

# **Official Transcript of Proceedings**

## **NUCLEAR REGULATORY COMMISSION**

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Draft Environmental Impact Statement

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UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

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PUBLIC MEETING ON PROPOSED MOX FACILITY

DRAFT ENVIRONMENTAL IMPACT STATEMENT

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THURSDAY

MARCH 27, 2003

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CHARLOTTE, NORTH CAROLINA

+ + + + +

The Public Meeting was held in the Charlotte-Mecklenberg Government Center, 600 East Fourth Street, at 7:05 p.m., Francis "Chip" Cameron, Facilitator, presiding.

PRESENT:

FRANCIS (Chip) CAMERON

LAWRENCE KOKAJKO

TIM HARRIS

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

1  
2 MR. CAMERON: Okay. Good evening,  
3 everyone. My name is Chip Cameron. I'm the Special  
4 Counsel for Public Liaison at the Nuclear Regulatory  
5 Commission, and I welcome you all to the NRC---that's  
6 one acronym we'll be using tonight for Nuclear  
7 Regulatory Commission---I want to welcome you to the  
8 NRC's public meeting tonight.

9 And our topic is the draft environmental  
10 impact statement that the NRC has prepared to assist  
11 the NRC in evaluating the application that we've  
12 received from a consortium, Duke Cogema Stone &  
13 Webster, better known as DCS; an application to  
14 construct a mixed oxide fuel fabrication facility.  
15 And it's my pleasure to serve as your facilitator for  
16 tonight's meeting. And in that role, I'm going to try  
17 to help all of you to have a -- a productive meeting  
18 tonight.

19 And before we get into the substance of  
20 the discussion tonight, I usually like to go over some  
21 -- some items about the meeting process, why we're  
22 here tonight, what the format and ground rules are for  
23 the meeting, and to just briefly talk about the  
24 agenda.

25 The agenda does not have a lot of moving

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1 parts, so it's a simple agenda tonight. And in terms  
2 of the purpose, one purpose is we want to make sure  
3 that we clearly explain what the NRC's process is for  
4 evaluating the DCS application, and to also talk about  
5 the findings in the draft environmental impact  
6 statement, and to answer any questions you have about  
7 the process or the findings.

8           Second purpose and most important purpose  
9 is to hear any comments that you might have on the  
10 draft environmental impact statement. And it may be  
11 that the information you hear tonight from the NRC or  
12 any of the other people in the audience will help you  
13 to prepare any written comments that you might want to  
14 submit on this draft environmental impact statement.  
15 And the NRC staff will be explaining in a few minutes  
16 what that process is for submitting written comments.  
17 But I just wanted to emphasize, anything that you say  
18 tonight will carry the same weight as a written  
19 comment. We are transcribing the meeting, and your  
20 comments tonight will be essentially in writing  
21 because they will be on a transcript. It'll be a  
22 written transcript. And we will make that available  
23 to whomever wants to have that -- that transcript.  
24 The ultimate goal is to use the comments that we hear  
25 tonight, in the other public meetings, and the written

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1 comments, to -- to illuminate our decision-making on  
2 this application.

3 In terms of format, we're going to have a  
4 couple of brief NRC presentations to give you  
5 background; question and answers from you. I know  
6 you'll have questions, and hopefully we'll have  
7 answers, good answers. And the second part of the  
8 meeting is to give any of you who wish to do so an  
9 opportunity to come up to the podium and give us some  
10 -- some formal comments. And I think we -- we have a  
11 nice turnout tonight, but I don't think that we'll  
12 have to worry too much about length of time speaking,  
13 but I would like you to hold it to ten minutes, at the  
14 most. We were in North Augusta last night. We had a  
15 lot of people. And I think we got out of there at  
16 11:00. And, although that's -- that's okay with us,  
17 we want to hear everybody, in fairness to all of you  
18 we would like to make sure that the meeting ends at  
19 the time that we had promised it would end. So try to  
20 be concise, if you can.

