consideration, and that  
20 will be testimony of Dr. George Luchak and probably the  
21 testimony of Dr. Richard Webb.

22 Mr. Chairman, normally, the testimony is  
23 filed ten days before the hearing?

24 MR. MILHOLLIN: Fifteen.

25 MR. VALORE: So, that would take us --

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1 MR. MILHOLLIN: But the Board can set a  
2 different time, and the Board's intention would be to  
3 set it around the 1st of April.

4 MR. VALORE: For filing testimony? That will  
5 be excruciatingly tight for me. I think if I could  
6 have to around April 10th, I could make that deadline.

7 MR. MILHOLLIN: Thank you, Mr. Valore.

8 MR. ONSDORFF: Mr. Chairman, initially I  
9 would like to indicate that I'm sure everyone expected  
10 at least one attorney to have a vacation scheduled  
11 for that period, and I am that attorney. I have  
12 reservations in Florida for the week and a half starting  
13 Thursday, the 26th of April, through that following  
14 week. I don't know how much consideration I'll be  
15 given. I hope I'll be given due consideration.

16 As to the written testimony, we will be  
17 submitting written testimony on the adequacy of the  
18 alternatives and also on the safety considerations of  
19 the expanded storage in the spent fuel pools as  
20 presently designed.

21 MR. MILHOLLIN: Could you file it on April  
22 the 1st?

23 MR. ONSDORFF: Well, certainly, Mr. Chairman,  
24 that would be dependent upon whether or not I was  
25 trying to file an answer by March 30th on the motion

1 for summary disposition. I think those two tasks would  
2 have to be somewhat separated by a period of time.

3 MR. KORNBLITH: Is this going to be your  
4 own testimony?

5 MR. ONSDORFF: Not mine personally, no.  
6 We'll have factual witnesses.

7 MR. MILHOLLIN: Who will they be?

8 MR. ONSDORFF: We have a gentleman, Bant  
9 Solhem, or another representative of ASEA, Inc., a  
10 Swedish manufacturing concern.

11 MR. MILHOLLIN: Could you give us the name  
12 in words of that entity?

13 MR. ONSDORFF: Yes. It's ASEA Company, a  
14 Swedish manufacturer of materials for the disposal of  
15 spent fuel from nuclear plants.

16 MR. MILHOLLIN: So, you'll have one witness?

17 MR. ONSDORFF: We also are proposing a Mr.  
18 Robert Crockett, a Vice President of Fuel Supply from  
19 Public Service, who we would request be made available  
20 by the applicant.

21 MR. SMITH: Mr. Chairman, I would not hear the  
22 name of the first witness.

23 Could you spell that?

24 MR. ONSDORFF: Yes. Mr. Solhem's last name  
25 is spelled S-o-l-h-e-m, and the first name is Bant,

1 or another representative of his company.

2 MR. SMITH: Mr. Crockett?

3 MR. ONSDORFF: Yes.

4 MR. SMITH: From PSE&G?

5 MR. ONSDORFF: Right.

6 MR. WETTERHAHN: Mr. Chairman, may I ask a  
7 couple of questions?

8 The indicated witness is an employee of  
9 Public Service. Could I ask the type of testimony  
10 that he would seek to ask of this witness?

11 MR. ONSDORFF: Certainly. We have  
12 correspondence, which I believe Mr. Crockett was the  
13 originator of. The testimony we would elicit would  
14 deal with that correspondence. It's dated January  
15 19, 1978, to the U. S. Department of Energy, Eric S.  
16 Beckjord, Acting Director, Division of Nuclear Power  
17 Development.

18 This ties in both with safety factors and  
19 alternatives.

20 MR. WETTERHAHN: Thank you.

21 The other point was this ASEA. I'm a little  
22 bit familiar with that and I was under the impression  
23 this was a proposed method of ultimate disposal of  
24 spent fuel proposed by this Swedish firm, and I just  
25 wanted to make it clear whether Mr. Solhem is being

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1 proffered as a witness to the effect that this will be  
2 available as an alternative for interim storage for  
3 the Salem Unit I spent fuel pool enlargement?

4 MR. ONSDORFF: That's what we anticipate.  
5 His testimony will be as to the availability of this  
6 as an alternative on an interim basis to the expansion  
7 of the spent fuel pool, Salem I.

8 MR. SMITH: Mr. Chairman, the first question,  
9 did Mr. Onsdorff say this would be available April 1st,  
10 the testimony?

11 MR. ONSDORFF: Well, I would certainly make  
12 every effort to do that if that was the Board's order.

13 MR. SMITH: I have another question, and it  
14 may be premature, but I think it should be brought  
15 up.

16 My reading of the rules and summary  
17 disposition are that the party in opposition has a  
18 right to file something with or without an affidavit.  
19 But the purpose of the summary disposition is to see  
20 that there are actual facts in dispute.

21 Now, the parties are telling us they're going  
22 to file testimony, but I get the impression we're not  
23 going to have affidavits supporting their motions in  
24 opposition to the motion for summary disposition.

25 MR. ONSDORFF: I don't know where you get

1 impression. I never stated that.

2 MR. MILHOLLIN: Could you address the Chairman,  
3 please?

4 MR. ONSDORFF: Excuse me, Mr. Chairman.

5 I believe it's clear we would have affidavits  
6 in opposition. That would certainly be appropriate  
7 and we intend to file it.

8 MR. MILHOLLIN: It may be premature to take  
9 up that question at this time.

10 Suppose we agree then that April 30th is the  
11 most convenient time for the Board and everyone except  
12 perhaps one of the attorneys in this case, of which  
13 there are several, that the hearing be held that week.  
14 Then it would be possible for us to have written  
15 testimony from all witnesses filed by around the 1st  
16 of the month. It would even be possible perhaps to  
17 give Mr. Valore an extension to the 10th, since that  
18 would still leave twenty days for responses to the  
19 written -- well, for analysis of the written testimony.

20 The Board is inclined to request the parties  
21 to respond in writing to the written testimony, setting  
22 forth objections to it at a time before the hearing  
23 begins, and if we adhere to that schedule, then it  
24 would be possible for the Board to resolve the motion  
25 for summary disposition substantially in advance of

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1 the hearing date, if the Board insists on having the  
2 responses by the 30th of March.

3 So, the Board is inclined to have the  
4 responses by the 30th of March, have written testimony  
5 filed around the 1st of April, and then have a  
6 requirement that the parties object to the written  
7 testimony some time ten days thereafter, and then  
8 schedule the hearing for April 30th.

9 More specifically, the Board grants the motion  
10 for an extension by the Colemans but only until March  
11 the 30th. The Colemans will file their response to the  
12 motion for summary disposition on March 30th.

13 On April 2nd, the parties who intend to file  
14 written testimony must do so on April 2nd, except for  
15 Lower Alloways Creek, which shall have until April the  
16 10th. Then ten days after the filing of written  
17 testimony the parties must file written objections to  
18 the testimony. They must also file written objections  
19 to the qualification of witnesses, if there are such  
20 objections.

21 The parties must also file objections to the  
22 order of proof proposed, objections to any exhibits,  
23 objections to any documents, including documents seeking  
24 official notice, within ten days after April the 2nd.

25 I suppose it follows from that that when the

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1 testimony is filed, the parties filing it shall state  
2 the proposed order of proof. The parties shall list  
3 and describe all exhibits, shall list all documents,  
4 specifying those which the parties wish to have  
5 officially noticed, and the parties also make requests  
6 for stipulations concerning admissibility of any  
7 substantive matter, or any matter.

8 MR. ONSDORFF: Mr. Chairman?

9 MR. MILHOLLIN: Yes.

10 MR. ONSDORFF: I'm getting a drift that we  
11 may be having the hearing around April 30th.

12 MR. MILHOLLIN: I think that's right.

13 MR. ONSDORFF: I'm the only counsel on behalf  
14 of the Colemans. The Public Advocate does not have any  
15 other attorney assigned to this case.

16 I would also like to ask that the Lower  
17 Alloways Creek has filed its response to the motion  
18 for summary disposition and they don't have the  
19 additional burden of filing a response by March 30th.  
20 They got an extension until April 10th to file their  
21 written testimony. It seems somewhat unfair that I  
22 file my response by April 30th and my testimony by  
23 April 2nd.

24 MR. MILHOLLIN: The Board is willing to  
25 entertain the representation that it will be difficult

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1 for you to file at that time.

2 MR. ONSDORFF: I believe I already made that  
3 and I will certainly re-emphasize that.

4 MR. MILHOLLIN: You need more time to file  
5 your written testimony?

6 MR. ONSDORFF: I would prefer the additional  
7 time on the motion because the written testimony is  
8 superfluous if I lose the motion. I think that's the  
9 crucial deadline we're facing now. The testimony is  
10 not going to be heard if the motion is granted.

11 I think April 10th for the -- I'll submit  
12 the testimony March 30th, if I can submit my affidavits  
13 on the motion April 10th. I think that would be  
14 the schedule I would request.

15 MS. MACARTOR: Mr. Chairman, I think it's  
16 fairly obvious several of the parties are relying very  
17 heavily on the Public Advocate's state of work. The  
18 State of Delaware has not devoted full time to this  
19 and has limited technical capability to prepare the  
20 kind of material that the Public Advocate is preparing  
21 on behalf of the Colemans.

22 So, Delaware would like to support the  
23 request for an extension of time to answer that motion  
24 for summary judgment.

25 MR. MILHOLLIN: Very well. Let me see if I

1 understand your position.

2 Your position is that it's more difficult  
3 for you to respond to the motion for summary disposition  
4 than it is for you to prepare written testimony?

5 MR. ONSDORFF: No, Mr. Chairman.

6 My position is it's more crucial. My written  
7 testimony will not be heard by the Board if the motion  
8 is granted. The motion for summary disposition will  
9 rule out.

10 MR. MILHOLLIN: The Board is aware of that.

11 MR. ONSDORFF: So, I would rather devote my  
12 time to winning the motion so that my testimony will  
13 be heard.

14 MR. MILHOLLIN: How can you win the motion  
15 unless you have some factual allegations which would  
16 serve to contravene the assertions made by the  
17 propounder of the motion?

18 MR. ONSDORFF: To simplify the matters, why  
19 don't we make both on April 10th and then I can devote  
20 equal attention and use them both for the same purpose?  
21 They're going to intertwine, certainly.

22 MR. MILHOLLIN: It's hard for me to imagine  
23 how you could prepare one without the other.

24 MR. ONSDORFF: You're probably right. I  
25 was just responding to the fact they got an additional

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1 ten days when they already filed their answer to the  
2 motion and they can devote their full attention to the  
3 written testimony, and I was getting a different  
4 deadline and I had an additional task.

5 MR. VALORE: Mr. Chairman, since I've been  
6 pointed to --

7 MR. MILHOLLIN: Since you've been pointed to,  
8 you would like to say something?

9 MR. VALORE: I would like to say I don't  
10 think I should be penalized for complying with the  
11 rules in filing my response in time. I do have a  
12 trial problem in getting my testimony filed in that  
13 I have to start the trial on another case. That's  
14 why I said it would be very difficult for me.

15 I don't see how the Public Advocate reasons  
16 that I should be penalized in filing my response on  
17 time when I come forward and ask at the discretion of  
18 the Board to give me some time.

19 MR. MILHOLLIN: Thank you.

20 MR. ONSDORFF: I think I was referred to in  
21 that conversation, Mr. Chairman.

22 MR. MILHOLLIN: There has to be an end to  
23 this, doesn't there?

24 I think I've heard your representations,  
25 and if you give me a second, I'll think about them.

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1 MR. ONSDORFF: I certainly have no intention  
2 of penalizing Lower Alloways Creek. It's obvious we  
3 have similar interests in this proceeding. My only  
4 point is the Board made a decision granting extra time,  
5 which I'm in full agreement with the Lower Alloways  
6 Creek. I only want the same benefits since I have an  
7 additional chore than they have.

8 MR. MILHOLLIN: The Board will grant you an  
9 additional ten days to file your written testimony.  
10 So, you can file your written testimony on April the  
11 10th.

12 MR. ONSDORFF: Thank you.

13 MR. SMITH: Mr. Chairman?

14 MR. MILHOLLIN: Yes.

15 MR. SMITH: For purposes of clarification,  
16 would the Staff have until March 30th to file its  
17 response now?

18 All parties are March 30th for responses to  
19 motions for summary disposition?

20 MR. MILHOLLIN: Yes, that's right.

21 The Board also wishes to place an additional  
22 requirement on the parties. Seven days before the  
23 beginning of the hearing each party or participating  
24 State or political subdivision which wishes to conduct  
25 cross-examination shall file an outline in complete

1 detail of the points which the party intends to pursue,  
2 together with an estimate of the required time.

3 For the record, I'd like to ask the applicant  
4 first, or the Licensee, I suppose, how many witnesses  
5 the Licensee intends to present, and if the Licensee  
6 can do so, estimate the time which would be required  
7 for their testimony.

8 MR. WETTERHAHN: As I mentioned before, most  
9 of the testimony, or perhaps all of it, has already  
10 been submitted to the Board and the parties, consisting  
11 of the application. As has been customary in proceedings  
12 of this type, of course, that testimony was not written  
13 by one person but by a group of individuals. So, we  
14 propose to use a written panel approach whereby we have  
15 a lead witness, or a quarterback witness, and perhaps  
16 three or four other witnesses depending on the scope  
17 of the matters remaining at issue.

18 Mr. Liden, who's seated at the table, will be  
19 our quarterback witness. His statement of professional  
20 qualifications is already appended to our motion for  
21 summary disposition. The qualifications of Mr. Robert  
22 Douglas are also appended to that motion. I would  
23 presume he would be another one of our witnesses.

24 We would identify the remainder of our  
25 witnesses by April 3rd, is it? April 2nd.

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1 In view of the fact that our testimony is  
2 in writing, I wouldn't expect the presentation to take  
3 more than a half hour to forty-five minutes, and then  
4 the witnesses would be made available for cross-  
5 examination.

6 MR. MILHOLLIN: This is a half hour on all  
7 contentions?

8 MR. WETTERHAHN: Depending on the Board's  
9 ruling on the motion.

10 MR. MILHOLLIN: Of course.

11 MR. WETTERHAHN: There might be a few  
12 clarification questions we would like to ask of the  
13 witness, but I would say not more than an hour, one to  
14 one and a half hours, to be conservative.

15 MR. VALORE: Mr. Chairman?

16 MR. MILHOLLIN: Yes.

17 MR. VALORE: I have a question, Mr. Chairman.  
18 I may not have understood clearly what you said.  
19 You said seven days before the hearing each party  
20 seeking to cross-examine shall file an outline of the  
21 cross-examination.

22 Now, I assume that means we're to serve that  
23 also on the Licensee and the other parties to the  
24 proceeding?

25 MR. MILHOLLIN: Of course. Everyone on the

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1 MR. MILHOLLIN: Could I ask the Staff how  
2 many witnesses it intends to offer?

3 MR. SMITH: Presently, I believe we'll be  
4 offering seven witnesses on the various contentions.  
5 I'm talking about seven individuals. Several  
6 individuals may appear on two panels, but it will be a  
7 total of seven.

8 The presentation, I would say, would be in  
9 the scope of a half hour to an hour because there would  
10 be prefiled testimony.

11 MR. MILHOLLIN: The Colemans, I think, have  
12 already described their intentions. I take it you're  
13 planning to present two witnesses?

14 MR. ONSDORFF: That's correct, for the  
15 hearing which I assume will be held some time in May,  
16 Mr. Chairman. I would have my two witnesses.

17 I would hope we had fixed that April 30th  
18 date granted in light of my difficulty in being here.  
19 So, in anticipation of a hearing early in May, I would  
20 certainly have two witnesses available.

21 MR. MILHOLLIN: Mr. Valore?

22 MR. VALORE: Do I understand it will run for  
23 two weeks consecutive, the hearing?

24 MR. MILHOLLIN: No.

25 MR. VALORE: Starting April 30th?

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1 MR. MILHOLLIN: The question is how many  
2 witnesses do you intend to present?

3 MR. VALORE: I intend to present one witness  
4 at this point in time definitely, and I have not yet  
5 decided whether I would present a second, but I know  
6 I am going to present one. That would be Dr. Luchak.

7 MR. MILHOLLIN: Thank you.

8 I'd like to ask the States of New Jersey and  
9 Delaware what their intentions are, generally, with  
10 respect to their preparation?

11 MR. HLUCHAN: The State of New Jersey does  
12 not expect to present direct testimony, Mr. Chairman;  
13 however, we do reserve the right to cross-examine.

14 MR. MILHOLLIN: Do you anticipate having  
15 extensive cross-examination?

16 MR. HLUCHAN: I really couldn't say at this  
17 point, sir. I don't anticipate that it will be more  
18 extensive than anyone else's.

19 MR. MILHOLLIN: The State of Delaware?

20 MS. MACARTOR: Delaware does not plan to  
21 present a witness. A final decision on whether to  
22 present some written testimony has not yet been made,  
23 and on cross-examination we would like to reserve our  
24 rights, and I've always found it very difficult to  
25 estimate a time for cross-examination.



1 MR. MILHOLLIN: Thank you.

2 We intend to confer for a couple of minutes.  
3 We're going to take a ten-minute break for purposes  
4 of conference.

5 (A recess is called at 2:40 P.M. until 2:50  
6 P.M.)

7 MR. MILHOLLIN: Ladies and gentlemen, would  
8 this proceeding please come to order.

9 For purposes of clarification, I'll assign  
10 some specific dates to the filings which we mentioned  
11 before.

12 The written testimony for Licensee and Staff  
13 is to be filed on April 2nd. Objections to the  
14 testimony by Licensee and Staff will be filed on  
15 April 16th.

16 Written testimony by the Colemans and Lower  
17 Alloways Creek will be filed on April 10th, and  
18 objections to that testimony will be filed on April  
19 23rd.

20 On April 25th, outlines of cross-examination  
21 are due, and the hearing will begin at 9:00 A.M. on  
22 May the 2nd and may continue through Friday, May the  
23 4th.

24 I might say for the Colemans' benefit we  
25 did make a good faith effort to rearrange the schedule

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1 but were unable to.

2 MR. ONSDORFF: Thank you, Mr. Chairman.

3 MR. KORNBLITH: Could I ask the Licensee how  
4 the schedule that we've proposed fits in with the  
5 scheduled needs for the pool reracking if it's approved?

6 MR. WETTERHAHN: If our motion for summary  
7 disposition is granted, it would appear we would be  
8 able to rerack, we might be able to rerack in time  
9 prior to loading spent fuel in the fuel pool, but if a  
10 hearing is necessary, it doesn't appear that the Licensee  
11 will be able to take that preferred course.

12 MR. KORNBLITH: What is the presently  
13 scheduled refueling date?

14 MR. ONSDORFF: I can't hear. If you stood  
15 possibly --

16 MR. WETTERHAHN: I'm sorry.

17 Let me just add if the motion for summary  
18 disposition is granted, it appears that it would be  
19 possible to change the racks prior to loading the  
20 first offload of spent fuel into the racks, which would  
21 be a clean fuel pool and would be the preferable  
22 method. However, if there's a hearing, the schedule  
23 for refueling wouldn't permit it.

24 Let me give you the schedule for refueling.  
25 Unit I is scheduled to come off line and commence

1           cooldown on April 1st, and the unit would be back on  
2           line to meet the summer load. I can't give you a  
3           more definite schedule than that.

4                   MS. MACARTOR: On line to when?

5                   MR. WETTERHAHN: To meet the summer load.

6                   MR. MILHOLLIN: This courtroom must have been  
7           designed for advocates with loud, clear voices.

8                   MR. ONSDORFF: Mr. Chairman, could I address  
9           one point?

10                   In the Safety Analysis coordinated by the  
11           Staff it indicates on Page 2-5, Paragraph 2.3, that  
12           safety procedures have not been analyzed for a  
13           contaminated transfer and that additional submissions  
14           would have to be filed if, in fact, the reracking  
15           and unloading were done after the pool was contaminated.

16                   I think that raises a serious question as to  
17           the efficiency of the analysis in light of the  
18           statement by counsel that in all likelihood by the time  
19           this goes to hearing the pool will be contaminated,  
20           and there's an aspect of the Safety Analysis which  
21           has not been done on that concern, which I think is a  
22           very legitimate and real one.

23                   MR. WETTERHAHN: Let me address this. Of  
24           course, these proceedings would be committed to the  
25           Staff, but as the Board pointed out earlier, the Board

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1 does not review everything that the Staff does, and  
2 this is one of the items which is not at issue in this  
3 proceeding. It's definitely beyond the scope of any  
4 contention.

5 MR. MILHOLLIN: Which item are you referring  
6 when you say "this item"?

7 MR. WETTERHAHN: The fact there are procedures  
8 to be submitted with regard to changing the racks once  
9 spent fuel has been loaded into the spent fuel pool.  
10 That matter is clearly beyond the scope of any of the  
11 admitted contentions, and I don't think it's a matter  
12 before this Board.

13 MR. MILHOLLIN: Your position is it's not  
14 before the Board because it's not covered by any of  
15 the admitted contentions?

16 MR. WETTERHAHN: Yes, sir.

17 MR. SMITH: The Staff would also take that  
18 position, but if this Board made a decision that was  
19 favorable, allowing reracking, the Staff would not  
20 authorize reracking until those plans were submitted  
21 and reviewed.

22 MR. MILHOLLIN: Could we explore that point  
23 a step further?

24 Does your application assume that the  
25 reracking would occur in a clean pool, or does your

1 application also anticipate the possibility of having  
2 a reracking occur in a contaminated pool?

3 MR. WETTERHAHN: I don't think it really  
4 distinguishes between the two. The only difference,  
5 as I understand it, would be the fact that you would  
6 have to replace one -- it would be special procedures  
7 necessary to protect the workers changing out the  
8 racks to assure that they receive the lowest practicable  
9 dose. Other than that, the other procedures for  
10 changing the racks would not change.

11 So, there are additional procedures, but I  
12 think the application is neutral on that.

13 MR. MILHOLLIN: So, your application would  
14 comprehend changing the racks whether or not the pool  
15 was contaminated; is that what you're saying?

16 MR. WETTERHAHN: Yes, subject to the  
17 submission of these specific procedures if it should  
18 have been necessary, and if we have a hearing, it  
19 probably will be necessary to do it that way.

20 MR. MILHOLLIN: Well, if we have a hearing  
21 on the day which has been scheduled, would it certainly  
22 be necessary to do that?

23 MR. WETTERHAHN: Almost certainly, yes.

24 MR. ONSDORFF: Mr. Chairman, I would just like  
25 to be heard.

1 I believe one of the admitted contentions  
2 deals with alternatives, and we want the alternatives  
3 to be seriously addressed because I would submit that  
4 a radiation hazard to the workers would also constitute  
5 a potential for a radiation hazard to the public.

6 Of course, the alternatives, which didn't  
7 require reracking a contaminated pool, would encompass  
8 the need for safety if a reracking takes place in a  
9 contaminated pool.

10 Therefore, in order to argue that the  
11 alternatives do not incorporate a consideration for  
12 safety factors involved with reracking a contaminated  
13 pool, it's simply erroneous. Under the contention  
14 dealing with alternatives that is a substantial and  
15 legitimate concern of the public.

16 MR. MILHOLLIN: Very well. We have not yet  
17 addressed the second motion by the Colemans, which is  
18 to consolidate these two pre-hearing conferences, the  
19 one we're having this afternoon and the one this  
20 evening, and tomorrow for purposes of the order following  
21 the pre-hearing conference.

22 The Board's view of this motion is that it's  
23 unnecessary. The Board feels that it's appropriate  
24 to include a matter raised by a limited appearance in  
25 our order following this conference. The Board has the

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1 power now to do so.

2 MR. ONSDORFF: I'll assume that's as good as  
3 granted then. I won't argue it, sir.

4 Thank you. That satisfies me and my clients.

5 MR. MILHOLLIN: One of the things we are here  
6 to do today is to discuss the issues which are not in  
7 controversy in this case.

8 The Board has admitted Contentions 1 and 3  
9 of Lower Alloways Creek Township. Contention 1 asserts  
10 that the Licensee has not considered alternatives to  
11 the proposed expansion of on-site storage. More  
12 specifically, this contention asserts that the  
13 Licensee has not considered storing the fuel at another  
14 reactor site, or at Barnwell, South Carolina, or outside  
15 of the U.S.A.

16 Contention 9 by the Colemans has also been  
17 admitted, and it also refers to alternatives to  
18 expanding on-site storage. That contention refers to  
19 storage of reprocessing plants. It refers to licensing  
20 of independent spent fuel storage installations. It  
21 refers to storage at other reactor sites and restricting  
22 or ending the generation of spent fuel.

23 Since these contentions have common elements,  
24 and since the evidence on each will be similar, the  
25 Board believes they might be consolidated for the

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1 hearing. If they were consolidated, each Intervenor  
2 would still be free to develop his or her own approach  
3 to the evidence introduced on the contentions.

4 Might we consolidate these two contentions  
5 for purposes of the hearing?

6 MR. VALORE: I have no objection.

7 MR. ONSDORFF: Mr. Chairman, I would just  
8 possibly ask for a small elaboration on what the  
9 practical implications would be from your standpoint  
10 and from mine.

11 MR. MILHOLLIN: I suppose the practical  
12 implications would be when the evidence from the Staff  
13 and the applicant comes in, the direct evidence can  
14 address both contentions at once.

15 MR. ONSDORFF: I have no objection to that.

16 MR. WETTERHAHN: We have no objection either.

17 MR. MILHOLLIN: Very well. We've already  
18 discussed the Board's desire for the parties to work  
19 together to stipulate matters such as admissibility of  
20 evidence, qualification of witnesses, and so forth.  
21 The Board expects the parties to work together before  
22 the hearing to arrive at stipulations on these matters.

23 As the Board was reviewing the papers, it  
24 occurred to us that it might be possible to come to  
25 an agreement on Contention 3 of Lower Alloways Creek



1 Township. Contention 3 refers to the possibility that  
2 fuel not generated at Salem I will be stored at Salem  
3 I.

4 Could the parties enlighten the Board why  
5 it is you haven't been able to reach a settlement  
6 on this point? It seems to us with small additional  
7 effort you could reach an agreement on this point.

8 MR. VALORE: Mr. Chairman, I'm appreciative  
9 that the Board hasn't had an opportunity to review  
10 my answer to the motion for summary judgment because  
11 it's just recently been filed, but I raised that very  
12 point in the answer, in the sense that the problem of  
13 a genuine --

14 MR. MILHOLLIN: Mr. Valore, I do have a  
15 copy of it. I just received it when I arrived here  
16 today.

17 MR. VALORE: At the very end is raised the  
18 fact that a genuine issue of fact can be removed from  
19 these proceedings if the Licensee is willing to have an  
20 order entered that under no circumstances will there  
21 be any trans-shipments. I think that would be a  
22 perfectly satisfactory solution from Lower Alloways  
23 Creek's viewpoint.

24 MR. SMITH: Mr. Chairman, can I address that  
25 remark?

1 MR. MILHOLLIN: Yes, you may.

2 MR. SMITH: I agree with Mr. Valore that we  
3 could work out a way of eliminating this contention.  
4 As I previously stated, the Staff's position, regardless  
5 of the intentions of the applicant, which I'm sure are  
6 truthfully stated, and we feel if their intentions  
7 down the line would change, they would have to come to  
8 us to get approval for this, and this would be a  
9 license and the appropriate review of the concerns by  
10 the Township would be addressed.

11 As I understood the concerns in the original  
12 contention, it was that you would transfer the stuff,  
13 and we haven't considered the accounts involved in  
14 the trans-shipment. If we could maybe work out an  
15 agreement that the Licensee agrees that this is a  
16 safety question and would require submission to the  
17 NRC and amendment to their license, this would at least  
18 present a situation where it can be reviewed.

19 I can't state now whether this raised the  
20 level of significant hazards, and we have a pre-notice,  
21 but at least we would be talking about something that  
22 could not be done without permission of the NRC.

23 MR. VALORE: That would be totally  
24 unsatisfactory to us because that would, in effect,  
25 eliminate our contention and still give the Licensee

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1 the option at some later date to take advantage of a  
2 provision for making transfers between storage pools.

3 Now, the Licensee in this case has said that  
4 their affidavit, or in their moving papers, I should  
5 say, that they have no intention of storing fuel rods  
6 from Salem I at Salem II, or of storing fuel rods from  
7 other reactors. They've indicated they have no plans.

8 I frankly considered making our own motion  
9 for summary judgment on our contention based on their  
10 moving papers, in the sense we should have summary  
11 judgment granted and an order entered that under no  
12 circumstances will there be an independent spent fuel  
13 storage facility or trans-shipments on Artificial  
14 Island.

15 I am perfectly agreeable to that kind of an  
16 order. If the Licensee is willing to agree to that,  
17 it would be an area where the Township and the Licensee  
18 would finally have had a meeting of the minds.

19 MR. MILHOLLIN: May I ask you a question about  
20 that?

21 MR. VALORE: Yes, sir.

22 MR. MILHOLLIN: How would you feel about an  
23 agreement to the effect that the Licensee would be  
24 required to get additional authorization from the  
25 NRC?

1 That's not adequate, in your view?

2 MR. VALORE: No, it's not, sir, because then  
3 we always have, not to be literary about the thing,  
4 the sort of -- we've got nothing.

5 We now have a proceeding. We raised a  
6 contention at an appropriate time. We have a decision  
7 here, the first incremental decision that may be made,  
8 dense racking at two nuclear plants, and there is real  
9 concern about where this is going to lead to.

10 This would be the appropriate time to have an  
11 order entered that would tell the people of the  
12 Township it's not going to lead to you becoming an  
13 independent spent fuel storage facility.

14 I might say parenthetically, not to cloud  
15 this issue, that I have been working on amended  
16 contentions. That I am filing a motion and making  
17 amended contentions, and that one of those amended  
18 contentions will be that the environmental effects of  
19 this type of procedure taking place have not been  
20 adequately considered.

21 Now, I am aware there's certain ALAB law that  
22 the Atomic Safety Licensing Board does not have to  
23 consider that in a reracking provision. You don't have  
24 to consider the fact that the cumulative effect may be  
25 that there will be an independent spent fuel storage

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1 facility or trans-shipments. But I still wanted to  
2 assert that as a contention because they're circum-  
3 stances that I think are peculiar to Artificial Island.

4 MR. MILHOLLIN: Thank you. Mr. Wetterhahn?

5 MR. WETTERHAHN: I think our motion for  
6 summary disposition is clear on the matter. We have  
7 not asked for permission --

8 MR. MILHOLLIN: Mr. Wetterhahn, if you could  
9 stand, perhaps people could hear better.

10 MR. WETTERHAHN: We have not requested in  
11 this application permission to transfer fuel from one  
12 unit to another; that's not part of the application.

13 The statement is contained on Page 28 of the  
14 argument that PSE&G has never considered nor has it any --

15 MR. MILHOLLIN: The Board is aware of that.

16 MR. WETTERHAHN: We would simply stand on  
17 that.

18 MR. MILHOLLIN: You would not be willing to  
19 enter into a stipulation to the effect you do not have  
20 any plans to transfer or would not transfer ever?  
21 You're not willing to do that?

22 MR. WETTERHAHN: I couldn't do that now, here  
23 and now, no. But we, of course, concede that this  
24 proceeding would not give us permission to transfer  
25 fuel from one unit to another.

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1 MR. MILHOLLIN: Very well. It does not  
2 appear that possibilities exist for reaching agreement.  
3 I would encourage the parties, however, to communicate  
4 with each other further on the subject before the  
5 hearing.

6 I have one last remark to make on this.  
7 Under the present regulations, as I understand them,  
8 if the Licensee decided that it wanted to ship fuel  
9 from one pool to another, it would be required to get  
10 a permit from NRC to do that. This proceeding does  
11 not authorize the Licensee to make shipments from one  
12 fuel pool to another.

13 The authorization coming from the NRC can be  
14 with or without a hearing, as I understand the  
15 regulations. Is this not right, Mr. Smith?

16 MR. SMITH: Yes, if there's no request.

17 MR. MILHOLLIN: A possible middle ground for  
18 compromise might be, and I'll throw it out to the  
19 parties to consider, a promise by the Licensee to go  
20 through a hearing if the Licensee did desire to ship  
21 from one spent fuel pool to another.

22 Under the present rules, the Licensee is not  
23 required to have a hearing. The Staff of the NRC  
24 decides pretty much whether a hearing shall be proposed.

25 Isn't that right, Mr. Smith?

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1 MR. SMITH: We do have that discretion.

2 MR. MILHOLLIN: The NRC Staff has that  
3 discretion. So, a possible middle ground could be  
4 a promise by the Licensee to go through a hearing in  
5 the event the Licensee did desire to ship from one  
6 installation to another.

7 Is there any other issue which any party  
8 wishes to raise at this time before we talk about the  
9 visit to the site?

10 MR. WETTERHAHN: Did I see Alloways Township  
11 conferring? Perhaps we can reach an agreement after  
12 this session of the hearing.

13 MR. VALORE: I don't think we can. We weren't  
14 conferring about that.

15 Mr. Chairman, I don't mean to say that we  
16 wouldn't consider what you've suggested and that we  
17 won't discuss it. Our conference was on another  
18 subject matter.

19 MR. WETTERHAHN: Let me just make a statement  
20 before we finish up the last subject.

21 Since the transfer of fuel from one reactor  
22 to another is of such a remote possibility, I believe  
23 the Licensee could agree to making available a copy of  
24 any application to the NRC or to Alloways Creek  
25 Township as it was filed by the NRC, and then if a

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1 hearing is necessary, as determined by Lower Alloways  
2 Creek Township, we would consent to such a hearing.

3 MR. MILHOLLIN: So, you are saying now you  
4 would consent to a hearing if Lower Alloways Creek  
5 decided a hearing would be appropriate?

6 MR. WETTERHAHN: Yes, sir. We're trying to  
7 cooperate with Lower Alloways Township, yes.

8 MR. ONSDORFF: Mr. Chairman, in response to  
9 your request for additional issues, I mentioned before  
10 that the Colemans hadn't received a portion of the  
11 material.

12 MR. MILHOLLIN: Excuse me. Did you say had  
13 not received?

14 MR. ONSDORFF: Had not received material on  
15 Salem I. I don't believe anyone has received technical  
16 submissions referring to Salem II.

17 MR. MILHOLLIN: By material on Salem I, what  
18 do you mean?

19 MR. ONSDORFF: The material that was filed  
20 by the applicant in response to questions from the NRC  
21 Staff.

22 We had this discussion earlier. The Colemans  
23 hadn't received it.

24 MR. MILHOLLIN: Very well. There has been  
25 an agreement to furnish that, has there not?

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1 MR. WETTERHAHN: Yes, we will furnish it  
2 as soon as we can get back to Newark.

3 MR. ONSDORFF: That's what I wanted to get  
4 straight, as to when we would hope to receive the  
5 material.

6 Does that also include the material on Salem  
7 II since this is going to be our only opportunity to  
8 consider Salem II? I consider that to be indispensable  
9 to our preparation.

10 MR. KORNBLITH: Can I ask a question? Why  
11 is it that instead of standing here and telling us  
12 that your client still haven't gotten this material  
13 that you haven't supplied it to them?

14 MR. ONSDORFF: Sir, on Salem II --

15 MR. KORNBLITH: I'm talking about Salem I  
16 material.

17 MR. ONSDORFF: Sir, there was an order entered  
18 by the Board that they would be added to the service  
19 list. Based upon that, they were entitled to the  
20 material, and we have had a budget constraint, and the  
21 taxpayers of the State can pay for that filing, or  
22 if the Board enters an order, then the obligation is  
23 upon the applicant to supply it pursuant to the Board's  
24 order.

25 MR. KORNBLITH: I understand that. On the

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1 other hand, you say the applicants, or the Colemans,  
2 need this in order to carry out their part of the  
3 preparation of the case. Why haven't you just taken it  
4 and handed it to them?

5 MR. ONSDORFF: Sir, I was using it and I  
6 couldn't split it up. Then I would be deprived of its  
7 use.

8 MR. MILHOLLIN: The State of New Jersey doesn't  
9 have a Xerox machine?

10 MR. ONSDORFF: It does, sir. That was my  
11 point. If that was what the Board wished, it wouldn't  
12 have entered the order saying the Colemans should  
13 receive it directly. I'm entitled to rely upon the  
14 orders of this Board.

15 MR. KORNBLITH: I was not on the Board at  
16 the time that order was issued, but I'm sure that the  
17 intention of it was to make things as convenient as  
18 possible for your clients and not because the Board  
19 felt that they were otherwise being deprived of their  
20 rights.

21 Am I correct, Mr. Chairman?

22 MR. MILHOLLIN: Yes. The Board entered the  
23 order because the Board wanted to increase the  
24 possibility that the Colemans would get documents rapidly  
25 rather than waiting for the documents to be sent to

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1 their counsel and then having them transmitted to the  
2 Colemans. The Board made an exception in this case  
3 and provided the Colemans would get documents directly.  
4 Normally, documents are only sent to attorneys, and the  
5 expectation is that the attorney will furnish his  
6 client with a copy of the relevant documents. Apparently,  
7 that did not happen in this case.

8 MR. ONSDORFF: I appreciate this, Mr.  
9 Chairman. We've all reached agreement to the Salem I  
10 documents. I don't want to belabor that point. I only  
11 raised it in the context to the fact that no one, to  
12 my knowledge, has received materials pertaining to  
13 Salem II.

14 MR. KORNBLITH: What is the relevance of  
15 that to this case?

16 MR. ONSDORFF: We have the admitted  
17 Contention 13 dealing with the cumulative consequences  
18 of the expansion at both facilities. There's not  
19 going to be any hearing on the expansion of Salem II  
20 outside the parameters of this present proceeding.

21 MR. MILHOLLIN: Have you requested documents  
22 from the Licensee or the Staff which relate to Salem  
23 II?

24 MR. ONSDORFF: My first knowledge of the  
25 Salem II situation was before this hearing today,

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1 when in discussing with the Staff and the counsel for  
2 Public Service they explained that the documents which  
3 I had just gotten last night at the Public Reading  
4 Room, those that I could afford to pay for out of my  
5 own pocket, the copies of, they verified those were  
6 dealing solely with Salem II.

7 Now, from looking at the cover of the  
8 document they have the docket for Salem I and Salem II,  
9 and they're not very precise as to what they pertain  
10 to. But on their representations that they pertain  
11 solely to Salem II, I accepted that and would just like  
12 to have the opportunity to have those served upon all  
13 the parties to this proceeding.

14 MR. MILHOLLIN: When your contention was  
15 admitted which referred to cumulative effects, wouldn't  
16 that entitle you to ask for any documents relevant to  
17 cumulative effects by discovery, which you could have  
18 done long ago?

19 MR. ONSDORFF: Well, I assumed in light of  
20 the Code of Federal Regulations prohibiting ex parte  
21 contacts that this type of communication would  
22 routinely be served upon all the parties, as in fact was  
23 done with Salem I. The materials were filed initially  
24 with the NRC Staff, at which time counsel for Public  
25 Service then distributed them to the parties.

1 My only point is that that shouldn't be  
2 separated on the basis of Salem I as opposed to Salem  
3 II, also.

4 MR. MILHOLLIN: What point are you making with  
5 respect to these documents?

6 MR. ONSDORFF: I would just like them to be  
7 provided; that's all.

8 MR. MILHOLLIN: You requested the documents?

9 MR. ONSDORFF: I have.

10 MR. MILHOLLIN: Very well. Thank you.

11 MR. WETTERHAHN: Let me state our position.

12 Taking a quick look at Contention 13, the  
13 specific amendment which he requested is referenced  
14 in the contention itself. So, obviously, it indicates  
15 that the Public Advocate's office or at least the  
16 Colemans, had access to that amendment prior to filing  
17 the contention.

18 MR. MILHOLLIN: By amendment, you mean what,  
19 sir?

20 MR. WETTERHAHN: Amendment Number 42, which  
21 is the amendment for Salem Unit II, which the Public  
22 Advocate has referenced. It's referenced in Contention  
23 13 itself.

24 So, I don't think this is an issue at all.

25 MR. KORNBLITH: Is this Amendment 42 the

1 only piece of paper that's in question?

2 MR. WETTERHAHN: I believe so, yes. Of course,  
3 there are other amendments not dealing with the Salem  
4 Unit II fuel pool that have been submitted as far as  
5 that case is concerned, but I think that's the only  
6 one at issue right here.

7 MR. KORNBLITH: Could you give him a copy of  
8 it?

9 MR. WETTERHAHN: We will send him a copy,  
10 yes.

11 MR. ONSDORFF: Is it my understanding that  
12 for Salem II the only information pertaining to that  
13 application is the application itself?

14 MR. WETTERHAHN: I believe it's only  
15 Amendment 42. We'll check that out.

16 Let me say one thing: Unit I and Unit II,  
17 as far as the fuel pools are concerned, are identical.  
18 What was proposed for Unit I has been proposed for  
19 Unit II. So, if there are cumulative effects on the  
20 adding effects of I and II, it's merely looking at  
21 twice the effects of Unit I.

22 So, I don't understand what the need to look  
23 at Amendment 42 is. It provides the same information  
24 as provided to II and already received by the Public  
25 Advocate.

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1 MR. KORNBLITH: It sounds like this is what  
2 you need, isn't it?

3 MR. ONSDORFF: If these documents are as they  
4 say, certainly we should have these, and we can make  
5 our own conclusions. That's all I'm asking.

6 I want to use my own devices to review this  
7 material.

8 MR. KORNBLITH: Why don't you go down to the  
9 Public Document Room and look at them? Aren't they  
10 available there?

11 MR. ONSDORFF: Sir, the only document room  
12 is rather in a state of disorganization, as I described  
13 it. When I was there last night files were all over  
14 the tables. Apparently, some representative of the  
15 Government, I was informed by the librarian there, had  
16 come there that very day to try to bring some sort of  
17 an order, and there's also materials from Hope Creek  
18 I and II; besides the fact it's eight miles away from  
19 where I do business. It's not in such a fashion it  
20 could be readily used as a resource area, particularly  
21 when we're involved in an adjudicatory hearing.

22 I'm entitled to have those materials served  
23 upon me.

24 MR. KORNBLITH: What information do you need  
25 about their plans for Unit II beyond the fact that

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1 they say they're going to do the same thing at Unit II  
2 as they're doing at Unit I?

3 MR. ONSDORFF: Until I see the documents,  
4 I would be hard pressed to speculate on that very  
5 issue. I don't know what those documents contain.  
6 There may very well be relevant material in there.  
7 I just want to look at them.

8 MR. WETTERHAHN: We will stipulate to the  
9 fact that the changes being made in the reracking are  
10 identical for Unit II as they are for Unit I.

11 MR. MILHOLLIN: Do we have a real disagreement  
12 here? We don't, do we?

13 MR. WETTERHAHN: I don't think so.

14 MR. ONSDORFF: I never thought so.

15 MR. MILHOLLIN: Well, fine, that's excellent.  
16 Could we now discuss the site visits?

17 The Board would like to visit the site and,  
18 of course, the parties are invited to participate in  
19 the site visit. It remains to schedule a time which  
20 would be convenient. I suggest we do it on a Saturday  
21 morning following the hearing.

22 That, I suppose, takes some additional  
23 commitments by perhaps some people since that's a  
24 weekend.

25 MR. ONSDORFF: Mr. Chairman, my understanding



1 was that the order setting up this was we were going to  
2 be making a site inspection either today or tomorrow.  
3 Is there any reason why that has been changed?

4 MR. MILHOLLIN: Well, let me say that  
5 perhaps the order was subject to being misinterpreted  
6 on that subject.

7 MR. ONSDORFF: Apparently so.

8 Would there be any objection of going now?  
9 We might observe something that might be useful at the  
10 hearing rather than after the hearing.