21 And in terms of ground rules, if you have  
22 a question, when we get to the question and answer,  
23 just signal me and I'm going to bring you -- we don't  
24 have our usual talking stick, we have -- I don't know  
25 what you would call this, but...

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1 UNIDENTIFIED: A lapel.

2 MR. CAMERON: A lapel mic. Thank you,  
3 Mary. A lapel mic. I will bring this to you and get  
4 your question, and the NRC staff will answer it.

5 When we go to the formal comments, I would  
6 just ask you to come up here to the podium. And we  
7 want to make sure everybody gets a chance to speak.  
8 And I would ask that only one person speak at a time  
9 so that we can get a clean transcript and, more  
10 importantly, pay attention to whomever has the floor  
11 at the time.

12 We do want to keep it informal and have a  
13 discussion with you, so I would just say relax and  
14 speak what's on your mind tonight. We have people  
15 here from different parts of the -- the NRC. In  
16 addition to the NRC staff who are in charge of  
17 evaluating this application, we have people from our  
18 Office of General Counsel, from our regional office.  
19 And after the meeting is over, take advantage of  
20 talking to them about any pertinent questions you  
21 might have.

22 I wanted to -- to ask Adrienne Lester, who  
23 is -- did all to logistical arrangements for these  
24 meetings, to just come up and tell us about any  
25 logistical details that you think people should know

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1 about.

2 Adrienne?

3 MS. LESTER: Good evening. I would like  
4 to you thank you all for coming out tonight. And I  
5 just want to briefly go over the information that you  
6 picked out -- picked up out on the desk out there.  
7 The first thing is the agenda. And behind that you  
8 have a facts sheet which just tells you what the NRC  
9 is, what it does, and also gives you some information  
10 on the MOX facility. And behind that is a very  
11 important sheet, because it has where you can send  
12 your comments to, which are due back by May 14<sup>th</sup>. And  
13 the additional sheets behind that are just a  
14 representation of the posters back there. So you can  
15 just take that home with you and look over that.

16 The next sheet you should have picked up  
17 would be the slides that Lawrence and Tim are going to  
18 present tonight. And lastly is the public feedback  
19 form. And you can just mail that back to us, because  
20 the postage is already on there, or either you can  
21 give it back to me tonight.

22 So thank you. And we hope to hear from  
23 you very soon.

24 MR. CAMERON: Okay. Thank you very much,  
25 Adrienne.

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1           Our two NRC presentations are -- first  
2 we're going to go to Mr. Lawrence Kokajko, who is  
3 right here. And he is the acting Branch Chief of the  
4 Environmental and Performance Assessment Branch at the  
5 NRC. It's in our Office of Nuclear Materials, Safety,  
6 and -- and Safeguards. And Lawrence's staff is  
7 responsible for evaluating the environmental aspects  
8 of this -- this application. And before he assumed  
9 this acting Branch Chief position, he was the -- the  
10 Section Chief of something called the Risk Task Group  
11 at the agency, which was looking at how risk should be  
12 factored into NRC decision-making. He's been involved  
13 in the reactor world, the spent fuel world at the NRC,  
14 so he has a wide breadth of -- of knowledge that he  
15 brings to his present position. And were -- were you  
16 a licensed reactor operator?

17           MR. KOKAJKO: A senior licensed.

18           MR. CAMERON: Senior licensed reactor  
19 operator. And Lawrence is going to give you the broad  
20 overview on this project, and then we're going to go  
21 to Mr. Tim Harris, who is right here. Tim is the  
22 Project Manager for the environmental review on the  
23 construction authorization application. He's been  
24 with the agency for about nine years now. And his  
25 expertise is in civil engineering, I believe. And Tim

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1 is going to walk you through -- walk us through the  
2 findings in the draft environmental impact statement.  
3 Those are the two presentations.

4 We also have Dave Brown, right here. Now,  
5 Dave is the Assistant Project Manager on the safety  
6 evaluation on this construction authorization. And  
7 he's here to answer any questions on the -- the safety  
8 side of the evaluation. So it's very important to  
9 understand that the NRC's review of this application  
10 has an environmental component and it has a safety  
11 component. And, although our focus is on the  
12 environmental tonight, we do know that you're  
13 interested or might have comments on the safety side,  
14 so Dave is with us to -- to help us out with that.