11 MR. MILHOLLIN: When you say now --

12 MR. ONSDORFF: I mean either today or  
13 tomorrow.

14 MR. MILHOLLIN: This evening the Board, as  
15 you may well know, will be entertaining limited  
16 appearances from members of the public, and also  
17 tomorrow.

18 I realize that the Board is going to be busy  
19 tomorrow and this evening.

20 MR. ONSDORFF: I intend to attend those  
21 sessions, too, Mr. Chairman. I just thought we were  
22 going to possibly do this after the session tomorrow  
23 morning.

24 MR. MILHOLLIN: No. The intention of the  
25 Board was to discuss the schedule for making a site

1 visit at some future time.

2 MR. ONSDORFF: Is there a particular problem?  
3 I don't know how much time is budgeted for tomorrow  
4 morning. If we have most of the people speaking tonight,  
5 there might be only one or two people tomorrow morning,  
6 and we may have free time, if you will, from what was  
7 anticipated for tomorrow morning's session.

8 MR. MILHOLLIN: The Board has no way of  
9 knowing how many people will appear this evening and  
10 how many will appear tomorrow.

11 MR. ONSDORFF: This is true. I was wondering  
12 whether it's an option we can consider.

13 MR. MILHOLLIN: We might consider it.

14 MR. VALORE: Mr. Chairman, perhaps you could  
15 have a site visit the morning of the hearing, say, like an  
16 8 A.M. site visit.

17 MR. MILHOLLIN: Perhaps we should start by  
18 asking the Licensee what's involved in a site visit so  
19 we know what we're talking about.

20 MR. WETTERHAHN: We certainly will accommodate  
21 the Board in a site visit. We would like, for reasons  
22 of security processing, and the fact that in order to  
23 tour the fuel handling area, which I believe is the  
24 Board's area of interest, a clean suit and special  
25 boots would be required to be worn. So, we would

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1 propose to keep the party, tour group, as small as  
2 possible. We would propose that there be one and at  
3 most two representatives from each party in addition  
4 to the Board.

5 We would estimate that a tour, which would  
6 include a general orientation of where the various  
7 structures were and a view of spent fuel pool, would  
8 take approximately two hours including travel from the  
9 Court House and back.

10 Due to the possible misinterpretation of the  
11 Board's order, we have the option open, if there's  
12 time permitting, of having such tour tomorrow. We  
13 offer that to the Board if time does permit.

14 Of course, we would, if the Board desires  
15 to see any other portion of the facility, depending  
16 on the status of the operations, be glad to try to  
17 accommodate them as the status of the plant permits  
18 it.

19 MR. MILHOLLIN: Would Saturday be a  
20 convenient day?

21 MR. WETTERHAHN: It could be arranged without  
22 problem.

23 MR. MILHOLLIN: After conferring, we've  
24 decided that we wouldn't take a position on the  
25 subject. If we finish early enough tomorrow to

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1 accomplish the visit tomorrow, we'll have the site  
2 visit then. If we don't, then tomorrow at an  
3 appropriate time we'll reschedule it for another time  
4 when we come for the hearing, if there is a hearing.

5 Are there any further matters that any party  
6 would like to discuss at this time?

7 MR. VALORE: Mr. Chairman, the hearing has  
8 been referred to and I assume the hearing is going to  
9 take place here in Salem, but it hasn't been indicated  
10 where the hearing is going to take place.

11 MR. MILHOLLIN: Are you asking a question?

12 MR. VALORE: Yes. Where is the hearing going  
13 to take place?

14 MR. MILHOLLIN: The hearing will take place  
15 in Salem at a location which will be obtained by the  
16 people at NRC responsible for obtaining space for  
17 hearings.

18 I can't predict the location of it now because  
19 it will depend what space is available.

20 Any other matters which any party would like  
21 to bring up?

22 MR. WETTERHAHN: I have one matter of  
23 clarification with regard to evidence.

24 There's one document in this proceeding,  
25 an Exxon document which is designated proprietary,

1 and an affidavit to that effect was submitted to the  
2 NRC Staff on January 24, 1979, and it was transmitted  
3 to the Board on January 24, 1979.

4 We also stated in response to a discovery  
5 request by the Public Advocate that we would make  
6 this document available to them once they sign the  
7 form of undertaking attached to a protective order  
8 issued by the Board.

9 On three occasions, twice by telephone and  
10 once in this letter, I brought this matter to the  
11 attention of the Board and parties. No party,  
12 particularly counsel for the Colemans, or the Colemans  
13 have indicated any desire to see this document. It  
14 may form part of the applicant's evidence depending on  
15 the ruling for the motion for summary disposition,  
16 but I think there would have to be special procedures  
17 for receipt of that document should that become  
18 necessary.

19 At this time, I wish to inquire of the Board  
20 whether they wish to examine copies of this document?

21 MR. MILHOLLIN: Whether the Board wishes to  
22 examine copies of it?

23 MR. WETTERHAHN: Yes.

24 MR. KORNBLITH: This document will form the  
25 basis for a portion of your case?

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1 MR. WETTERHAHN: Our motion for summary  
2 disposition stands upon independent affidavit, but  
3 depending on the ruling of the motion, if the details  
4 of the various tests involved were to be at issue,  
5 we would seek to introduce this and probably request  
6 an in-camera session or take other action to protect  
7 the document.

8 MR. MILHOLLIN: Is the material contained in  
9 the document relevant to any contention before the  
10 Board?

11 MR. WETTERHAHN: It possibly might, yes.  
12 It was indicated as it possibly might be related in  
13 response to a discovery request of the Public Advocate.

14 When we received the order of the Board  
15 issuing the protective order, I called Mr. Potter,  
16 Mr. Onsdorff's predecessor, with regard to working out  
17 procedures to get this to the Public Advocate. Mr.  
18 Potter never returned my call, but approximately one  
19 week later I spoke to Miss Sandra Ayres, then co-  
20 counsel, and indicated that as soon as the form of  
21 undertaking, which was an attachment to the protective  
22 order, was returned to us, we would make that available  
23 to counsel for the Colemans and to any consultant that  
24 also returned that form of undertaking. But from the  
25 lack of any response, I guess there's an indication

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1 of no interest from the Public Advocate at this time.

2 MR. ONSDORFF: Speaking for the Public  
3 Advocate, I believe that would not be correct. The  
4 absence of the undertaking possibly could have been a  
5 misunderstanding as to exactly what was required.  
6 I know the order indicated, I believe, Mr. Potter and  
7 Sandra Ayres were always recognized within the scope  
8 of the protective order whatever understanding or  
9 misunderstanding may have transpired prior to my  
10 assuming representation of the Colemans in this case.

11 I would certainly execute that form of  
12 undertaking in order that I might obtain that document  
13 and determine whether or not it would be relevant to  
14 any of our contentions. I would certainly do so before  
15 the end of the day.

16 MR. MILHOLLIN: Well, would you suggest  
17 a procedure for letting us know whether it would be  
18 necessary to schedule a special procedure for entertaining  
19 the document?

20 MR. ONSDORFF: Yes. I would certainly notify  
21 the Board if I felt evidence contained in that would  
22 be relevant to the contentions.

23 MR. MILHOLLIN: Would you and Mr. Wetterhahn  
24 work that out between yourselves?

25 MR. ONSDORFF: Yes.

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1 MR. WETTERHAHN: I don't have a copy  
2 personally here myself, but as soon as we get the  
3 paper work through, I'll make sure it's sent out  
4 immediately.

5 MR. MILHOLLIN: Well, if the Public Advocate  
6 thinks it's going to be a subject discussed in the  
7 hearing, then perhaps you could propose a procedure to  
8 us for --

9 MR. WETTERHAHN: I don't want to go on  
10 formality. If Mr. Onsdorff agrees to the form of  
11 undertaking -- I see he's read it.

12 If you agree to that form of undertaking,  
13 we'll forward it promptly. I'll try to call up Public  
14 Service and have it forwarded today, if that's  
15 acceptable.

16 Would you agree on the record?

17 MR. ONSDORFF: Of course. I think Mr.  
18 Chairman's question was directed to what type of  
19 hearing procedure we would require, which you and I  
20 could certainly discuss, also.

21 MR. WETTERHAHN: Fine. This is not unheard  
22 of in NRC proceedings.

23 MR. MILHOLLIN: It may be useful to discuss  
24 one last item for today.

25 MR. KORNBLITH: Mr. Chairman, before we get

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1 to that, the question has not been resolved whether the  
2 Board wants to see this document.

3 MR. MILHOLLIN: You're right.

4 Since the Public Advocate thinks it may be  
5 relevant, then the Board would like to request the  
6 document.

7 MR. WETTERHAHN: Certainly.

8 MR. MILHOLLIN: The last item to which I  
9 referred was the response by the Township of Lower  
10 Alloways Creek to the motion of summary disposition.

11 Before leaving my home to come here I had not  
12 received this response, but I now have it. The Board  
13 has looked at it. It might be useful for the Board to  
14 hear responses to this response on the record, since  
15 we have perhaps a short time for that today.

16 Would any party care to respond to that  
17 briefly today on the record?

18 MR. SMITH: Mr. Chairman, the Staff has not  
19 received that. I became aware of it when I came into  
20 the Court House and took a brief look at it. I don't  
21 know if I can respond to it intelligently, at least  
22 not until tomorrow.

23 MR. VALORE: Mr. Chairman, if I might, I  
24 don't want to inflict my problems on the Board because  
25 I know they have their own problems, but I'm in the

1 court-ordered deposition in the State of Florida. As  
2 I indicated to you in my letter, I flew up this  
3 morning, and I've got a 5:20 flight back, and I'm  
4 going to have some rush hour traffic.

5 I've been sitting here and I notice we are  
6 grinding to a close, but we got into argument on this.  
7 I don't know how I'm going to get back to Florida.

8 So, I would ask, especially since the Staff  
9 has indicated that they haven't had the opportunity,  
10 that that be deferred until the normal course of  
11 events.

12 MR. MILHOLLIN: Well, normally, responses are  
13 not entertained to responses, but it occurred to the  
14 Board it might be useful to have such responses, if  
15 any party could make a brief one.

16 Mr. Wetterhahn, Would you care to make a  
17 brief response?

18 MR. WETTERHAHN: May I be seated for this?

19 I have some documents with regard to this  
20 motion. I'll try to speak up.

21 Our basic position is that there are not  
22 sufficient facts in this reply to our motion for  
23 summary disposition to prevent the granting of the  
24 motion. They're generalities submitted, and two  
25 general statements of alternative material facts as

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1 to which there are genuine issues to be heard.

2 For its part the Licensee submitted a detailed  
3 number of factual matters contained as an appendix  
4 to its basic motion, none of which I see rebutted  
5 here specifically.

6 And considering the NRC rules on motions for  
7 summary disposition and the decisions I think the Board  
8 would be constrained to grant the motion in the face of  
9 this reply. Let me address some of the basic issues  
10 and the position of the Licensee in this regard.

11 On Page 1, under Item 2, Lower Alloways Creek  
12 says, "Consideration of alternatives to the proposed  
13 expansion should be the responsibility of the Licensee."

14 The Licensee feels that it has examined  
15 alternatives to proposed action to the extent reasonably  
16 necessary. The basic fact in our motion is that the  
17 environmental impact of reracking the spent fuel pool  
18 is negligible. Even so, alternatives have been looked  
19 at by both the applicant, as detailed in its motion,  
20 and by the Staff in its Environmental Impact Assessment.

21 Also, the mere statement that it's inadequate  
22 is not enough to counter those specific considerations  
23 of alternatives. Contrary to the assertion, the scope  
24 of alternatives was not merely limited to storage at  
25 another reactor site or outside the United States or

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1 at Barnwell. We did consider systematically storage  
2 at former reprocessing facilities and even the  
3 possibility of establishing an independent spent fuel  
4 repository.

5 There are time constraints which are not  
6 recognized here. The fuel pool would be filled in  
7 another three years if reracking were not permitted.  
8 Therefore, alternatives which would take more than  
9 three or four years to bring to fruition are really not  
10 viable and need not be considered.

11 The assertion is made that they should be  
12 required to demonstrate that it is unable to obtain a  
13 site and unable to construct a facility for storage of  
14 spent fuel.

15 MR. MILHOLLIN: Excuse me, Mr. Wetterhahn.  
16 I think you have made a number of these points in your  
17 motion, have you not?

18 MR. WETTERHAHN: We have, yes.

19 MR. MILHOLLIN: I was assuming you might have  
20 something to say in addition to those points with  
21 respect to this.

22 I tried to be as polite in phrasing that.

23 MR. WETTERHAHN: I'm a little confused by  
24 one reference to 42 U. S. Code, Section 5877, which  
25 is cited for the proposition that the NRC may not have

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1 jurisdiction to permit the reracking. As I read this  
2 section, it only applies to reports to Congress and  
3 the President. One of the issues is ultimate storage  
4 of spent fuel, but I don't see where this either grants  
5 nor diminishes the NRC's jurisdiction to permit  
6 reracking.

7 I don't think on Page 3 there's any basis for  
8 the statement that we hold out the Prairie Island  
9 case as stating that no contentions regarding  
10 environmental consequences can be admitted. I think  
11 the Prairie Island case speaks for itself. It only  
12 addresses the fact that licensing boards may not  
13 ultimately consider spent fuel storage.

14 I consider the NRDC case before the Court  
15 of Appeals, the District of Columbia, to be inapposite.  
16 First of all, it related to consideration of the fuel  
17 cycle in operating license hearings. I don't think  
18 it has any applicability to this case where an operating  
19 license has been issued.

20 Again, the decision was completely, as  
21 admitted here, overturned by the Supreme Court. I  
22 really don't think it can be cited here.

23 Other than these general observations, I  
24 don't see anything that's not completely addressed in  
25 our motion for summary disposition.

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1 MR. MILHOLLIN: Is there any other matter  
2 which any party would like to discuss at this time?

3 (No response.)

4 MR. WETTERHAHN: Sir, the time for convening  
5 the hearing tomorrow, will that be 9 or 9:30?

6 MR. MILHOLLIN: The time for the entertaining  
7 of limited appearances by members of the public is  
8 changed from 9 o'clock in the morning to 9:30 in the  
9 morning, for limited appearances, for members of the  
10 public.

11 The hearing is then adjourned.

12 (The hearing is adjourned at 3:50 P.M., to  
13 be reconvened at 7:00 P.M.)

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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of: : DOCKET NO. 50-272  
PUBLIC SERVICE ELECTRIC : : (Proposed Issuance  
& GAS COMPANY, et al. : : of Amendment to  
(Salem Nuclear Generator : : Facility Operating  
Station, Unit I) : : License No. DPR-70)

LIMITED APPEARANCES

Salem Chamber of Commerce Building  
Salem, New Jersey

Thursday, March 15, 1979  
7:00 P.M.

BEFORE:

GARY MILHOLLIN, CHAIRMAN

JAMES C. LAMB

LESTER KORNBLITH

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1  
2 APPEARANCES:

3 CONNER, MOORE & CORBER  
4 By: MARK J. WETTERHAHN, ESQ.  
5 1747 Pennsylvania Avenue, N.W.  
6 Washington, D.C. 20006  
7 Attorneys for Public Service Electric &  
8 Gas Company.

9 BARRY SMITH, ESQ.  
10 JANICE MOORE, ESQ.  
11 GARY ZECH, ESQ.  
12 Office of the Executive Legal Director  
13 United States Nuclear Regulatory Commission  
14 Washington, D.C. 20555

15 KEITH A. ONSDORFF, ESQ.  
16 Deputy Attorney General  
17 520 East State Street  
18 Trenton, New Jersey 08608  
19 Attorney for Intervenors Eleanor and Alfred  
20 Coleman.

21 RICHARD M. HLUCHAN, ESQ.  
22 Deputy Attorney General  
23 State House Annex  
24 Trenton, New Jersey 08625  
25 Attorney for the State of New Jersey.

JUNE D. MACARTOR, ESQ.  
Deputy Attorney General  
Tatnall Building  
Dover, Delaware 19901  
Attorney for the State of Delaware.



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MR. MILHOLLIN: Good evening, ladies and gentlemen.

My name is Gary Milhollin. With me on my right is Dr. James Lamb, and on my left is Mr. Lester Kornblith.

We are an Atomic Safety and Licensing Board designated by the Nuclear Regulatory Commission to conduct a proceeding in the application by Public Service Electric & Gas Company to expand the spent fuel storage capability Unit I at the Salem Nuclear Generating Station.

Mr. Kornblith replaces Mr. Glen Bright on this Board. Mr. Bright was forced to remove himself from the Board because of an illness in his family.

We called this Special Hearing Conference in response to a motion filed by Alfred and Eleanor Coleman of Pennsville, New Jersey. This conference was originally scheduled for February 22nd and 23rd, but we postponed it because of the heavy snowfall which occurred during that week.

The purpose of this meeting tonight is to entertain statements from members of the public. We are holding the session in the evening in order to give people who cannot appear during normal working hours an opportunity to participate.

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1 We will also meet tomorrow morning in this  
2 same room at 9:30 A.M. to continue hearing statements  
3 from members of the public. The session tomorrow  
4 morning will be simply a continuation of this one.

5 I will, first of all, state briefly the  
6 background of the case for you. I will ask the staff  
7 to make a statement, also, and then I'll ask for a  
8 show of hands to see how many people would like to  
9 make limited appearances.

10 First, the background of the case: the  
11 Public Service Electric & Gas Company holds a license  
12 to own and operate the Salem Nuclear Generating Station,  
13 and it applied on November 18, 1977, for permission to  
14 the capacity of its spent fuel storage pool from  
15 264 to 1,170 spent fuel assemblies.

16 The application has been amended by several  
17 supplements filed since November 18, 1977.

18 In response to a Notice published in the  
19 Federal Register, this Board received three petitions  
20 for a hearing in this case. We held a Pre-Hearing  
21 Conference in May of 1978, and after that conference  
22 this Board admitted two of the Petitioners as parties  
23 to this proceeding. First, we admitted Lower  
24 Alloways Creek Township and, second, we admitted  
25 Eleanor and Fred Coleman of Pennsville, New Jersey.

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The States of New Jersey and Delaware were also granted permission to participate in the hearing.

The scope of this proceeding is not to discuss the question whether there should be a nuclear plant here or any matters having to do with its construction. The scope of this proceeding is limited to the expansion of its spent fuel pool.

I'd like to ask the Staff to describe for you what the Staff does in response to an application by a Utility to change its operating license, which it's applying to do here. I'd like to ask the Staff to explain what it did with respect to this application and what its position is on the questions which the application presented.

Mr. Smith.

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2-1 1 MR. SMITH: Good evening, ladies and  
2 gentlemen.

3 My name is Barry Smith. I'm an attorney  
4 representing the NRC Staff. At the table with me is  
5 Ms. Moore, my co-counsel, and Mr. Gary Zech, who's  
6 Project Manager for Salem Unit I and particularly the  
7 Spent Fuel Application.

8 As Chairman Milhollin stated, we received an  
9 application and several supplements to this Application  
10 for Amendment to expand the spent fuel storage capacity  
11 at Salem Unit I. Upon receipt of an application, the  
12 technical information is distributed to various  
13 technical reviewers within NRC, each having a particu-  
14 lar discipline. These reviewers look at the documenta-  
15 tion and determine whether or not there is sufficient  
16 information for the NRC to make a decision on the  
17 safety aspects, namely, environmental aspects of  
18 this particular license amendment.

19 In this case, the Staff, and in most cases,  
20 had several questions. These questions were sent out  
21 to the applicant. The responses were received, and  
22 these responses, along with the original application,  
23 were evaluated.

24 The culmination of the evaluation is found  
25 in the NRC Staff's Safety Evaluation and the

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5  
1 Environmental Impact Appraisal. This was sent to the  
2 Board and parties on January 15th of 1979, and copies  
3 are available through the NRC and also are found here  
4 in the local Public Document Room.

5 Briefly, the issues that were looked at by  
6 the Staff were the criticality situations: heat  
7 removal, structural integrity of the rack design,  
8 fuel handling considerations, and the environmental  
9 impact of effluence and occupational exposures.

10 The conclusion of the Staff is that the  
11 safety aspects of this expansion are acceptable and  
12 that there is no significant environmental impact.

13 We're now engaged in a proceeding on limited  
14 issues before this Board. This Board will make its  
15 decision on certain aspects of the case.

16 MR. MILHOLLIN: Thank you, Mr. Smith.

17 Before we begin, I should say a word about  
18 the nature of limited appearances. Limited appearances  
19 are not required to be under oath. They are not subject  
20 to the Rules of Evidence. They are not themselves  
21 evidence. One need not be a party to the case in order  
22 to make a limited appearance.

23 Limited appearances are designed to allow  
24 people to simply make statements of their own concerns  
25 and in their own way. The statements can be either

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1 written or oral, but they're made at the discretion  
2 of the Board.

3 To be as effective as possible, the statements  
4 should be specific and they should attempt to alert  
5 the Board and the parties to the specific issues or  
6 to some specific issues which might otherwise be  
7 overlooked or inadequately considered at the hearing  
8 among the parties.

9 If a person wishes, he or she may make a  
10 short oral statement and submit more extensive remarks  
11 in writing. All statements, whether written or oral,  
12 will become part of the record in this proceeding.

13 This proceeding right now is on the record.  
14 We have a Reporter here.

15 So far the Board has received 19 requests  
16 in writing from persons who wish to make limited  
17 appearances. The Board is also advised that Congressman  
18 Hughes may wish to make an appearance this evening.

19 We have also received a number of letters  
20 which have been forwarded to us for inclusion in the  
21 record. I'll read the names of the persons from whom  
22 we received letters for inclusion in the record.

\*\*\*

7  
1 Mr. Ernie Mabrie, Mr. William Bixby, Mrs.  
2 Richard Neibel, Assemblyman Donald Stewart, Phyllis  
3 Zitzer, Dr. Chauncey Caffrey, Frieda Barryhill, Francis  
4 Ponti, the Township of Pennsville, New Jersey, the  
5 Township of Lower Alloway Creek.

6 Those letters will be included in the record  
7 as written to us.

8 I'd like to ask now for a show of hands for  
9 the purpose of knowing how many of you would like to  
10 make limited appearances this evening? Hold your hands  
11 up high so I can see them.

12 (Audience responds.)

13 MR. MILHOLLIN: Thank you. By a rapid  
14 calculation, I estimate if each person takes five  
15 minutes, everyone will have a chance to speak.

16 In order to give priority to people who have  
17 already contacted us through the mail, I propose we  
18 go down the list of persons who have written in, and  
19 when we finish that list, then we'll take limited  
20 appearances from people who have raised their hands  
21 this evening.

22 If a person whose name I call could come  
23 tomorrow, I would encourage the person to do so, since  
24 someone else who's here this evening may not be able  
25 to come tomorrow.

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1 First of all, is Congressman Hughes here?

2 (No response.)

3 MR. KORNBLITH: May I make a short statement,  
4 Mr. Chairman, before we start?

5 MR. MILHOLLIN: Sure.

6 MR. KORNBLITH: I think everyone ought to  
7 know the purpose of this session here tonight is not  
8 to get very emotional about these things and also to  
9 try and not be repetitive. If someone has already  
10 said most of the things you want to say, instead of  
11 repeating them, why not just say that you endorse the  
12 remarks that you can identify and spend your time on  
13 the matters that have not already been covered by  
14 other people.

15 Five minutes goes very quickly, and we want  
16 to give you a chance to cover as much ground as  
17 possible. So, try to not spend too much time on the  
18 things that have already been identified. We're  
19 not going to count the number of people that are  
20 for or against a particular item.

21 Thank you.

22 MR. MILHOLLIN: I will now read the names  
23 of those people who have written to us and ask whether  
24 the person is here, and if so, would like to make a  
25 statement at this time.

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9  
1 First of all, Mrs. Richard Horner, Jr.

2 MRS. HORNER: Mr. Chairman, I will defer  
3 and make my statement tomorrow.

4 MR. MILHOLLIN: Frieda Barryhill.

5 MS. BARRYHILL: Mr. Chairman, I request to  
6 make my statement tomorrow.

7 MR. MILHOLLIN: Francis Ponti.

8 MR. PONTI: I'll make my statement tonight.

9 MR. MILHOLLIN: Come forward and make it into  
10 the microphone, please.

11 MR. KORNBLITH: May we have an address,  
12 please?

13 MR. PONTI: My address is R.D.#3, Elmer,  
14 New Jersey.

15 I would like to start my brief statement with  
16 a quote by David Lelinthaul, the first Chairman of  
17 the Atomic Energy Commission.

18 "Once a bright hope shared by all mankind,  
19 including myself, the rash proliferation of common  
20 at our power plant has become one of the ugliest  
21 clouds overhanging America."

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1 As a 20-year resident of Salem County and  
2 a lifetime resident of New Jersey, I oppose the  
3 granting of the request which would allow PSE&G to  
4 gradual spent fuel capacity at Artificial Island. The  
5 reason for my opposition is that I do not believe it  
6 prudent to create more waste without a final solution  
7 for existing nuclear storage. No safe example has yet  
8 been demonstrated to dispose of millions of gallons  
9 for nuclear waste material. Fission by-products  
10 contained in spent fuel are proven to be among the  
11 most dangerous cancer-causing substances known to man.

12 The production of nuclear waste has been  
13 characterized as a grim legacy left from present  
14 nuclear reactors to the future generations. The  
15 nuclear waste being produced at Salem I and other  
16 operating reactors throughout the country must be  
17 maintained and surveyed by meticulous and vigilante  
18 care, continuously and indefinitely. The fact that  
19 scientists know little about the way radioactive  
20 materials behave in the environment is not reassuring.  
21 The Nuclear Industry has not at this time proven its  
22 ability to store nuclear wastes and effectively isolate  
23 nuclear contaminants from the environment.

24 The laxity and safety regulations, equipment  
25 failures and routine sloppiness in nuclear plants are

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1 increasing in private reports. In relation to interim  
2 or permanent storage, no physical interference, no  
3 proven chemical reaction, only the passage of time  
4 reduces the intensity of radiation. Whatever the  
5 length of half a life, some radiation continues almost  
6 indefinitely, and there's nothing that can be done  
7 about it except to put the substance in a safe place.  
8 But what is a safe place?

9 The interim storage facilities on Artificial  
10 Island are an attempt to buy time for the proponents  
11 of nuclear energy while the frantic race to provide  
12 safe permanent storage continues. The success of  
13 this search has been limited to the spending of large  
14 amounts of energy capital which could be invested into  
15 conservation and development of renewable resources.

16 Contrary to conclusions of the Commission and  
17 Industry Reports, there is no scientific basis for  
18 calculating the likeliness of a major or minor accident,  
19 not to mention sabotage, a subject which has been  
20 eliminated from consideration by this hearing. Also,  
21 without failsafe scientific basis is the data for  
22 guaranteeing that the effects of an accident will not  
23 exceed a particular level.

24 In a statement released January 11, 1978,  
25 PSE&G spokespersons stated that the only potential

12 1 danger of storage tanks is the spent fuel cannisters  
2 could go critical; that is, a nuclear chain reaction  
3 could occur. Inherent dangers of wet reracking should  
4 also be considered.

5 The Department of Energy Information released  
6 in October of 1977, stated that storage of spent nuclear  
7 fuel is an issue that cannot await the outcome of  
8 longer-term studies for interim resolution, shows  
9 that a decision to allow interim storage by Artificial  
10 Island has probably already been made. Statements by  
11 Utility spokespersons show PSE&G fully expects to be  
12 given permission to expand storage. However, the  
13 people who live in Salem County should be given the  
14 power to decide which technology will be developed in  
15 this area. Their decisions we must live with.

16 It is hoped that the members of the Licensing  
17 Board will listen to the concerns expressed by resi-  
18 dents at this hearing and make a decision based not  
19 on we the experts but on we the people.

20 Thank you.

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13 1 MR. SMITH: Mr. Chairman, before I forget,  
2 I received a letter this afternoon which an individual  
3 wanted into the record. Could I read the name and give  
4 it to the Reporter and yourself?

5 MR. MILHOLLIN: Yes.

6 MR. SMITH: I received this letter today  
7 from Mark A. Herman, Assemblyman, District 3, and  
8 H. Donald Stewart, Assemblyman, District 3.

9 They wanted it included in the record of the  
10 proceeding.

11 MR. MILHOLLIN: It will be included in the  
12 record.

13 Thank you, Mr. Smith.

14 Evelyn Boone.

15 MS. BOONE: Mr. Chairman, I request I speak  
16 tomorrow.

17 MR. MILHOLLIN: Thank you.

18 H. Joan Pennington.

19 MS. PENNINGTON: Mr. Chairman, I, too, will  
20 defer until tomorrow.

21 MR. MILHOLLIN: Mrs. Harry J. Taylor.

22 (No response.)

23 MR. MILHOLLIN: John Prince.

24 (No response.)

25 MR. MILHOLLIN: Theodore Peck.

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MR. PECK: Ted Peck. I live at 11 Glenview Drive, Princeton.

Mr. Chairman, I'm affiliated with a number of church and civic organizations which are opposed to the unprincipled uses of nuclear energy. I'm speaking primarily -- my primary affiliation is with the Safe Energy Alliance of New Jersey.

My testimony is based on moral and ethical grounds and constitutes a challenge to Section 3 of Nu Reg 404, the Nuclear Regulatory Commission's Generic Environmental Impact Study on Handling and Storage of Spent Light Water Power and Reactor Fuel, dated March 1978.

Paragraph 3.0 of Nu Reg 404 outlines three alternative strategies for dealing with the shortage of spent fuel storage capacity. These are as follows:

(1) Expansion of present in-plant capacity as proposed by Public Service Electric & Gas Company and the petition now under consideration;

(2) Transshipment of spent fuel from reactors with fuel pools to other reactor pools of available space.

Obviously, an increasingly hazardous and controversial option.

(3) Continued storage in existing pools

1 up to their capacity as presently designed and then  
2 shutting down the reactors. This is shown as the  
3 termination case.

4 Nu Reg 404, in its section on Findings,  
5 recommends the first alternative. I, on the other hand,  
6 recommend the third. My reasons for doing so are as  
7 follows:

8 It has become increasingly clear that nuclear  
9 waste represents an unprecedented and unparalleled  
10 threat to public health and safety. The ultimate  
11 reason for request by Public Service and other  
12 utilities to increase spent fuel storage density is  
13 that a moral decision has been made at the highest level  
14 of the U.S. Government that at this time there is no  
15 central storage place for this material that has been  
16 persistent with the health and safety of the general  
17 public.

18 Why then should it consider insisting on the  
19 health and safety of the people in Salem County to  
20 store it here?

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1 On Page 54 of the Subgroup Report on  
2 Alternative Technology Strategies for the Isolation  
3 of Nuclear Wastes by the Interagency Review Group  
4 on Nuclear Waste Management, dated October 1978, I  
5 find the following statement referring to spent fuel  
6 storage basins:

7 Large public health consequences could  
8 result in an accident, an eruption, if the fission  
9 gases escaped from the containment system. The  
10 Utility undoubtedly said the probability of such an  
11 accident is extremely low.

12 My answer to that is taken from a policy  
13 statement on the ethical implication of environment  
14 production and use which was adopted last Fall by the  
15 National Council of Churches, which states it is a  
16 priority to recognize human ability and to assess  
17 risks, and to predict the possibilities of their  
18 realization is not equal to the enormity of possible  
19 consequences of human action. In the absence of  
20 knowledge and faced by possible catastrophe, it is  
21 appropriate to recommend prudence and caution.

22 In this period I urgently recommend that the  
23 request by Public Service Electric & Gas Company be  
24 denied.  
25



1 MR. MILHOLLIN: Gladys Brenden.

2 (No response.)

3 MR. MILHOLLIN: Dorothy Elgoridge.

4 (No response.)

5 MR. MILHOLLIN: Lawrence Elrod.

6 (No response.)

7 MR. MILHOLLIN: Margaret Wassen.

8 (No response.)

9 MR. MILHOLLIN: Daniel A. Rita, Jr.

10 MR. RITA: Daniel Rita. I'm from Mount  
11 Holly, New Jersey.

12 I'm affiliated with an organization called  
13 the Sea Alliance, which is opposed to nuclear pro-  
14 liferation and construction and promotion of nuclear  
15 power in our society.

16 Sir, I did not come down here to talk about  
17 whether fuel rods should be stored 20 centimeters  
18 apart or 50 centimeters because I don't think that's  
19 what the real problem is in this case, and I wouldn't  
20 drive 50 miles to talk about 30 centimeters.

21 I did come down here tonight to talk about  
22 the truth as I believe it to be and how the NRC's  
23 recent decision to close five nuclear power plants  
24 relates --

25 MR. MILHOLLIN: Excuse me. I'm going to have

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1 to interrupt you.

2 I'd like to say that the rules on photography  
3 for these proceedings are that the photographers may  
4 take pictures but have to remain in one location.

5 Could I please ask you to do that? It's  
6 very distracting to the Board for you to move around.  
7 The Board is trying to concentrate on what people are  
8 telling us, and it makes it hard for us to do that.

9 PHOTOGRAPHER: May the photographers proceed  
10 past the barrier?

11 MR. MILHOLLIN: No. You may take any pictures  
12 you like beyond the barrier and then stay in that  
13 position. That's the rule the Commission has adopted  
14 for these hearings.

15 PHOTOGRAPHER: That's not a very good position.

16 MR. MILHOLLIN: Mr. Rita, go ahead.

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1 MR. RITA: The point I was trying to make  
2 is that for the first time the Nuclear Regulatory  
3 Commission stood on its two feet and started to  
4 regulate, and I really think that's important. There  
5 was information that showed if there was a severe  
6 earthquake, there could be a meltdown of catastrophic  
7 proportions. There's indications that could be  
8 possible.

9 Now, what significance does this have to the  
10 spent fuel rod storage? I think it has everything to  
11 do with it. It's a fact that one of the most highly-  
12 regulated industries in the world was able to get  
13 through a faulty system.

14 Now, how is that possible? Because all the  
15 PR that's been put out by the NRC and by all the  
16 industry is almost incredulous to the public that this  
17 type of thing could happen, but it happened. This  
18 pressure containment system business, this was something  
19 that wasn't supposed to happen, but it could happen.

20 Now, we're getting all kinds of assurances  
21 from the industry, a lot of people, that there really  
22 is going to be a solution to the waste storage problem,  
23 long-term storage. I believe that the industry should  
24 not be able to operate under presuppositions that there  
25 will be a solution to this problem because I believe

0 1 that there will not be a solution, a long-term  
2 storage solution. If you really believe there is a  
3 long-term storage solution, I would really like to  
4 know about it because I really haven't heard of anybody  
5 in the United States coming up with one site in which  
6 they could store this garbage, one site. I'm waiting  
7 to hear one site in the world where it could be put  
8 safely, or one process which can be used and which  
9 could be adequately stored.

10 What I'm urging the NRC to do is to continue  
11 to stand on its feet, like it did, in calling these  
12 five nuclear power plants before them and saying show  
13 just cause. What I'm saying is that what you have to  
14 do, what you must do to protect us and our children  
15 is to say we want you to close down the plants; we  
16 will not generate anymore nuclear garbage until, in  
17 fact, there is a long-term solution.

18 If you cannot stand up and say that -- I  
19 don't want to come down too hard on you, but I'm just  
20 saying you really lose credibility before the public  
21 because how can we believe you when you're talking  
22 about 50 to 20 centimeters, a different of 30 centi-  
23 meters of storage, when we know the real issue is the  
24 long-term storage.

25 I'm saying in order to restore credibility

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21 1 before the eyes of the public, you have to seriously  
2 consider either (1) stopping the entire industry,  
3 which is what I'm suggesting that you do, until this  
4 problem is solved. I think that's what the real issue  
5 is and that's what it has to come to grips with.

6 If, in fact, the entire industry has to  
7 close down, as those five nuclear power plants have  
8 to close down, then so be it. We accept that. I  
9 accept that for myself, my children, and I accept that  
10 for my community, and I think we can deal with it.

11 Thank you.

12 MR. MILHOLLIN: Thank you, Mr. Rita.

13 Sid Goodman.

14 (No response.)

15 MR. MILHOLLIN: Brian Graff.

16 MR. GRAFF: Brian Graff, Malaga, New Jersey.

17 It's kind of interesting. I believe I'm  
18 standing in front of a few people here who may not  
19 realize it but they may be some of the most powerful  
20 people in the world because the decisions that are made  
21 may affect a large number of people for generations.

22 My particular area of experience and study  
23 is in diet and health, and what I'd like to address  
24 tonight is the radiation levels that are accepted as  
25 safe. As we've seen over the years, the levels that

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22 1 have been accepted as safe have been reduced, and in  
2 the scientific community there's a lot of questions  
3 as to what level is actually safe.

4 The particular area that I have looked into  
5 is in regard to body cancer in the United States.  
6 We have the highest rate of cancer in this country.

7 Now, the relationship I want to draw on this  
8 particular instance is that we are also one of the  
9 highest consumers or one of the greatest consumers in  
10 the world of animal products. I think we all realize  
11 that in the food chain all radioactive materials are  
12 multiplied many times, and so as you move up the food  
13 chain you have a greater accumulation of radioactive  
14 materials.

15 Now, in the human physiology, and particularly  
16 in regard to cancer, they're coming to find out more  
17 and more today that the relationship of many different  
18 factors -- in fact, the word that probably best  
19 explains the effect that I will try to explain is  
20 called synergetic. That we are subject to many things  
21 in the environment, including our own emotions and  
22 own mental processes that have effects on the cells.

23 In the particular case of body cancer, I  
24 don't know if we've ever stopped to realize it but our  
25 bodies are constantly being radiated. In other words,

1 as the food passes through the food chain, it's only  
2 in the stomach a short period of time, but the bodies  
3 constantly have material in it that has radioactivity.  
4 So, we are getting a low-level dose of radiation.  
5 So, in truth of fact, we're consuming a high animal  
6 diet as we do in this country. We in turn have a high  
7 level of body cancer.

8 I'm not trying to say that this level or  
9 this amount of body cancer is caused solely by  
10 radiation. As I say, it's a synergetic effect.  
11 Realizing this, it puts great question on what is a  
12 safe level of radiation and what is a safe level of  
13 an amount that can be released from a nuclear plant.

14 I think to talk about expanding the amount  
15 of waste that can be stored in any given plant or the  
16 whole future of the Nuclear Industry I think is a very  
17 serious question that has to be looked into because  
18 it's touted that no one in the public has ever been  
19 hurt by nuclear power, but I think those of you that  
20 are experienced and knowledgeable about radiation --

21 It's not so simple as Dr. Gossman says. If  
22 a person gets cancer, it doesn't have a flag there and  
23 says I came from being exposed to radiation.

24 So, I'd like you to take this into considera-  
25 tion.

Thank you.

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1 MR. MILHOLLIN: Marvin I. Lewis.

2 MR. LEWIS: I'd like to ask Barry Smith on  
3 the record -- he stated on the record you could walk  
4 over to this nice, little library down here and get  
5 the EIA, Environmental Impact Appraisal on this. I  
6 walked down to that nice, little library there. There  
7 were two beautiful NRC Staffers there trying to get  
8 that beautiful stable into order. We found a few  
9 documents, yes, we did. Didn't find an EIA but we  
10 did find a few documents, and I thank them for their  
11 help.

12 Now, I'd sure like to get that EIA, Mr.  
13 Barry Smith. Would you send it to me, please?

14 Marvin Lewis, L-e-w-i-s; address is 6504  
15 Bradford, B-r-a-d-f-o-r-d, Terrace, T-e-r., Philadelphia,  
16 P-h-i-l-a-d-e-l-p-h-i-a, P-a., 19149.

17 If you can't get it tomorrow,  
18 you can call me at 215-CU 9-5964.

19 I hope that you get it.

20 Thank you, thank you very much for handing  
21 me this. I hope you're kind enough to get the  
22 Intervenors the copies of all the paperwork that they  
23 requested today, also.

24 MR. MILHOLLIN: Thank you, Mr. Lewis.

25 MR. LEWIS: That's not my entire statement.

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1 That is an aside, an aside I felt had to be made  
2 because it was made on the record incorrectly.

3 Now, my statement concerns the seismic  
4 earthquake considerations to be raised in expanding  
5 spent fuel storage pools. As mentioned earlier, there  
6 have been, to my knowledge, in the last two days, five  
7 nuclear power plants closed down by NRC action: Beaver  
8 Valley Shipping Port Plants Nos. 1 and 2, Fitzpatrick  
9 and Manyak. Supposedly from newspaper accounts. I  
10 haven't gotten the information from the NRC yet.

11 These were done due to errors in the computer  
12 analysis or the computer programs that were used.  
13 Now, as far as I know, the computer programs were  
14 ANSYS and SAP IV.

15 Now, as far as I know, by going over to the  
16 nice, little library down the block here and looking  
17 it up with the NRC Staffers' help, Ellen and Jonah,  
18 these were the same programs used in those nuclear  
19 power plants that were used here to determine the  
20 size and specifications and considerations for these  
21 spent storage pools.

22 One of my questions is now since we've closed  
23 down these five nuclear reactors because of this error  
24 in the computer code that was used to determine the  
25 size and considerations at these five nuclear reactors,

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how about just taking a look at these spent storage pools and finding out if you made the same silly computer error?

All right. I think that's straightforward.

My second point is about fuel rod degradation. Unhappily, I don't have the Regulatory Guide number on it, fuel rod degradation. I'm sure Mr. Abraham can get you a regulatory number on it. I don't have one with me today.

Anyway, what it is, when you have these fuel rods in a reactor, they tend to crack a little, twist a little, degrade a little. All right. There are specifications of how much they're allowed to degrade before they have to be removed from the reactor. Now, you remove these at the end of their lifetime, whatever it is, 30,000 megawatt days, thermo power, all sorts of considerations, and you put them in a spent fuel pile. All right.

Now, when you had the original design considerations for these spent fuel rods, fuel rod degradation was not originally considered because it wasn't even known. It happened later, after reactors were used for a few years.

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1  
2 Now, I have gone to the design work on  
3 your -- well, Salem. It's not yours; it's theirs.  
4 I'm pointing to the desk with the Utility Company --  
5 their spent fuel pool design documents. I have looked  
6 through their spent fuel design documents, and I've  
7 got to admit there's a lot of them.

8 I might have missed it, but I have not seen  
9 in their spent fuel pool documentation on expanded  
10 loading -- expanded spent fuel storage how they have  
11 taken into account the fuel rod degradation, which  
12 includes a lot of geometric changes, a lot of twisting,  
13 and what have you.

14 Now, the next thing I want to go to, and I  
15 hope you don't feel I'm jumping around too much because  
16 I am --

17 By the way, I do have a reference on the  
18 degradation fuel rod integrity, but it's not the Reg  
19 Guide, Reg Guide Reference, Regulatory Guide Reference.  
20 This happens to be a current events. "Power reactors -  
21 United States NRC," 1 May to 30 June '77, and the  
22 contact person in NRC is Theordore C. Cintula. So,  
23 he might be able to help you with that, fuel rod  
24 degradation.

25 The other thing I wanted to bring out was  
Boran dilution, the same reference, Boran dilution.

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1           What it is is although the K effect -- are you  
2           familiar with the K effect? So I don't have to go  
3           into it.

4                       The K effective and the spent fuel rods is  
5           not calculated using how many Boran you have in the  
6           water. In other words, theoretically, whether you have  
7           Boran in the water or not the K effect is calculated  
8           and it doesn't take that worry into account. However,  
9           it is a part of the safety problem that the Utility  
10          has brought on to the water to make sure that that  
11          K effective is even better than the calculation would  
12          suggest. All right.

13                      So, it is a point of safety that the Boran  
14          dilution in this water still be there. Now, unhappily --  
15          that the Boran still be in this water in the spent fuel  
16          pool, okay. Unhappily, as has happened at Florida  
17          Power Corporation, sometimes valves stick, one thing  
18          or another, and the Boran doesn't get there. Sometimes  
19          something else gets there, maybe sodium hydroxide.

20                      I wonder if you would take into the fact that  
21          maybe there is a failsafe system so that the chemistry  
22          of the water in the spent fuel pool is always correct.  
23          I hope that isn't an unfair request.

24                      Let's go on. Now, it's still on seismic and  
25          it's still on how the seismic affects the spent fuel

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storage pool. I have a reference here, the only one I have, otherwise I would be glad to give it to you for the record. It's Science Volume 201, 15 September '78, Page 1001, entitled "U.S. Earthquake Hazards - Real But Uncertain in the East."

Now, there's a lot of points in here but the major point is that the way the NRC Staff has been calculating groundshaking versus earthquakes may have grossly underestimated the earthquake considerations here in this region. Namely, we happen to be at the bottom of the Ramapo Fault, and this is one of the things mentioned here.

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1  
2 Along that line, I just walked into a house  
3 up on Rendon Drive, and there was a crack in the  
4 ceiling, and in casual conversation I found that  
5 crack was due to an earthquake just a few years ago  
6 in this area.

7 It does bring a question to my mind,  
8 especially since the experts are questioning the NRC's  
9 approach to seismics in this region. There's a lot  
10 more, of course. For instance, in the case of an  
11 earthquake, there's a question of liquefaction of the  
12 sands upon which the whole Artificial Island stands.  
13 In other words, the plant is not built on bedrock; it's  
14 built on sand, medium and fine sand.

15 By the way, again, I have to thank the NRC  
16 Staffers back there for helping me over at the library.

17 There is a question of how this sand will  
18 act and react, or will it liquefact, liquefaction,  
19 under the action of an earthquake and what the result  
20 on what you have out of that will be.

21 Now, I've gone into a lot of detail in my  
22 presentation. I fear the detail confuses the issue.  
23 I'm not saying I don't want it checked into. I honestly  
24 do want it checked into, but I'm afraid the detail  
25 does confuse the issue a bit.

I am against nuclear power plants. I'm sure

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1 that nuclear power plants kill people. This is not  
2 my data. The NRC puts out this data. The NRC has put  
3 out this data in the Perkins case. The NRC has put  
4 out this data in almost every case that I have looked  
5 into.

6 The only reason it appears that nuclear  
7 power plants kill few people is that it's very  
8 artificially cut off. Emergency EPZ's are cut off  
9 50 miles. You look at time. Well, when you look at  
10 an analysis of the most exposed individual, are you  
11 really looking at the most exposed individual? No.  
12 You're looking at a guy who is living next to a nuclear  
13 power plant at the fenceline for one year and you're  
14 following him after he moves away after that year for  
15 40 years. That's called the 40-year chronic dose.

16 This is what's happened to the analysis.  
17 It's very, very artificial. There's a million and one  
18 assumptions that are questionable, and you get these  
19 very, very low numbers. I can get low numbers, too.  
20 I can go into Reg Guide 1.109 and pick any number I  
21 want using any assumptions I please. Now, if I'm the  
22 Staff and I can make the assumptions, I can get any  
23 number I please.

24 I appreciate the note from the back agreeing  
25 with me.

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1                   This is my point. We're killing people,  
2                   You have no right to kill people.

3                   MR. MILHOLLIN: I might say again that anyone  
4                   who wishes to make more specific detailed comments  
5                   in writing may do so in the form of a letter or any  
6                   other appropriate communication to the Board.

7                   Assemblyman Herman.

8                   Is Assemblyman Herman here?

9                   (No response.)

10                  MR. MILHOLLIN: Congressman Hughes.

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2 CONGRESSMAN HUGHES: I have a statement  
3 that I'd like to read, if I could.

4 First, I want to apologize. I have a very  
5 bad cold and I'm just about losing my voice, if you'll  
6 bear with me.

7 I very much appreciate having this opportunity  
8 to speak tonight on a subject of great interest and  
9 concern to many in the vicinity of Artificial Island,  
10 namely, the expansion of spent nuclear fuel storage  
11 facilities at Salem 1 and 2.

12 I say this is a subject of great concern  
13 because we have found in recent years that many of the  
14 practices and policies relating to nuclear power,  
15 which were accepted as gospel 10 or 20 years ago, are  
16 increasingly being called into question. The  
17 Rasmussen Report, for example, was once heralded as  
18 the final word on nuclear reactor safety, but has now  
19 been questioned by the NRC. Storage and disposal  
20 practices for radioactive wastes which were common-  
21 place in the early days of the nuclear age have now  
22 been found to be very dangerous, resulting in a massive  
23 effort to clean up and contain uranium mill tailings,  
24 and other radioactive waste materials. Similarly,  
25 low-level radiation, once thought to be relatively  
harmless, is becoming a source of increasing concern to

1 scientists and health care professionals, as is  
2 reflected in a very recent report issued by the  
3 Department of Health, Education and Welfare. Finally,  
4 in only the past two days, the NRC felt it necessary  
5 to order the shutdown of five nuclear power stations  
6 because of miscalculations on their ability to withstand  
7 damage from an earthquake.

8 It is in this context that we are addressing  
9 a proposal to more than quadruple the spent nuclear  
10 fuel storage facilities for at least two of the four  
11 nuclear power stations that will someday be operating  
12 just a short distance from where we are meeting  
13 tonight. Many in this community, including myself,  
14 deeply appreciate and respect the well-intentioned  
15 assurances we are receiving from Government, Industry  
16 and the Scientific Community, to the effect that this  
17 expansion is the best approach to our immediate problems  
18 of waste storage. By the same token, however, those  
19 voices are far from unanimous, and the question must  
20 naturally arise whether, in the cold light of additional  
21 scientific discovery, these assurances might be, like  
22 the assurances of 10 or 20 years ago, in error.

23 In general, I have not opposed the concept  
24 of nuclear power, because it represents one avenue  
25 for obtaining a significant portion of the energy this

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1 nation needs to maintain our standard of living, to  
2 provide jobs, and meet the demand for progress. Those  
3 same reasons, however, make it all the more necessary  
4 to tie up all the loose ends that are so apparent in  
5 the field of nuclear power, and attempt to resolve some  
6 of the most long-standing and nagging problems.

7 Unfortunately, it seems that our nuclear  
8 policies have been typified more by incremental regula-  
9 tion, rather than long-term decision-making. In other  
10 words, we have not been doing today that which can be  
11 put off until tomorrow. Just as we have no plan for the  
12 ultimate disposal or decommissioning of these four  
13 nuclear power stations, we likewise have no plan for  
14 disposing of the radioactive by-products of these  
15 plants -- spent nuclear fuel -- which is a problem that  
16 is already upon us.

17 Nationwide, we have allowed nuclear wastes to  
18 accumulate at reactor sites because we assumed that  
19 nuclear fuel reprocessing would be an integral part  
20 of the fuel cycle. Now that reprocessing and recycle  
21 have been deferred indefinitely, we are going to change  
22 our policy, once again, because we assume that some  
23 other alternative, such as permanent disposal in  
24 geological structures or away-from-reactor storage, is  
25 going to become available. We are basically saying,

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1 "We'll cross that bridge when we come to it." I  
2 submit, as emphatically as I can, that this approach  
3 to a potentially dangerous technology which generates  
4 many tons of hazardous by-products is not in the public  
5 interest.

6 The time is long past due for both the Nuclear  
7 Regulatory Commission and the Electric Utility Industry  
8 to begin addressing this issue in a concrete and posi-  
9 tive manner. While everyone in Washington and the  
10 Utility Boardrooms are busy pointing fingers at each  
11 other, it is the people right here in Salem County,  
12 and similar communities across the nation, that must  
13 live their lives daily with the direct consequences  
14 of the failure to adopt and implement a meaningful  
15 and effective policy.

16 There are several myths which continue to  
17 permeate our official thinking on this issue, which I  
18 feel have contributed in large measure to the dilemma  
19 we are now facing. The first such myth is that the  
20 Nuclear Industry is an infant industry, that cannot  
21 stand on its own feet without Government assistance and  
22 intervention. That may have been the case 20 years ago,  
23 but it is not the case today. Nuclear power in this  
24 and coming decades must be regarded as a mature  
25 technology, and it's time that it finally addressed

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1 the most pressing issues relating to nuclear power,  
2 and in particular, the nuclear fuel cycle. In the  
3 coming years, we must either have a Nuclear Industry  
4 that has tied up all of its loose ends, or we should  
5 seriously reconsider whether there is a place for the  
6 Nuclear Industry in our domestic energy economy.

7 I am more than dismayed that, when we discuss  
8 the issue of nuclear wastes, it is the Electrical  
9 Utility Industry that is the last to be heard with  
10 positive proposals. It seems to be taken for granted  
11 that it is the responsibility of Government, and  
12 Government alone, to develop a nuclear waste storage  
13 and disposal strategy.

14 Yes, I am aware of no particular statute or  
15 policy that would preclude an electric utility from  
16 coming forward with an application for away-from-reactor  
17 spent fuel storage. Nor am I aware of any policy or  
18 statute that precludes the NRC from considering such  
19 an application. Moreover, if coming forward with pro-  
20 posals by industry does not amount to a legal obliga-  
21 tion, it is the very least amounts to a moral obliga-  
22 tion. The Eletrical Utility Industry has not hesitated  
23 to build nuclear power plants and collect the profits,  
24 knowing full well that spent nuclear fuel will be  
25 created from these operations. The time has now come

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1 for that same industry to involve itself with the more  
2 difficult and dirty end of the business, namely, the  
3 proper storage and disposal of spent nuclear fuel.

4 The second myth that should not be part of  
5 our thinking goes directly to the heart of this pro-  
6 ceeding. Many are moving forward under the assumption  
7 that, by this application, we are merely considering  
8 a stop-gap measure for spent nuclear fuel storage  
9 until such time as another approach becomes available.  
10 That's not the case. What this application, in fact,  
11 represents is a proposal for a long-term reactor site  
12 storage of spent nuclear fuel. We're not talking  
13 about four or five years as was originally contemplated  
14 but rather 15 years or longer. With four nuclear  
15 power plants in operation, moreover, this is likely  
16 to become one of the largest facilities of its kind  
17 for commercial wastes in the entire nation, and if in  
18 1990, or 1995, no alternatives have become available,  
19 there's no doubt in my mind that we'll be right back  
20 here again to consider yet another expansion or  
21 addition of spent fuel storage pools.

22 I don't think we should cross that bridge  
23 when we come to it. I think we must cross it now and  
24 address this issue in its entirety once and for all.  
25 If we address the issue by granting this amendment,

1  
2 let us not kid ourselves into thinking we've delayed  
3 the decision to some future date. By such an action,  
4 we will have backed into a policy of reactor site  
5 storage, and the application should be considered in  
6 such terms, not in superficial terms.

7 Just as importantly, if this amendment is  
8 granted, we will have demonstrated that although we  
9 have a means to adopt a comprehensive solution to this  
10 problem, we do not have a will to do so. It's very  
11 difficult for me to believe that America, the nation  
12 which pioneered the development of nuclear technology,  
13 should be absolutely mired down in a swamp of regulatory  
14 indecision and procrastination on spent nuclear fuel  
15 disposal. Virtually no other modern nation in the  
16 world has a policy of long-term reactor site storage  
17 such as the one we are contemplating tonight. In  
18 nations such as France...West Germany...Sweden...Great  
19 Britain...and Japan, nuclear waste is kept at reactor  
20 sites only long enough to serve the immediate practical  
21 purpose of allowing the greatest amount of heat to  
22 decay over a period of a few years. Thereafter, it is  
23 removed to some other place. Moreover, in a number of  
24 those nations, it is the responsibility of the electric  
25 utilities, not the Government, to come forward with a  
plan for nuclear waste management.

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1  
2 In contrast, tonight we are faced with a plan  
3 for long-term reactor site storage, which has been  
4 placed on the table on a "Take it or leave it" basis.  
5 That is probably the worst possible basis for making  
6 decisions in the public interest. Equally as troubling  
7 is the fact that long-term reactor site storage was  
8 not part of the original hearings and licensing  
9 process for Salem I and II. As such, the proposed  
10 amendment represents a breach of faith with members  
11 of the public and this community who participated in  
12 the original proceedings, because we are dealing with a  
13 substantially different plan for waste management,  
14 with corresponding differences in assessing the risk  
15 factors. As a result, all of us are now in the  
16 extraordinarily difficult position of either granting  
17 this amendment, or forcing Public Service to mothball  
18 billions of dollars worth of electrical generating  
19 equipment. I submit that we do grave damage to the  
20 public-hearing process and the importance of public-  
21 interest decision-making if we allow ourselves to be  
22 limited in this manner. Between the two extremes  
23 of reactor-site storage, and closing the plants down,  
24 there are numerous alternatives, and it is more than  
25 likely that the best answer will be found among those  
alternatives, and not at the extremes.

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1  
2 It is very important to note at this point  
3 that it is the specific responsibility of the Nuclear  
4 Regulatory Commission to regulate nuclear wastes through  
5 the licensing process to protect the public health and  
6 safety. Moreover, it is the only agency in Government  
7 that has the authority to do so. If the Nuclear  
8 Regulatory Commission does not use its authority to  
9 address this issue, we will once again be regulating on  
10 the basis of assumption -- in this case, an assumption  
11 that this issue will somehow be addressed by someone.

12 Unfortunately, it seems that the NRC has  
13 done everything it can to duck its responsibility to  
14 use its licensing powers to regulate the storage and  
15 disposal of spent fuel in the interests of public  
16 health and safety. Only last year, the NRC was  
17 successful in defending a court action which sought to  
18 force it to address this issue. While the NRC was  
19 successful in its defense, I doubt that this will  
20 contribute very much to overall public confidence and  
21 respect for the agency. I also note that one of the  
22 bases for the Court's decision was the NRC's anticipation  
23 that the Energy Research and Development Administration  
24 would "...apply for a license for such a facility in  
25 early 1980 or before," and that "...the E.R.D.A. goal  
is to have an operating high-level waste repository at

1 the soonest possible time, namely 1985." Since the  
2 Department of Energy submitted only a portion of pro-  
3 posed legislation to implement this policy only in  
4 the past few weeks, it seems that we have seen yet  
5 another assumption fall by the wayside.

6 Under the circumstances, I feel it is not  
7 only appropriate, but also essential, for the NRC to  
8 now invite Public Service to submit alternative plans,  
9 up to and including a proposal for away-from-reactor  
10 storage, or an independent waste storage facility.  
11 Such a proposal should then be evaluated by the NRC  
12 in light of its statutory authority and responsibility  
13 to protect public health and safety through regulating  
14 the possession, use and disposal of radioactive  
15 materials.

16 If such an acceptable proposal is not forth-  
17 coming within a reasonable period of time, it is clear  
18 that we are dealing with a technology that has not  
19 reached maturity, that cannot adequately answer the  
20 unanswered questions, and which cannot pass muster as  
21 an acceptable energy source. The very minimum we  
22 should expect from any energy source which is to come  
23 into widespread use, in my judgment, is a complete  
24 fuel cycle that addresses all of the major issues  
25 involving the public health and safety. That is

1 not the case today, and it is not likely to be the case  
2 in the future, if we continue to regulate this industry  
3 on an incremental basis.

4 If, on the other hand, we wish to meet this  
5 issue head on, here and now, I am convinced that we  
6 will be more than equal to the challenge.

7 Accordingly, I believe it is incumbent on the  
8 NRC at this point to assure that this proceeding  
9 addresses the entire scope of this problem, and not just  
10 a few isolated fragments. We must look at the prospects  
11 for expanded spent fuel storage at all four reactors,  
12 and not just for one or two. Just as importantly, we  
13 must look very closely at all the alternatives  
14 available to us, and not just the most extreme alterna-  
15 tives.

16 In addition, we must recognize that this is a  
17 plan for long-term reactor site storage of spent fuel,  
18 a policy which is not met with favor by the scientific  
19 community or any other nation I am aware of. Even if  
20 it is presented to us as a stop-gap measure to delay  
21 the day of reckoning, it is our responsibility to  
22 recognize the proposal for what it is and deal with  
23 as many of the problems as we can now, rather than in  
24 the future.

25 Finally, and most importantly, we must bring

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1  
2 an end to the type of incremental regulation that has  
3 brought us here today, and which may bring us here  
4 again in the future. We must issue public health and  
5 safety regulations on the basis of solid assurances,  
6 not tenuous assumptions. We must utilize facts, not  
7 expectations, and knowledge rather than speculation.  
8 It is only in this way that we can preserve the  
9 integrity of the process of making decisions based on  
10 public participation, and restore public faith and  
11 confidence in the ability of both Industry,  
12 and the agency which regulates it, to address the out-  
13 standing issues, and make decisions in the public  
14 interest.

15 There is no question that spent fuel storage  
16 represents a difficult problem. There can also be no  
17 question, however, that we have both the technical and  
18 legal means for developing a long-term solution to  
19 the problem. The only question, then, is whether the  
20 Electric Utility Industry and the Nuclear Regulatory  
21 Commission will meet the problem head on, or continue  
22 to duck their responsibilities. There have been many  
23 forums for answering that question, but it still remains  
24 unanswered. This is as good a time and place as any  
25 we've had before to address this issue.

I hope that we get on with the business of

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1  
2 addressing it.

3 Thank you so much.

4 (Audience applauds.)

5 MR. MILHOLLIN: Congressman, if you wish to  
6 extend your remarks, you may by submitting whatever  
7 you deem appropriate to us in writing.

8 CONGRESSMAN HUGHES: I have a statement  
9 which I would like to submit for the record.

10 MR. MILHOLLIN: It will go into the record.

11 Thank you very much.

12 Mr. James W. Shue.

13 (No response.)

14 MR. MILHOLLIN: Isabelle Gunthrie Sayen.

15 MS. SAYEN: Isabelle Sayen, 167 Edgerstone  
16 Road, Princeton, New Jersey.

17 I'm affiliated with the Safe Energy Alterna-  
18 tives Alliance of New Jersey and also Citizens for  
19 Responsible Power Policies, Princeton.

20 Nuclear power is the most radical energy  
21 option we can choose. It is an awesome technology in  
22 every respect because it is an unforgiving technology  
23 that demands absolutely perfect implementation and  
24 control at all stages at all times. It will eventually  
25 restructure all our political, economic and social  
institutions.

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1 We are only fallable human beings, and our  
2 technology is only as infallable as we are regardless  
3 of which basic laws of nature we derive it from. If  
4 we fail in this Utopian scheme, the resulting contamina-  
5 tion to our whole ecological system will be total  
6 because the toxicity of nuclear radiation is not bio-  
7 degradable for hundreds of thousands of years.

8 Nuclear power, compared to other energy  
9 technologies is in a class by itself as far as  
10 destruction is concerned. Every nuclear power plant  
11 is a potential military target, a potential nuclear  
12 bomb, as well as a terrorist attraction. The health  
13 effects of the nuclear genie are particularly  
14 insidious and difficult to control safely because  
15 radiation is invisible, tasteless and odorless. It  
16 causes cancer and genetic mutations even in minute  
17 doses over a period of 30 years or more.

18 No safe level of radiation has ever been  
19 proven to exist, and yet nuclear power plants con-  
20 stantly give off low-level radiation, exposing the  
21 workers as well as the public. Only now are scientific  
22 studies beginning to reveal the linear connection  
23 between the long-term incremental effects of low-level  
24 radiation and cancer incidents and deaths.

25 As if the aforementioned drawbacks were not

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enough to discourage our radical proponents from their pursuit of the wholly threat of nuclear power, there is a final skeleton in the closet which is perhaps the most hazardous of all. This is the unresolved problem of radioactive waste generated in the field cycle. Because of its toxicity, it is imperative that radioactive waste be permanently isolated from the biosphere.

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1  
2 The only proposal being considered is to  
3 bury the waste in a stable geological formation which,  
4 in itself, is a contradiction of terms and a techno-  
5 logical accomplishment that has alluded us for over  
6 30 years. At present, no one really knows what it  
7 takes to confirm the integrity of a geological repository  
8 in operational terms. No coherent criteria of  
9 acceptable disposal has been worked out.

10 Just two days ago, the final version of the  
11 White House Interagency Review Group report on disposal  
12 of nuclear waste revised its draft report to say the  
13 present knowledge was deemed adequate not to select  
14 at disposal sites regions but only to identify potential  
15 repository sites for further investigation. In other  
16 words, the feasibility of safe permanent bureaus will  
17 have to be determined on a site-by-site basis, and  
18 some questions would not be answered. This can only  
19 mean further delay and further uncertainty.

20 Meantime, the logistical problem of the  
21 transportation and disposal of the spent fuel rods is  
22 becoming acute. The waste is mounting daily and there  
23 is no place to store it except in spent fuel pools.  
24 The longer we build up the number of spent fuel rods  
25 held at the reactor sites, the more a mess the  
logistical problem of finally transporting it to the

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1 final waste repository will be.

2 It is in light of the magnitude of these  
3 waste problems that the expansion of the spent fuel  
4 rods from 264 to 1,170 assemblies at Salem should be  
5 considered. This is not a solution. This is just  
6 another contingency plan for temporary disposal by  
7 West Valley, New York; Mashfork, Kentucky; Hanford,  
8 Washington; and Rocky Flats, Colorado. These are not  
9 assuring examples. All these depots have experienced  
10 serious leaks of plutonium off site.

11 Since the spent fuel pool was originally  
12 designed as a safety measure to cool off rods and  
13 slow down the chance of criticality, what will the  
14 long-term cumulative effects of crude grouping density  
15 in terms of safety impacts be? If there is a Class  
16 6 through 960, how much would the additional rods add  
17 to the catastrophic consequences?

18 Have alternative solutions been considered?

19 Have all site alternatives not been considered?

20 Could Salem I become a permanent waste  
21 facility?

22 Will the Salem storage pool be used for  
23 foreign wastes?

24 With Salem II coming on line in a month or so  
25 and Hope Creek I and II under construction, what are

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1 the incremental impacts of the consecutive waste  
2 storage in the late 1980's?

3 Shouldn't Hope Creek I and II and Salem II  
4 be considered now?

5 Can any of these questions concerning safety  
6 be answered satisfactorily now that even the NRC has  
7 discredited its own risk assessment study known as the  
8 Rasmussen Report?

9 The negative effects of nuclear industry  
10 are so formidable that we must ask ourselves what we  
11 are trying to do. Basically, all nuclear power can  
12 do is generate electricity. Electricity provides only  
13 about 12% of our energy needs right now. These needs  
14 can easily be reduced to 8% or more by the year 2000  
15 without any economic hardship or radical changes in  
16 our lifestyle through conservation and technical visions  
17 such as cogeneration and utilizing alternative safe  
18 renewable sources of energy.

19 Vince Taylor, formerly of the Huristic Group  
20 in California -- it's a think tank -- has just done a  
21 study called "Energy, The Easy Pass," showing that  
22 substituting 100% nuclear power for oil will only save  
23 us about 10 to 12% of our inputs. The same is true  
24 for all the European countries.

25 The purpose of Taylor's study was to show

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1 both the proponents and opponents of nuclear energy  
2 what a minor contribution nuclear power actually makes  
3 to our overall energy supply. Is it really worth  
4 endangering our entire planet to further this one  
5 technology?

6           Clearly, our sense of proportion dictates  
7 that when the costs and benefits are weighed for us  
8 and for future generations, we must phase out nuclear  
9 power and all its self-destructive values and unresolved  
10 problems.

11           Nuclear power is totally unnecessary. There  
12 are so many alternatives we can live with. PSE&G's  
13 request should be denied.

14           Thank you.

15           I just thought you might like to know that  
16 Frank VonHipple, who was a member of the Hughes Report,  
17 who discredited the Rasmussen Report, is doing some  
18 further study on the waste problem. He's concerned  
19 about the way plutonium travels through the food chain,  
20 and I saw him in the market the other day and he said  
21 that he's working on some new material, and I know he  
22 has a very high reputation and it might be a help to  
23 you to get hold of it when he finishes with it. He's  
24 out at the Princeton Environmental Studies Center at  
25 Princeton University.

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1 MR. MILHOLLIN: Mr. Thomas A. Hancock.

2 (No response.)

3 MR. MILHOLLIN: Jeff Tyler.

4 (No response.)

5 MR. MILHOLLIN: Carol Barrett.

6 MS. BARRETT: I represent the CR Club.

7 Tonight I'm representing the West Jersey Group of the  
8 CR Club. The West Jersey Group is the territory  
9 south New Jersey which, of course, includes Salem  
10 County.

11 I think you're familiar with the CR Club.  
12 It's a national organization.

13 We have already read press accounts -- in  
14 fact, at the Press Meeting I believe the day before,  
15 I think February 22nd or February 21st, February 18th,  
16 in the "Evening Bulletin" there were press accounts  
17 that announced the Federal Nuclear Regulatory  
18 Commission is expected to take a favorable look at  
19 this application to quadruple the storage space of  
20 radioactive waste.

21 According to spokesman Frank Ingrahm also  
22 in the news account it is stated there are 70 licensed  
23 generating plants in the country and about 60 have  
24 applied for similar waste storage expansions. Today,  
25 about 45 applications have been approved.

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1 In the application it stated that the spent  
2 fuel storage was designed on the assumption that a  
3 yearly fuel cycle would be in existence and would  
4 require the storage of a single batch of spent fuel  
5 for less than one year in the pool. However, since  
6 spent fuel is not being reprocessed on a commercial  
7 basis and spent fuel storage at an off-site facility  
8 is not available, even in the foreseeable future, this  
9 additional storage pool is deemed necessary. The  
10 time mentioned for storage capacity is through the  
11 year 1986.

12 We ask what then? Is the fact that this  
13 application and others having smooth sailing so far  
14 in being approved due to the lack of the NRC in  
15 providing a facility to permanently store nuclear  
16 waste materials?

17 The policy of the CR Club is the CR Club  
18 opposes the licensing, construction and operation of  
19 nuclear reactors pending resolution of the significant  
20 safety problems inherent in reactor operations,  
21 disposal of spent fuel and possible diversion of  
22 nuclear material capability in use of waste manufacture.

23 Regarding the management of nuclear waste,  
24 we're concerned about how we will cope with the growing  
25 amounts of radioactive wastes which are produced by

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1 this power plant, whether there are serious technical  
2 problems associated with this disposal. Still more  
3 distressing is the basic moral issue raised by such  
4 waste.

5 The fundamental question is this: In  
6 exchange for relatively short-term gains, to what  
7 extent may one generation jeopardize the safety and  
8 well-being of future generations and the environment?

9 The New Jersey Chapter of CR Club recently  
10 adopted a Nuclear Energy Policy for our state. It is  
11 attached in this statement, but let me emphasize now  
12 that managing and disposing of radioactive waste remains  
13 an unrealized dream of the industry. Even after more  
14 two decades of research and the expenditure of millions  
15 of dollars it seems unconscionable to leave a legacy  
16 of hazard to thousands of generations yet unborn,  
17 whether they live in New Jersey or elsewhere on this  
18 planet.

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1  
2 The CR Club therefore urges that the  
3 production of these wastes be phased out. Policy  
4 Action No. 3 in our New Jersey policy says Opposition  
5 to proposed expansion of facilities in this state for  
6 storage of spent fuel, nuclear fuel, and other radio-  
7 active material. This certainly applies to the present-  
8 ly-addressed application.

9 We do not intend to sit by tacitly while  
10 New Jersey threatens to become one of the most nuclear-  
11 energy dependent states in the country. Alternative  
12 sources of energy and a realistic push for conservation  
13 are the reasons we believe New Jersey should be follow-  
14 ing. These efforts have not been seriously advocated  
15 or carried out. They cannot be side issues while the  
16 dependence on nuclear energy becomes entrenched.

17 We have many reasons and much evidence to  
18 object licensing of anymore nuclear-generating plants.  
19 Today, the issue is this application for increasing  
20 the spent fuel storage capacity. We request it be  
21 rejected. We resist efforts to make schedules for  
22 solving nuclear waste problems look like solutions.  
23 Daily we are learning of reevaluations of past docu-  
24 ments which were the basis for decisions on managing  
25 nuclear plants and their wastes.

We're entitled to a moratorium on postponing

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1 plans which seem to be expedient until sufficient  
2 answers are given by the Government and the industry.  
3 The solutions proposed must be agreed to by those who  
4 will pay if the assumptions of the managers are  
5 correct. That, of course, includes everyone. Too  
6 often we have seen local decisions to welcome nuclear  
7 generating plants based on short-term financial gain.  
8 I quote from testimony given by Dr. Martin  
9 Resinkoff, who is Chairman of the Nuclear Subcommittee,  
10 the Energy Policy CR Club. He said, first, there's a  
11 need for an independent evaluation of the Nuclear  
12 Industry because of the old boy network that exists.  
13 Decisions, very costly decisions, are being based on  
14 incomplete information. When four undergraduate  
15 engineering students and myself can find tens of  
16 thousands of technicians in industry and the Federal  
17 agency have missed concerning decommissioning, something  
18 is not right. There are other illustrations of NRC  
19 oversights which could be pointed out. I believe the  
20 Nuclear Industry must be open to public scrutiny and  
21 meaningful ways. End of quote.

22 The statement was made regarding the  
23 decommissioning of reactors and repossession radioactive  
24 waste.

25 The Salem Nuclear Generating Station should

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be shut down when its present capacity of spent fuel racks is depleted. It appears obvious that drastic measures must be taken to force a facing-up to this problem by industry and the Government.

The answer to be given is do we have an adequate solution to the problem of waste management? Entirely ignored in this discussion is the cost to the people of this country. When and if the real financial costs from beginning to end were calculated and made public, it would astound everyone. We have not been given that cost of nuclear power.

Although the subject of this hearing is only about increasing the spent fuel racks' capacity, the issue is much more complicated, and approval of this application solves nothing.

Thank you.

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MR. MILHOLLIN: We have come to the end of the list of those who have written to us to ask for an opportunity to make a limited appearance. So, at this time, we'll turn to those who have just appeared this evening.

We appear to be running a little behind schedule.

There is a sign-up sheet which was on the desk here. I'll read the names from the sign-up sheet. There aren't very many.

The first name is Ruth Fisher.

MS. FISHER: I represent the Sun People Alternate Energy Advocates of South Dennison, New Jersey.

At the outset, you said there were three parties who attempted to intervene. We are the third-party that fell through the cracks of your system and were not permitted to be a part of the formal proceedings. Therefore, we will make a short limited appearance tonight.

This afternoon you said that if the Board feels a member of the public raises an issue that needs to be heard, it will do so. The issue is how can this plant be closed permanently?

These are a few of the documents of the NRC

1 on waste management. I'm sure you're familiar with  
2 lots of them. I show you the size, dramatic printing,  
3 and so forth. They look as if they might contain  
4 solutions, but, in fact, there are no solutions in  
5 any of them.

6 It is likely that what you may be approving  
7 here is a permanent waste storage site. In fact, I  
8 don't think it's likely; I think it's inevitable.

9 I'm very pleased with my Congressman's  
10 comments this evening, but rather I wish he had gone  
11 a little bit further and demanded that you mothball  
12 this plant at once.

13 You have an obligation, I feel, to permanently  
14 close this plant and an obligation to tell us how, the  
15 public in particular. Off the record, even if you  
16 choose, because I don't know how to begin, and I think  
17 very few people do.

18 I would solicit an answer from you now, if  
19 that's possible. I recognize you're taking statements,  
20 but it's possible that you might wish to offer me some  
21 solution at this point.

22 MR. MILHOLLIN: I'm sorry, I don't have any  
23 solutions in my pocket right now for you.

24 MS. FISHER: Is it possible I may hear from  
25 you in writing?

1  
2 MR. MILHOLLIN: If you would like to  
3 address a question in writing, we'll do our best to  
4 respond.

5 MS. FISHER: I hope you're sincere about  
6 that because I certainly will.

7 The question is, how does a citizen go about  
8 closing Salem 1?

9 (Audience applauds.)

10 MS. FISHER: Thanks a whole lot. I've never  
11 had such a response.

12 This afternoon PSE&G refused to commit  
13 themselves to any agreement that would preclude the  
14 transfer of storage from one tank to another. This  
15 certainly makes one wary. They are keeping open all  
16 their options, and I think we should too.

17 This afternoon, also, there seemed to be a  
18 rush to judgment. You seemed anxious to hurry the  
19 intervenors to the proceedings at all points.

20 Several speakers this afternoon and this  
21 evening also have mentioned the five plants that were  
22 closed, including Shippings Port. It seems incumbent  
23 upon you to study the issue at length so that Salem 1  
24 doesn't become another Shippings Port.

25 Your Staff also has stated in the past that  
the Government will have an independent repository

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1 ready by 1983. I think it was changed to 1985.

2 PSE&G says it will be running out of space by 1983,  
3 and apparently in the past they have been promised  
4 that this independent repository will be available.  
5

6 I'm going to also ask if the Government has  
7 any kind of additional information that I and many  
8 others are not familiar with to let us know at once.

9 Again, many thanks for your promise. You'll  
10 be hearing from me shortly.

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1 MR. MILHOLLIN: George W. Liggett,

2 MR. LIGGETT: I speak for the Stop Nuclear  
3 Power Group of Atlantic City.

4 My resolution is to turn thumbs down on local  
5 storage of nuclear waste, and the reasons are nuclear  
6 power plants are a danger within themselves. Let's not  
7 compound the danger by storing radioactive waste within  
8 the confines of a nuclear plant.

9 We know these plants are dangerous because  
10 three years ago Hope Creek 1 and Hope Creek 2 were  
11 shifted here because there were less people living in  
12 this area than in the New Bottom Island area between  
13 Philadelphia and Trenton, where Hope Creek 1 and 2  
14 were originally scheduled to be built.

15 The logic of this move has always escaped  
16 me. Aren't the lives of the people in Salem just as  
17 valuable as the lives of people living in Philadelphia?

18 So, when these two nuclear plants were moved  
19 to Artificial Island, there must have been a tacit  
20 recognition on the part of the NRC that nuclear plants  
21 could pose a threat to the lives and welfare of the  
22 people in the vicinity of the plants.

23 Now, if these nuclear plants are too  
24 dangerous to be placed in high-density population  
25 areas, they must certainly pose a threat to people in

1 low-density areas. If we store radioactive wastes at  
2 Salem on site, we are intensifying the danger in  
3 direct proportion to the amount of waste stored here.

4 We must be aware of the fact that a plant  
5 like Salem 1 produces enough radioactive waste in one  
6 year to equal the power of 30 Hiroshima bombs. In  
7 16 years, Salem 1 would produce enough waste to equal  
8 480 such bombs. Now, this material wouldn't explode  
9 if we have a fuel core meltdown, but the waste would  
10 be released to the environment with catastrophic  
11 consequences to the area and beyond.

12 Now, if the stored radioactive waste in  
13 four plants were released by a major accident, you  
14 would have an overkill in the whole of South Jersey.  
15 This is one of the dangers of clustering nuclear  
16 plants. A major accident in one plant could trigger  
17 explosions in all of them. This is the main reason  
18 why nuclear waste should not be stored in these four  
19 Salem plants.

20 Another reason is that you can't permit  
21 radioactive waste to be stored. Herein lies the nature  
22 of these wastes. Each nuclear plant in one year  
23 produces five to 600 pounds of plutonium, the most  
24 deadly toxic substance known to man.

25 Dr. John Kauffman of Berkley, California,

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1 the foremost Nuclear Physicist of the age, tells us  
2 that one pound of plutonium if atomized and breathed  
3 in by nine billion people would cause lung cancer in  
4 every one of them. This is the kind of nuclear waste  
5 you will be neighboring with for the next 17 years in  
6 this area.

7 Also, in one year each plant produces two  
8 to 3,000 series of strontium 90. This is a deadly  
9 carcinogenic and has a full life of four to 500 years.  
10 These and other lethal radioactive isotopes like  
11 cesium 137 and cobalt 60 are all waiting to get out  
12 at the first drop of a hat of these storage facilities.

13 These are just some of the radioactive  
14 isotopes that will be stored up for years in your  
15 backyard, hanging over your head like the sword of  
16 Damocles, and these are the deadly substances that  
17 would be released if the plant has a fuel core meltdown.

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Moreover, these counts aren't as far-fetched as you might think. In the next 20 years social conditions here might spark terrorist groups that could bust the intake waterpipes that carry water to cook the reactor or knock out the electrical system of the plant. Either one of these could cause a fuel core meltdown.

Now, we can never predict the future, but we can be forewarned in this case and make the future less of a threat by refusing to permit radioactive waste storage in these plants. Actually, it would be just as easy and much safer to have this waste encased and stored in pools of water at a central Government storage area in an isolated place where there are no people living. All the Government would have to do is build water pools, like they have in Salem 1, and I've seen them, and put in the casks and build a bombproof roof over the whole place. We're doing this now in places like Hanford, Washington. Why can't we continue to do it?

It's safer to store this radioactive waste in the middle of the Mojave Desert, for instance, where there's no chance of a nuclear plant accident triggering the release of the deadly radioactive isotopes in the waste materials. Simple storage would be safer for

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1  
2 the people of Salem and cheaper, too, because then  
3 you ratepayers wouldn't have to pay for storage  
4 expenses for decades to come.

5 Another thing for the New Jersey Public  
6 Advocates to be concerned with is the fact that three  
7 Oyster Creek plants will be storing the radioactive  
8 wastes for the foreseeable future, housing a similar  
9 potential threat to Ocean County residents, as we  
10 would have here if this were granted.

11 In effect, the four Salem plants and the  
12 three at Oyster Creek would constitute a nuclear waste  
13 storage dump in the State of New Jersey. The volume  
14 of waste stored here would not be as great perhaps as  
15 at Hanford, Washington, but the effect of the small  
16 volume of waste, is ignited distributed over the  
17 countryside by a meltdown, would do great damage than  
18 an accident to a larger volume of radioactive waste  
19 at Hanford, which is more isolated from population  
20 centers.

21 At the risk of being repetitive, for  
22 emphasis sake, the specific reason nuclear waste  
23 should be kept separate from the reactor area is that  
24 if an incoming water-cooling pipe bursts or the  
25 electrical system is knocked out, the reactor will  
heat up to 5,000 degrees within a matter of minutes.

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1 This would trigger what is called the China Syndrome.  
2 The intense heat would cause the reactor to melt  
3 through the contaminant base, burning its way two or  
4 300 feet underground, while at the same time igniting  
5 the waste stored in the plant and scattering the  
6 deadly radioactive isotopes far and wide, contaminating  
7 everything they touched.

8 Now, according to the Brookhaven Institute  
9 Report of 1963, called Wash 147, a modern nuclear  
10 plant like Salem 1, having a fuel core meltdown, would  
11 kill 45,000 people, cause radioactive sickness in  
12 hundreds of thousands downwind and radioactivate 160,000  
13 square miles of land. The more nuclear waste stored  
14 at the plant site at the time, the greater would be  
15 the damage that would be done, and according to Murphy's  
16 Law, which is just as valid as the Law of Gravity,  
17 whatever can happen will happen.

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1                   Now, this is the main reason you shouldn't  
2 store radioactive wastes in the vicinity of the plant.  
3 If forced by the Government to provide storage for  
4 nuclear waste in New Jersey, it would be better to put  
5 it in an isolated area where it would pose less danger;  
6 that is, if you can find such a place in this highly-  
7 populated state.

8                   Now, in essence, we have an issue here that  
9 transcends Local and Federal jurisdiction. We have a  
10 problem that should be settled by the State Legislature.  
11 This issue is actually part and parcel of the Radio-  
12 active Material Waste Management Act of 1979, which is  
13 being studied in Congress.

14                   Now, if the present amendment to this Act is  
15 passed, each state would have the right to decide if  
16 it wants to be a repository for nuclear waste, and  
17 this is exactly what is being considered here tonight,  
18 a repository for radioactive waste to be stored here  
19 for the next two decades. Since this is the case, the  
20 decision to build storage space for future nuclear  
21 wastes at individual plants should be referred to the  
22 proper State authorities for adjudication.

23                   Now, if we find no eventual solution to our  
24 nuclear waste storage problem, it would be cheaper and  
25 far safer to close the four Salem nuclear plants and

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1 convert to coal-fired plants.

2 MR. MILHOLLIN: Can you conclude your remarks?

3 MR. LIGGETT: Just about a minute.

4 -- coal-fired plants like we had at Beesley  
5 Point. Did anyone ever hear of a worker at Beesley's  
6 plant or the people living near it being hurt by the  
7 operation of the plant? I have never heard of this  
8 instance happening.

9 Now, the fruits of our nuclear power program  
10 are beginning to show up in the failure of the Federal  
11 Government to find safe and adequate storage places  
12 for our radioactive wastes for nuclear plants. Having  
13 failed in its mission, it is passing the buck to build  
14 up places like Salem, which doesn't deserve it.

15 It is too dangerous and too precarious for  
16 the people in this area to live under a cloud of  
17 danger in such close proximity to nuclear waste storage  
18 depots when the people here have no part in the decision  
19 to build and operate these nuclear plants and be  
20 responsible for the storage of these deadly wastes.

21 We must throw this problem back in the lap  
22 of the Federal Government where it belongs. So be it.

23 MR. MILHOLLIN: Maryann Fieux.

24 We are, I think, not going to be able to hear  
25 from everyone, perhaps. I would encourage all of you

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1 to be as brief as you possibly can. We'll stay a  
2 little late to try to hear as many as we can.

3 MS. FIEUX: Pomona, New Jersey.

4 Nuclear energy is unprecedented in respect  
5 to the hazards that can occur. Accidents can happen  
6 and have happened. People are involved here and they  
7 are the ones that are affected.

8 I think that we have gotten into a situation  
9 too fast and too soon to satisfy our needs. Economics  
10 are also involved here, and previously human beings  
11 have the capability of recovering economically but in  
12 a case of aridation being radiated, it's not as  
13 reversible.

14 I question the advisability of expanding  
15 Salem's spent fuel storage capacity on the grounds  
16 that concentrating hot waste may result in a serious  
17 accident.

18 Dr. Helen Coldecott has suggested overpacked  
19 spent fuel could melt down under certain conditions.  
20 Storage pools were designed for temporary storage and  
21 should be used solely for that purpose.

22 I would like to know if the Nuclear Regulatory  
23 Commission has completed independent study and experi-  
24 mentation on the effects and possible repercussions  
25 of repacking, and if so, what the results were and if

the report is available to the public?

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1 MR. MILHOLLIN: Mr. Albert Gant.

2 MR. GANT: I'm here tonight to present a  
3 resolution from the Pennsville Township Committee.

4 The resolution reads as such:

5 Whereas, conferences are scheduled to be  
6 held March the 15th and 16th with respect to  
7 storage of spent fuel related to Salem Nuclear Plan  
8 and Lower Alloway Creek Township; and

9 Whereas, there are certain amendments  
10 proposed which would allow a sizable increase in  
11 storage capacity from 264 to 1170 fuel assemblies and  
12 further extend the time of storage from four to  
13 seventeen years; and

14 Whereas, understanding the basis for such  
15 an extension is clear and to allow the storage to  
16 increase amounts of fuel for the extended period of  
17 time as proposed raise certain questions with respect  
18 to safety and welfare of the residents of that area  
19 including the Township of Pennsville; and

20 Whereas, a disposition of such fuel may  
21 involve the roadways of this Township and the  
22 precautions and the safeguards which should be  
23 involved are unclear; and

24 Whereas, the question of need for allowing  
25 large quantities of fuel to remain in storage for an

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1 extended time seems arbitrarily unreasonable with  
2 respect to the safety and the welfare of the area; and

3           Whereas, certain oppositions by intervention  
4 of interested persons has been undertaken in matters  
5 of the application of Public Service Electric and  
6 Gas Company, License No. DPR-70, in proceedings  
7 number 50-272, who is seeking a permit for such increase  
8 of capacity and storage time; and

9           Whereas, the opposition of such application  
10 appears advisable because the question relating to  
11 present reserving the health, safety and welfare of  
12 the community and to be examined and to be evaluated.

13           Now, therefore, be it resolved by the  
14 Township of Pennsville that it does hereby express its  
15 concern that the above subject matter be carefully  
16 reviewed, evaluated by the appropriate jurisdiction  
17 in such matters of health, safety and welfare of the  
18 area including the interest of this Township be  
19 preserved.

20           That on the basis of present understanding  
21 of circumstances involved, the Township does hereby  
22 support the opposition to the above application and  
23 gives encouragement to those intervenors to cause  
24 proper evaluation of the subject matter, that it does  
25 further express opinion that before such interests are

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1 granted and permit issued thereof that a definite  
2 finding be established to assure the public protection  
3 which should be afforded and to warrant the permission  
4 to store large quantities of fuel for the extended  
5 period of time without proper disposition.

6 Be it further resolved that a certified copy  
7 of this Resolution be forwarded to the United States  
8 Nuclear Regulatory Commission, Office of Public  
9 Affairs, Region 1, Atomic Safety Licensing Board, so  
10 that the same may be presented at the above-scheduled  
11 conference.

12 It's signed by Marks, Chairman of the  
13 Township Committee and G. MacDonald, Township Clerk.

14 It says the foregoing Resolution was  
15 adopted by the Township Committee of the Township of  
16 Pennsville at its meeting held at the Municipal  
17 Building, Pennsville, New Jersey, on the first day of  
18 March, 1979, G. MacDonald, Clerk.

1 MR. MILHOLLIN: Mr. Bob Hallowell.

2 MR. HALLOWELL: 22 Prospect Avenue, Newark,  
3 Delaware.

4 In reference to that, my basic feeling as I  
5 was coming up here was that this is a public hearing  
6 and I'm sharing my feelings with the public, and from  
7 the remarks that were made before I wonder -- I really  
8 hope this is a public hearing because it sounds like  
9 everybody out here is saying one thing, and I hope you  
10 hear it and act on it.

11 Again, I feel like I'm representing the  
12 forgotten tribe here tonight, representing the people  
13 from Delaware.

14 It is unfortunate that the Salem Plants or  
15 Hope Creek Plants were moved down to this area. They  
16 did get it away from a high population up there but  
17 they forgot about us across the state line.

18 I'm here to make a statement on behalf of  
19 the Delaware Safe Energy Coalition. We strongly  
20 support the efforts of New Jersey in opposing the  
21 unwise proposal put forth by the Public Service  
22 Electric and Gas Company to add more storage capacity  
23 for spent fuel elements at Salem.

24 The concern over the disposition of  
25 radioactive waste has been echoed across this nation.  
California by law has banned further nuclear power

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1 plants until permanent storage of radioactive waste  
2 is a reality, not just a plan on paper. The Wisconsin  
3 Public Service Commission has placed a moratorium on  
4 nuclear power plants for the same reason. The Iowa  
5 PSE has taken similar action. In New York, the removal  
6 and final disposition of the waste at West Valley now  
7 estimated by the Department of Energy to cost one  
8 billion dollars has caused Governors at a recent  
9 Governors' National Conference to push for the states  
10 to have veto power over the storing of radioactive  
11 wastes within their borders.

12 In our own State of Delaware a bill was  
13 passed last year which limits radioactive waste storage  
14 to five years and bans the storage of out of state  
15 wastes in Delaware, and we've recently had introduced  
16 in our State Senate a bill to place a moratorium on  
17 nuclear power plants until the waste problem is solved.

18 There is a pattern under which all these  
19 states act. There is a pattern which underlies all of  
20 these states' actions, the desire of the citizens to  
21 keep their states from becoming nuclear dumping grounds.  
22 Here in Salem we find a similar situation, which wastes  
23 from outside plants outside of this area may be brought  
24 here and stored.

25 Now, we are asked to condone and approve  
of the expanding the storage even more to accommodate

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1 more spent fuel rods. Where will it all end, we ask.  
2 The people of South Jersey have been stepped on long  
3 enough in this matter, and we in Delaware can't help  
4 but feel affected by this.

5 We do not enjoy the idea of having 400,000  
6 Delawareans living within a 20-mile radius of this  
7 plant and then having to read headlines like, "Hazards  
8 reported in area nuclear plants," "Nuclear Plant  
9 Confirms Massive Kill of Weakfish", "Radioactive Water  
10 Leak Totaling 15,000 Gallons," and shutdown after  
11 shutdown after shutdown, costing New Jerseyans and  
12 Delawareans millions of dollars in repairs and down  
13 time.

14 By the way, I think we have a percentage of  
15 the Salem Plant.

16 We do not want our own backyard to become  
17 a nuclear waste dump. Therefore, we as Delawareans  
18 join the people of New Jersey in their desire for  
19 reasonable limits on radioactive waste storage and  
20 urge that PSE&G's request for additional storage be  
21 denied.

22 Thank you.

23

24

25

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1 MR. MILHOLLIN: Mr. Edward Pitts.

2 MR. PITTS: I live at 13 North Golf Wood  
3 Avenue, Carney's Point, New Jersey.

4 I represent the Philadelphia Area Project  
5 on Occupational Safety and Health Environment Defense  
6 Fund.

7 A community that has the highest cancer rate  
8 in the world, it is foolish to consider any experimental  
9 design of nuclear waste storage at a time when we are  
10 about instituting health programs to save our children.  
11 We can ill-afford nor tolerate any added variables  
12 to compound a health condition of the community.

13 Little have we considered our County's  
14 first experience of compulsive use of nuclear energy  
15 in which citizens have been exposed to nuclear  
16 radiation during a partial development of an atomic  
17 bomb at a local chemical manufacturing facility just  
18 six miles from here, not only as chemical toxicity  
19 emanated from the facility but radiation as well.

20 The ill effects of this irresponsible  
21 activity are being felt not only here in Cancer Alley  
22 but all the way across the world to Hiroshima and  
23 Nagasaki.

24 I hope the Nuclear Regulatory Commission  
25 is sensitive to S genes in the future, particularly

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1 in regard to ornithology. The original project  
2 evaluation had been without detailed evaluation of  
3 birds listed on protection programs such as OSPRY.  
4 A number also in embryology have already been observed  
5 by a group of veterinarian researchers in Texas.  
6 Trappers in Salem County have no need for contaminated  
7 animals, nor farmers for contaminated land, nor  
8 children for the threat of escalating disease.

9 Formal sanctioning of the proposed storage  
10 can only be regarded as an insult to an already  
11 violated wildlife and a slap in the face to all County  
12 residents, particularly minorities, who are experiencing  
13 the highest toxicological disease rates of the groups  
14 here in the world.

15 It is time we stop the rape of the land  
16 and prostitution of the people. As the oldest English-  
17 speaking County in the Delaware Valley, Salem County  
18 should be designated as an energy and historical  
19 conservatory. We should put nuclear waste to pasture  
20 and close the barn doors to any form of toxicology  
21 in Salem County.

22 MR. MILHOLLIN: We have now completed the  
23 list of those who have written in and those who have  
24 signed up here on the desk. Now I'll just ask for  
25 you to raise your hand if you would like to be

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1 recognized.

2 MS. JONES: Jean Jones. I'm a resident  
3 of Greenwich, New Jersey, which is probably closer to  
4 the nuclear plants than many parts of Salem County.  
5 It's just across a great protective barrier known as  
6 the County Line.

7 I would like to suggest that my plea to you  
8 tonight is to be sincere and honest with those of us  
9 who live here. My only qualifications to speak to  
10 you are that I'm a local taxpayer and a mother of  
11 eight children. I've been concerned about this  
12 problem for many, many years, mainly because of my  
13 children.

14 I won't be around when the problems of this  
15 storage come to a head, but they probably will and my  
16 grandchildren, and I feel a moral obligation to them.  
17 I resent the attitudes that have been expressed to me  
18 very deliberately by officials of the Electric  
19 Company.

20 I'd like to call your attention to a small  
21 animal sitting on the edge of your desk. It's known  
22 as a muskrat. It was trapped this year in the marshes  
23 beside the atomic plants and I'd just like to make  
24 this comment about that little muskrat.

25 When the ship in the Delaware Bay, which  
was used as a public relations device -- one of the

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1 statements that was made in that publicity was that  
2 nothing in this area would be harmed by radiation  
3 from that plant except the little muskrats.

4 I find that very interesting, and there's  
5 an example of the thing that is going to be heard.  
6 I think that they ought to at least be honest and not  
7 use such obviously devious means of tricking people  
8 into accepting these very danger wastes and the whole  
9 plant idea.

10 Another statement that was said to me by an  
11 official of these plants was that should I have any  
12 objection to the wastes storage plants, which I believe  
13 in the venacular are called swimming pools; that then  
14 I might enjoy receiving them back in my Township as  
15 a recreational facility in which my children could  
16 swim.

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1                   Gentlemen, such treatment of the public  
2 is unexcusable. This is something I want on the public  
3 record as a statement that was said to me. My plea  
4 to you is to please be honest with the public. You  
5 will accept the statements that were made here tonight  
6 as being extremely thoughtful presentations.

7                   I wish to concur with everything that has been  
8 said here tonight. I found Congressman Hughes'  
9 statement one of the best I've heard from an elected  
10 official in many years, and I certainly wish to concur  
11 with that statement.

12                   Also, I would like to request that the  
13 General Electric Reed Report be made public. I would  
14 like to receive a copy of it, and I think that anyone  
15 here that wishes to have a copy of this report should  
16 make that known.

17                   This report is an in-plant report from  
18 General Electric that claims 27 errors and safety  
19 problems, and I understand that report has been  
20 covered up. I think it's time this be stopped, and  
21 at this point I would like to request a copy of it and  
22 hope that it will be made public.

23                   Thank you for your time.

24                   MR. CAROTENUTO: Raymond Carotenuto, I  
25 represent the UURR, which represents thousands of  
people throughout the State of New Jersey.

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Gentlemen, I'm in awe of all of the sophistication that is being represented here because I represent a group of rather simple people and we are, of course, concerned with the health situation here and the dangers of the nuclear problem. However, our position on this thing is who's going to pay for it?

We would like to know how this is going to be paid for. We are concerned about the rate, rates, the cause of increases and the cost of electric power as well as gas and oil.

Now, through our experience in the past few years there has been a rather large credibility gap that has been created. It's become more of a chasm between the regulatory agencies, the people involved with them, and the people they are supposed to regulate, and it has been a direct reflection in the high costs, the large increases in the cost of utilities in the State, as well as throughout the whole United States

In our dealings with these hearings we have experienced much that has caused us a great concern. The concern is we would like to know whether you people sitting at the table, the head of the table, let's say, are going to make the decision on this request or not. Specifically, will you make the decision for approval of the spent pool expansion program?

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23-3

1 MR. MILHOLLIN: Yes. Our decision in this  
2 case is the intial decision by the Nuclear Regulatory  
3 Commission. The decision can be appealed to a higher  
4 body within the Commission, and then it can be appealed  
5 to the Commission itself. Then it can be taken to the  
6 courts.

7 Our decision is the first decision in the  
8 hierarchy of decisions. If that's your question,  
9 the answer to it is yes.

10 MR. CAROTENUTO: I'm saying you three  
11 gentlemen will actually make that decision?

12 MR. MILHOLLIN: The three of us will decide  
13 whether this fuel pool may be modified so as to receive  
14 additional spent fuel elements, that's right.

15 MR. CAROTENUTO: Now, our concern on this  
16 in regards to rates. We know the PSE&G as well as  
17 your utilities in this State go before the Board of  
18 Public Utilities here in the State of New Jersey and  
19 they request an increase. They request an increase for  
20 millions of dollars, and these increases are based on  
21 the cost of operation and the cost of plants, and they  
22 are based on how much plant they have and how much  
23 spend. So, there's not much of a restriction put upon  
24 them as to how much they can spend or need to spend.

25 Now, we look at it from a dollars and cents  
standpoint. Just how much is this expansion going to

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1 cost the people of New Jersey in the cost of their  
2 electric and how are we expected to pay for this?

3 MR. MILHOLLIN: Sir, can I ask you to --

4 MR. CAROTENUTO: I'm going to end right now.  
5 I want to read this because this is a request for our  
6 organization.

7 MR. MILHOLLIN: Very well.

8 MR. CAROTENUTO: Utility Users for  
9 Reasonable Rates of the State of New Jersey, on behalf  
10 of all of our members, associated organizations and the  
11 members hereby formally request copies of all minutes,  
12 transcripts and pertinent data put forth by all parties  
13 concerning this matter at this and any other formal  
14 or informal meeting or hearings that will be used,  
15 considered or caused and effected in the final decision  
16 and/or order deciding this case.

17 This request is made under the provisions  
18 of the Freedom of Information Act, and all other  
19 known and unknown New Jersey Sunshine Laws. This  
20 information will be used to publicly inform the  
21 aforesaid members as to the direct or indirect effect  
22 this matter has on present and future utility rates  
23 in the State.

24 Now, since the Board and agencies involved  
25 here are public agencies, financed with public monies,  
we request that all costs for the production of this

1 requested material be borne out of the public funds  
2 of these agencies.

3 I thank you very much. I appreciate it.  
4 That can be sent to my home, at 11 School House Lane,  
5 Turnersville, New Jersey, 08012.

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(Area) 547-8700

1 MR. WALTERS: Steve Walters. I live at  
2 48 Race Street, New Brunswick, New Jersey.

3 I'd just like to say to the Board that I'm  
4 a big believer in taking responsibility. When I hear  
5 one of your members say you're not supposed to get  
6 emotional about this, I feel intensely angry because  
7 at the same time I feel angry I feel very sorry, and  
8 it's an incredible combination because I feel sorry  
9 for you, if you don't realize how emotional this whole  
10 thing is. If you don't realize your children, your  
11 grandchildren, their grandchildren are going to feel  
12 this, I feel very sorry for you because you obviously  
13 don't understand time; you don't understand feeling;  
14 you don't understand a lot of things.

15 When you take a trip somewhere, you go there  
16 and you have a good time. You might spend a lot of  
17 money. At the same time you always think about how  
18 you're going to get back.

19 When I went out West I had a certain amount  
20 of money; made it out West and had a really good time,  
21 but I also had to figure out how am I going to get  
22 home.

23 You're spending a lot of money on nuclear  
24 energy here and on nuclear waste, and you're putting  
25 it all there, but you don't know how to get back home  
again. I want to be able to get back to having green

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1 fields, after they've all been blown away by your  
2 nuclear reactors. I want to be able to get back to  
3 be able to play my guitar wherever I want to rather  
4 than worrying this place has been contaminated, this  
5 place has been contaminated, you can't play there.

6 I just want you to remember that Americans  
7 have a very great tendency for doing things and  
8 figuring out later what to do about them. We did it  
9 in Vietnam and we did it with Richard Nixon.

10 Figure out now how we're going to get out  
11 of this, please.

12 MR. FRISCO: Donald C. Frisco. I live at  
13 2612 East Robino Drive, Wilmington, Delaware, 19808.

14 Members of the Commission, members of the  
15 public, thank you for allowing me time tonight to  
16 air my views concerning the question at hand. It is  
17 with great distress and urgency I oppose the proposal  
18 to increase the spent fuel storage density out at  
19 Artificial Island.

20 The prospect of having a nuclear power plant  
21 within ten miles of my home has made me uneasy since  
22 the first Salem one went into testing phase.

23 When Salem II was announced, followed by  
24 Hope Creek I and II, and DP&L's own insane Summit  
25 venture proposed for our shores, my uneasiness turned  
to apprehension. In the ensuing years since Salem I

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1           went on line my apprehension has been followed by  
2           new and alarming reports on the hazards of prolonged  
3           low-level radiation exposure, the seemingly minor  
4           accidents and shutdowns occurring regularly at Salem,  
5           the poor marks given Salem I and other nationwide  
6           reactors by NRC inspectors and the preview of what  
7           could be a monumental disaster that happened last  
8           winter when an oil-laden barge ran aground in the icy  
9           Delaware River near the reactor. Had the barge instead  
10          been one of the new and deadly liquified natural gas  
11          ships scheduled to try the Delaware in the near future  
12          and had the ship's tanks ruptured, we might not all  
13          be here today.

14                       Now, the prospects of increased storage  
15          capacity at Artificial Island, along with the greater  
16          changes of mishap occurring during transportation of  
17          spent fuel to Salem from outside reactor sites, a  
18          fact that is not supposed to happen, but one that will  
19          be given future approval if the present regulatory  
20          process continues, forces me past apprehension and  
21          into angry. Thanks to the recently Price Anderson  
22          Act, should an accident of any consequence occur at  
23          the reactors, the storage pool, or on the busy highway  
24          near my home, I stand to lose everything I've worked  
25          to save for with virtually no hope of any compensation  
          whatsoever.

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1                   It is for these reasons that I have  
2                   journeyed to Salem to night to ask you, the members  
3                   of the Commission, to deny PSE&G's request for  
4                   increased storage capacity that faces you now. The  
5                   welfare of all of us in this area once again rests  
6                   on your shoulders.

7                   Thank you.

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1 MS. SCHEULE: Linda Scheule. I live in  
2 Mannington, New Jersey.

3 I'm a community health nurse in this area  
4 and I'm also a potential mother. I think both of these  
5 reasons are enough to stop the nuclear plants where  
6 they are.

7 I'm already busy in this area. I have a  
8 high cancer rate. I'm also a respiratory cancer nurse,  
9 and we have a high lung disease rate. I don't need  
10 any more disease or illness in my patients.

11 As a potential mother, my fetus is very  
12 important to me, and I don't want a genetic problem.

13 I oppose the expansion and I wish you'd  
14 deny it.

15 Thank you.

16 MR. RODEN: My name is Paul Roden. I'm here  
17 tonight representing the Keystone Anti-Nuclear Alliance  
18 in Philadelphia.

19 The Keystone Alliance, which is a grass-roots  
20 group, is opposed to nuclear power in the Philadelphia  
21 area. We're also advocating a synergy policy of no  
22 rate hikes for residential consumers, safe newable energy  
23 sources such as solar, development of a massive con-  
24 servation program, energy policies that create more  
25 jobs such as solar and conservation, and democratic  
control of energy policies.

I'm here tonight because Philadelphia  
Electric has 42-1/2 percent interest in the Salem I and  
II plants. Public Service Electric and Gas of New Jersey

25-2

1 is one of the other utilities involved with Salem I  
2 and has asked the NRC Board to allow it to increase  
3 the capacity of its nuclear spent fuel storage pool.

4 Our answer to this request is no, no way.

5 Why do we say no? We feel that the nuclear  
6 power is foolish in the first place and should not  
7 continue anywhere because it's too dangerous, unnecessary,  
8 and too expensive. By increasing the spent fuel storage,  
9 we are risking a catastrophe. You are playing a dangerous  
10 game of Russian roulette, with all the people in the  
11 Delaware Valley unknowingly as participants.

12 It's not dealing with the unsolved problem  
13 of what to do with the waste at the back end of the  
14 nuclear fuel cycle. An accident at the spent fuel  
15 pool would be a greater catastrophe than a core metal-  
16 down, or what has been called the China Syndrome because  
17 there's more poisonous radioactive isotopes in spent  
18 fuel pool than a reactor where it is generated over  
19 time.

20 It's the technology that says it won't  
21 leak. Well, what about terrorist sabotage or the event  
22 of a war? Again, no acts from God are permitted.

23 How can PSE justify increasing the capacity  
24 of the spent fuel pool? If the alternative to their  
25 request is shutting down Salem I, that is exactly what  
we want. Nobody should be allowed to knowingly risk  
thousands of people's lives and welfare because they  
don't know what to do with their nuclear garbage.

Low-level radiation and the risk of a China

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Syndrome from operating nuclear plants is one thing,  
but stop-gap measure such as increasing spent fuel  
storage is playing with the devil. It's an unnecessary  
risk, and to allow it to happen speaks of madness and  
insanity.

We don't want nuclear power or nuclear waste.  
Let's shut them down, find a solution for the wastes  
we have and not make any more. The NRC should not  
grant PSE&G's request to increase the spent fuel reactor  
pool.

Thank you.

End 25

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Take 26-1  
WP/RD

1 MS. LORUP; Suzanne Lorup.

2 I would like to represent a group of U.S.  
3 citizens who haven't been taken into consideration  
4 tonight: our wildlife.

5 We have already minimized their natural  
6 habitat incredibly. Now certain members of our society  
7 have tried to make up for this wrongdoing, but now,  
8 when and if we do have a radioactive leakage, who  
9 can explain why they can no longer drink their water  
or live on their land?

10 It is ridiculous to assume that this great  
11 hazard to wildlife will have no effect on humans as  
well.

12 Thank you.

13 MR. KILLIAN: Bob Killian. I live at 301  
14 Branch Avenue in Little Silver, New Jersey. I'm affiliated  
15 with the Hudson River Clear Water Incorporated and  
16 Sea Alliance of New Jersey.

17 I would hope that the Board will consider  
18 that as the number of spent fuel assemblies increases,  
19 the danger of accident and leakage will also increase,  
20 and to store this most deadly substance on an island  
21 created artificially by man and subject to tidal and  
22 geological effects presents and unprecedented and totally  
23 unacceptable threat to the health and wellbeing of  
24 the people of Salem County and surrounding areas in  
New Jersey, Pennsylvania and Delaware.

25 Unlike Congressman Hughes, I do not support  
nuclear power at all, particularly because it's my

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1 feeling that the members of one generation have no  
2 right to produce a substance, plutonium, that will  
3 demand continuous vigil by hundreds of generations to  
4 come and will remain a threat to humankind for a quarter  
5 of a million years.

6 I recommend that the NRC not grant the  
7 amendment to increase the storage capacity at the  
8 Salem generating plant. Further, I would ask that the  
9 safety study commissioned by General Electric, known as  
10 the Reed Report, and completed in 1975, be made public  
11 and available to the office of the Public Advocate in  
12 New Jersey, or to the Public Interest Research Group.

13 Thank you.

14 MR. DI BERNARDO: Mike DiBernardo. I'm  
15 from Mantua, New Jersey. I represent the UURR.

16 We came here tonight to discuss expansion of  
17 the spent fuel pool at Salem I. After listening to all  
18 this testimony, or limited appearances that were given  
19 here tonight, I only hope that you take it back and use  
20 what you heard here because I've been to many hearings  
21 locally, in the state, and all the proceedings that I've  
22 attended expert witnesses, limited appearances, as long  
23 as these people weren't sworn in, their testimony meant  
24 nothing in the whole proceeding, and I hope that  
25 doesn't happen.

I hope that Washington doesn't know something  
that we don't know because they closed the Frankford  
Arsenal. They're going to close Fort Dix. They were  
going to close the Navy Yard. They're moving Federal

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1 installations and employees out of this area, taking  
2 jobs away. Maybe these dangers are realized by them  
3 and not you.

4 In this state we know that the utility  
5 companies fund the Regulatory Commission, which is the  
6 Board of Public Utilities. In the nation, we know that  
7 the Utility Lobby has a great influence on the NRC.

8 Don't destroy your credibility with the  
9 little bit of hope that we have, please. Take these  
10 people's message back, and when you decide, let your  
11 conscience be your guide.

12 Thank you.

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1 MR. BINDER: Steve Binder. I'm from  
2 Moorestown, New Jersey, 237 West Second Street.

3 I'd like to just quickly address the  
4 attention of the people to the painting on that side  
5 of the room. It shows somewhat I assume to be  
6 common peasants. It shows an American Indian, a  
7 nuclear power plant in the left-hand corner.

8 It raises two questions in my mind: (1)  
9 How would the founding fathers like to know they were  
10 being associated with that? (2) The American Indian  
11 was walked upon in this country. He was pushed from  
12 the land, and the motivation behind that move for  
13 the American Indian was that he could keep moving  
14 West because the land was so big that the white man  
15 could never push him out.

16 I feel there is a strong analogy here between  
17 what the utility companies are doing and what was done  
18 to the American Indian. The utility companies will  
19 hoodwink the public. The common man does not know  
20 exactly the truth here, and the Nuclear Regulatory  
21 Commission has the people behind it who can do something  
22 about this. They know what's going on, and I hope that  
23 in their decision they reflect this knowledge.

24 There's one question that I don't think has  
25 been asked tonight and that is whose mistake was it  
that means that the storage facilities have to be

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1 expanded?

2 The Commission should address this very  
3 strongly because if in the initial planning stages the  
4 amount of storage area could not be properly calculated,  
5 what other mistakes have been made?

6 Thank you.

7 MS. ARANOFF: Sue Aranoff, 237 Binner Street,  
8 Highland Park.

9 When I came here tonight I wasn't originally  
10 intending on speaking. I'm under eighteen, a recent  
11 high-school graduate.

12 I've been listening to testimonies from all  
13 the people and I'm kind of basically confused as to  
14 who's actually on the side and the technical issues  
15 and stuff like that. That's not what I want to speak  
16 about.

17 You keep talking about the future generations  
18 and their next generations and the next generations.  
19 Well, I think what you should deal with is the effect  
20 that you're having on the present generation of youth  
21 in America.

22 Most people, if they know what's going on,  
23 then they're kind of giving up, or they live in fear  
24 and a kind of tension. When they go see the China  
25 Syndrome and they have a mass reaction, then they say  
it's too big to deal with because then they have to

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1 hear things like this to try to get anything done.  
2 Then they feel that's totally a waste of their time  
3 and it will take six or ten years then, and by that  
4 time they will already have cancer in their systems  
5 or their children's systems or their grandchildren's  
6 systems.

7 I don't know if I'm wasting my time coming  
8 here tonight. I don't know if you're going to listen  
9 to any of what people say. I don't know if it's more  
10 worthwhile to take up civil disobedience and picket  
11 the plant.

12 I hope that the system in America works. I  
13 hope for my kid's sake, I hope for my fellow  
14 classmates' sake, who sit together in history class and  
15 learn about our founding fathers and look at a picture  
16 like that and kind of take pride in this country and  
17 take pride we can come here and express ourselves.

18 I hope you listen to what we say or what  
19 other people say, and I hope there are scientists who  
20 do know the answers. I don't know if people know  
21 the answers.

22 I think before you go about making decisions  
23 that will have incredible impacts on future generations  
24 that someone will find out the truth in this matter.  
25 It's like PSE&G's researchers can say one thing and  
John Goffman can say another thing, and no one yet

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1 really knows who's right, but I hope before you do  
2 anything you'll wait and find out, even if it takes  
3 fifteen years for you to find out what you can do with  
4 spent fuel rods.

5 I hope you can wait that long before  
6 producing more and more and more. So that when you  
7 find out, maybe there's nothing you can do with them  
8 and you won't have so many of them that you can't just  
9 put them in some isolated barn somewhere but that  
10 you'll have them all over the place.

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1 MR. AKUTOWICZ: Frank Akutowicz. I live at  
2 2007 Harvey Road, Arden, Delaware 19810.

3 Assumptions

4 Most discussions of nuclear waste problems  
5 assume that long-term solutions will soon be found.  
6 This assumption has been made each year for 35 years.  
7 My comments are based on the assumption that long-term  
8 disposal methods will not soon be found.

9 Summary

10 It follows immediately from the assumption  
11 that short-term waste volumes and their storage should  
12 not be increased. In fact, the continued production of  
13 waste should be stopped. Accordingly, this is the  
14 position I recommend to this Licensing Board.

15 How Short-Term Becomes Long-Term

16 If there isn't going to be any long-term  
17 storage outside the biosphere in the foreseeable  
18 future, then short-term storage becomes long-term  
19 storage by the mere passage of time without any further  
20 intervention or planning by human agency. This type  
21 of non-planning for waste disposal has characterized  
22 America's nuclear programs since the Manhattan Project  
23 when wastes were simply diluted and dumped into the  
24 local creeks around Oak Ridge.

25

Mixing Processes in the Biosphere

1  
2 The biosphere is the thin film of air and  
3 water on the surface of the earth which supports all  
4 forms of life. It is also humanity's first choice for  
5 dumping any unwanted substance, whether it be gas,  
6 liquid or solid. The air and water on the earth are  
7 in constant motion so that a thorough mixing ultimately  
8 prevails. However, in areas of continuous high waste  
9 discharge long distance mixing cannot occur, with the  
10 consequence that a geographic map of cancer incidence  
11 in the U.S. traces out every major river basin in the  
12 U.S including the Delaware River.

13 In addition to the mixing activity of wind,  
14 weather and tides, a great deal of mixing and relocating  
15 of nuclear waste occurs presently by trucking it back  
16 and forth across the country in thousands of trips every  
17 day.

18 Processes of reverse mixing or re-concentra-  
19 tion occur for a long list of radionuclides. This  
20 biological magnification can introduce nuclear wastes  
21 into human food long after the wastes have been  
22 originally diluted and forgotten.

23 Since, with nuclear wastes, we are concerned  
24 about geologic periods of time another gross type of  
25 mixing occurs every 15 to 25 thousand years during

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1 ice ages. The last glaciation came within a few miles  
2 of Salem if it didn't actually crunch right over it.  
3 In between ice ages extended warm spells occur with  
4 sea levels rising anywhere from 30 to 300 feet, which  
5 put Salem under water.

6 Scale Up

7 The Interagency Review Group on Nuclear Waste  
8 Management appears to be headed for geologic contain-  
9 ment isolated from the biosphere. The two preferred  
10 sites are deep sea sediments and deep rock strata.  
11 The deep sea beds are the quietest places on earth,  
12 having been motionless for thousands of years.  
13 However, if large and powerful heat sources are  
14 introduced into this quiet environment strong convec-  
15 tion currents become energized, and as the containers  
16 corroded and failed their contents would be returned  
17 to the biosphere.

18 In the case of deep rock strata heat transfer  
19 is much slower and the wastes and rock can be expected  
20 to melt. The resulting generation of gases in a  
21 miniature volcano cannot rule out the opening of  
22 fissures, faults and other failures, again with a  
23 return of the contents of the biosphere. In both of  
24 these, and other efforts to find isolation from the  
25 biosphere, the problem of scale up has not been solved,

1 and cannot be solved except by playing Russian roulette.  
2 There is no geologic modeling system known to predict  
3 the large scale behavior of a concentrated dynamic  
4 heat release system from small-scale tests in the crust  
5 of the earth. All that anyone can do is go ahead and  
6 try it. The Russians have gone ahead and tried it,  
7 and they've had some spectacular blow-outs. It is  
8 significant that neither the Soviets nor the Americans  
9 are willing to divulge information on this public health  
10 menace. It suits the nuclear establishments in both  
11 countries to keep the information lid screwed down  
12 tightly.

13 Burying Wastes Still Pollutes the Biosphere

14 Much of the discussion of geologic contain-  
15 ment of nuclear wastes conveys the notion that the  
16 wastes can be compacted,--dropped into a hole somewhere,  
17 sealed over and forgotten. Yet every act of transform-  
18 ing existing wastes into other forms, such as radio-  
19 active glass blocks, involves many processing steps,  
20 including heating to high temperatures, which release  
21 radioactive gases or liquids which are difficult to  
22 capture and compact. These, notably tritium and the  
23 noble gases, are habitually released to the biosphere.  
24 Thus the act of "burying" the wastes releases a large  
25 radiological burden into the living environment. The

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1 only way to solve the dilemma is to stop generating  
2 more wastes. And the time to do that is now.

3 Politics

4 In addition to its technical and economic  
5 dimensions nuclear power, including waste disposal, is  
6 a highly political game. In this game one group of  
7 actors impose their wishes and purposes on all other  
8 groups including unborn generations.

9 The siting of nuclear power plants is a politi-  
10 cal game, a test of political managerial skill. The  
11 Edison Electric Institute studied the licensing  
12 histories of nuclear power plants and found that  
13 locating a power plant in a thinly populated area was  
14 the single most important factor to minimize public  
15 opposition to the plant. The Salem plant bears out  
16 this finding. These plants were originally proposed  
17 for Northern New Jersey where the company expected its  
18 load growth. However, an alert and articulate citizen-  
19 ry shooed them out. The same thing happened north of  
20 Philadelphia. The plant finally found a home in one  
21 of the most lightly populated counties in New Jersey  
22 where a dazed and inarticulate citizenry bowed their  
23 heads and said, "Thy will be done."

24 Political Solutions to Technically Insoluble

25 Problems

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1                   Locating a nuclear plant in the wetlands at  
2                   the head of a brackish estuary is the worst possible  
3                   location, since water movement past the plant comes  
4                   to a halt about twice a day and the basic processes  
5                   of cooling and dilution of waste are seriously impaired.  
6                   In addition the wastes do not migrate out to sea but  
7                   instead accumulate somewhere in the bay. Nobody knows  
8                   where. Fish and shell fish in the bay need some fresh  
9                   water and cannot survive if it is all used up in cooling  
10                  nuclear power plants. Salem I has a restricted license  
11                  in warm weather because of a shortage of water in the  
12                  Delaware River. The three additional plants under  
13                  frenzied construction will quadruple demand on a  
14                  resource that is already used over capacity. Storing  
15                  larger and larger aggregates of spent fuel in the  
16                  coastal strip of the estuary could ruin the entire bay  
17                  in case of accident or act of war. The reality of  
18                  these environmental and human health concerns in siting  
19                  the power plants and large waste storage dumps here in  
20                  Salem does not influence the decision. What makes the  
21                  decision is a political reality. Economic interest  
22                  groups and psychological interest groups combined into  
23                  what is known as the nuclear establishment can impose  
24                  an obnoxious waste storage dump on Salem. By this  
25                  political means it is possible to achieve the technically

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9-7  
1 impossible: long-term nuclear waste storage in the  
2 biosphere and in the most sensitive part namely at the  
3 head of a shallow tidal estuary.

4 Epidemiological Information

5 The essential tool by which this political  
6 magic is accomplished is information control: keep  
7 the public ignorant.

8 As a conference on Environmental Epidemiology  
9 at Johns Hopkins --

10 MR. MILHOLLIN: Sir, how much longer do you  
11 think you're going to be?

12 You can put your statement in the record if  
13 it's written.

14 MR. AKUTOWICZ: Well, I'm in the middle of  
15 Page 3 and the text stops in the middle of Page 4. I'm  
16 near the end.

17 MR. MILHOLLIN: Go ahead.

18 MR. AKUTOWICZ: -- At a conference on  
19 Environmental Epidemiology at John Hopkins University  
20 recently several speakers mentioned that when an  
21 economic interest is involved with a public health  
22 question, epidemiology becomes impossible. It's as  
23 simple as that. Epidemiology becomes impossible.  
24 Epidemiology is the search for factors that influence  
25 the incidence of various kinds of biological morbidity

1 and mortality. A classical example was scurvy as an  
2 occupational disease among sailors. The Portugese  
3 and Spanish navigators discovered in the 16th century  
4 that carrying citrus fruits in their food supply would  
5 prevent death by scurvy. Two hundred or so years later  
6 the British navy accepted the reality of this discovery  
7 and issued lime juice to its sailors who became known  
8 as limeys. However, it wasn't until another 70 or so  
9 years went by that the Brithsh Government required  
10 this in the British Merchant Marine. Thus economic  
11 and psychologic interest groups could obscure the facts  
12 about an occupational health hazard for almost 300  
13 years. Only the ignorant sailors and their bereaved  
14 families suffered.

15 In the 38 years of the nuclear age as the  
16 incubation periods of various radiation induced cancers  
17 are approaching maturity, thousands of persons are in  
18 the process of dying prematurely. They are a rich  
19 source of epidemiological data on the public health  
20 hazard of nuclear power. Yet these statistical sources  
21 of data are not being used, because actual information  
22 would arise and the cherished argument, "We have no  
23 evidence of adverse effects" would become obsolete.

24 A few years ago, during the Nixon/Ford era,  
25 the Community Health and Environmental Surveillance

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1 Survey (CHESS) was attempted and aborted. This was the  
2 first primitive attempt by the Government (not including  
3 the AEC/NRC) to measure environmental factors and  
4 public health factors jointly. More recently the  
5 National Academy of Sciences has published its delibera-  
6 tions on starting an environmental epidemiology program  
7 for the U.S. The program envisaged is a long way from  
8 complete conceptualization, a longer way from data  
9 collection, and a very long way from analysis and  
10 implementation of findings. In the meantime, the data  
11 have become so rich with information that amateur  
12 epidemiologists unaided by any scientific apparatus  
13 are making discoveries. The navy shipyard worker in  
14 Portsmouth who observed that all of his former cohorts  
15 are now dead is an example. The fact that human  
16 radiation damage is now visible to the naked eye shows  
17 the falsehood of government radiation standards.  
18 Equally false is the assumption that by diluting wastes  
19 down sufficiently any amount of radioactivity can be  
20 routinely discharged into the bay. Nobody knows what  
21 happens to the toxins that are dumped into the bay.  
22 No program exists for systematic surveillance and  
23 analysis of the fate of these toxins. By the time the  
24 information becomes visible to the naked eye, it will  
25 be much too late. In the meantime the "no evidence"

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1 policy rules the day, and forms the political foundation  
2 of the nuclear power industry.

3 Dracula in the Maternity Ward

4 The greatly increased exposure allowance for  
5 nuclear workers compared to the general population is  
6 another falsehood based on the "no evidence" principle.  
7 Nuclear workers marry non-nuclear workers and radiation  
8 induced genetic defects are thereby introduced into  
9 the entire population as if the entire population has  
10 the increased exposure burden. Nuclear power puts  
11 Dracula in charge of the maternity ward. This is what  
12 the "no evidence" policy accomplishes. The nuclear  
13 establishment including the army, the navy, the NRC,  
14 the AIF and their friends in Congress, systematically  
15 avoids collecting epidemiological data associated with  
16 radiation exposure, and instead works to obscure the  
17 results that other groups with inadequate funds and  
18 resources manage to collect and analyze.

19 This grotesque behavior pattern has been  
20 going on for years and years. In the absence of any  
21 foreseeable epidemiologically valid data collection and  
22 analysis system the Salem plant should be shut down.  
23 Toward this end the only responsible decision this  
24 Licensing Board can make is to deny the request to  
25 increase waste storage at Salem.

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1 Thank you very much.

2 MR. WALL: Charles Wall. I'm from Indian  
3 Mills.

4 Everyone who's come up here so far has  
5 identified themselves. We've had representatives from  
6 non-profit groups protecting themselves and other  
7 citizens, and we pretty much recognize who the utilities  
8 are, and we recognize the profits they will make.

9 Between the utilities and the people who  
10 stand something to lose is the Regulating Commission.  
11 We hope that the Regulating Commission, who doesn't  
12 have to answer to the people to vote, for their votes,  
13 will answer to the people through their consciences.  
14 We can't elect regulating commissions. We also can't  
15 elect utilities. It seems like that leaves us little  
16 power over what they do.

17 I hope that you protect the interests of the  
18 people over the interests of the profit.

19 Thank you.

20 MR. STARRETT: Frank Starrett. I'm  
21 associated with the Ecology Alliance in Philadelphia.  
22 I live in Huntingdon Valley, Pennsylvania.

23 I'll make this very, very brief.

24 I think there's no one in this room who  
25 thinks about it, is not aware that the success of the

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1 industry, Nuclear Industry, and the utilities and all  
2 of the many-faceted pro-nuclear factions throughout  
3 the country depend on a premise that they've accepted,  
4 and incidentally, I believe in the news it shows basical-  
5 ly what their values are. They're committed to the  
6 belief that mankind is essentially a material creature  
7 and will give up nothing, absolutely nothing, in his  
8 search for greater energy and consumption.

9 I ask you tonight does this in itself show  
10 what any man in his right conscience who has thought  
11 about this should take home with him, and he thinks  
12 what is the moral fiber behind people who have given us  
13 this industry. That man, American people, the people  
14 throughout the world, will give up anything, and this  
15 is my essence.

16 I don't have any prepared statement, as you  
17 can see.

18 Are these people who have given us this  
19 industry, are they not committed to the assumption that  
20 mankind will give up anything for a sky-is-the-limit  
21 society? Is this their final appraisal of what man  
22 is?

23 It seems as though it has been up to this  
24 point.

25 That's all I have to say.

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1 MR. MILHOLLIN: The Board will take two  
2 more, and then we have to really adjourn.

3 MR. WADDINGTON: My name is Jim Waddington.  
4 I'm one of the inarticulate locals that a previous  
5 speaker spoke about.

6 I live in Salem. My business is in Manning-  
7 ton. It's been affected a great deal by the nuclear  
8 plant, and I would have to say that it's been affected  
9 positively by the existence of the nuclear plant.  
10 However, I find myself more and more looking at the  
11 mistakes and the problems that have been associated  
12 with the plant.

13 I had no intention of coming to the hearings  
14 this evening. I walked past, walked in, sat down,  
15 left, came back.

16 One thing I've seen today that has distressed  
17 me a great deal is I feel that in our assessment  
18 against extending the spent fuel storage facilities  
19 we've been unfair to you gentlemen, and I would like to  
20 apologize to you. I think that you've been very  
21 patient and very understanding and very pleasant  
22 considering the circumstances.

23 I would like to thank you for that, and I  
24 would like to extend my love and concern to you in  
25 this difficult decision that you have in front of you.

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However, I would also like to add my voice in opposition  
to extending the spent fuel storage facilities.

Thank you,

\*\*\*

30-1  
1  
2 MR. BONNER: Hal Bonner. I'm from Wilmington,  
3 Delaware.

4 I'm a Chemist, and I would like to echo the  
5 words of the last speaker in complimenting you gentlemen  
6 on your patience. I wish, on the other hand, you'd  
7 be a bit more sensitive to some of the people that  
8 asked you some direct questions, and I do hope in the  
9 absence of response you will send them the letters and  
10 make a suitable response to them.

11 I'd like to make two comments.

12 MR. MILHOLLIN: I'd like to respond to you  
13 now.

14 Yes, we intend to go over the record  
15 carefully and respond to the requests of each person  
16 who has made one on the record.

17 It's hard for me to predict what response  
18 we'll make specifically because I'm not sure what  
19 documents are available, but we'll do our best to do  
20 what's appropriate in responding to the request.

21 MR. BONNER: I've worked most of my life  
22 for two very large companies; 25 years for DuPont and  
23 during that time my experience has been that technology  
24 can solve lots of problems.

25 I've been a student of Nuclear Energy for  
the last five years, and this is the first case of

1 a technology in which I am persuaded that technology  
2 does not have all the answers. So, my bias is basically  
3 opposed to nuclear power and these particular plants  
4 and the expansion of the storage facilities for waste  
5 fuel.

6 Specifically, I would like to just mention  
7 that in the case of the DuPont Company, if it proposed  
8 or actually managed a waste disposal facility that was  
9 found to be unacceptable, there are Government  
10 regulatory bodies which would shut down the operation  
11 immediately. DuPont would be obliged to stop its  
12 operation. It's been compelled to do this in the past.

13 In this case, you are not only the regulatory  
14 body but you have also the technical expertise that  
15 gives you the data on which you make a decision. So,  
16 you're sort of the judge and the jury.

17 So, I think it's up to you. It's been quite  
18 clear from technical data that's been presented in  
19 the past and you've heard what the unanimous judgment  
20 of this group has been tonight. What we're really  
21 doing is holding your feet to the fire and asking you  
22 as the regulatory agency, with your technical staff,  
23 to make the responsible decision, which is to not  
24 allow the expansion of these facilities, and if that  
25 necessarily requires the consequent shutdown of the

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Salem plants, then so be it.

Thank you.

MR. MILHOLLIN: On behalf of the Board, I'd like to thank you all for your attendance and your statements. We will review the record carefully and will review your remarks carefully.

We will reconvene tomorrow morning at 9:30 A.M. in this room. We will have further limited appearances.

This hearing is now adjourned.

(Hearing adjourned at 10:05 P.M., to be reconvened on March 16, 1979, at 9:30 A.M.)

—

End Day