15 And with that, I'll turn it over to -- to  
16 Lawrence.

17 MR. KOKAJKO: Good evening. My name is  
18 Lawrence Kokajko. I'm the acting Branch Chief for the  
19 Environmental and Performance Assessment Branch in the  
20 Division of Waste Management in the Office of Nuclear  
21 Materials, Safety, and Safeguards at the Nuclear  
22 Regulatory Commission. And I'd like to welcome you to  
23 this meeting on the NRC's draft environmental impact  
24 statement for the proposed mixed oxide or MOX fuel  
25 fabrication facility.

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1 I'd like to thank you for taking your time  
2 out of your busy day and evening to be here this  
3 evening, and we look forward to hearing from you.  
4 This meeting is one of a series of meetings---in fact,  
5 this is the third one this week---which are designed  
6 to inform the public about the draft environmental  
7 impact statement for the proposed facility, and to  
8 solicit public comment.

9 As Adrienne said, there are several  
10 handouts. One is a set of slides, the agenda, facts  
11 sheet, and comparison of alternatives, as well as the  
12 feedback forms. And we are especially interested in  
13 getting the feedback forms from you as well, this  
14 evening, besides your comments on the draft  
15 environmental impact statement. We would use this  
16 information to try to improve these meetings in the  
17 future. And you may either hand it back to an NRC  
18 staff member. And, once again, could I have the NRC  
19 staff members raise their hand. You can give -- give  
20 it to one of those people and we will take it back, or  
21 you can mail it in the -- back to us. And it's  
22 already self-addressed, and postage has been paid.  
23 Also, if you'd like a copy of the draft environmental  
24 impact statement you may obtain one here. We have a  
25 limited number available. And if we run out, we will

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1 mail you a copy. Next slide.

2           Tonight there will be two presenters,  
3 myself and Tim Harris of my staff. And we've included  
4 our phone numbers and Email addresses. And please  
5 feel free to contact us if you have any questions  
6 after the meetings.

7           As I indicated, the purpose of tonight's  
8 meeting is to get your comments on the draft  
9 environmental impact statement. Before we hear your  
10 comments, we'll provide some information on NRC's role  
11 in the proposed project, and describe the *National*  
12 *Environmental Policy Act* and the EIS process, and how  
13 the EIS fits into the NRC's decision-making. Tim will  
14 give an overview of the draft environmental impact  
15 statement, and there will be time to answer some  
16 questions before we begin to take your comments.

17           The proposed MOX facility would take  
18 surplus weapons plutonium and depleted uranium and  
19 make nuclear reactor fuel. Congress, in the *Defense*  
20 *Authorization Act of 1999*, gave NRC a role in the  
21 proposed MOX project. Specifically, the NRC has the  
22 licensing authority over the MOX facility, so our role  
23 is to make a licensing decision regarding the safe  
24 operation of that facility.

25           The NRC is an independent government

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1 agency, and our mission is to protect the public  
2 health and safety, and the environment, in the  
3 commercial uses of radioactive material. Our role is  
4 different than the Department of Energy's. The  
5 Department of Energy's role in this project relates to  
6 implementing the United States nuclear non-  
7 proliferation policy, including the disposition of  
8 surplus weapons plutonium.

9 The Department of Energy also has a  
10 responsibility to design, build, and operate two  
11 facilities that support the proposed MOX facility.  
12 And these two facilities are the pit disassembly and  
13 conversion facility, also known as the PDCF, and the  
14 waste solidification building, or the WSB. While the  
15 pit disassembly and conversion facility and the waste  
16 solidification building are considered in NRC's  
17 environmental review, it is important to note that  
18 these -- that the NRC does not have regulatory  
19 licensing authority over these two support facilities.  
20 That responsibility rests with the Department of  
21 Energy. The NRC only has authority over the proposed  
22 MOX facility.

23 I'd like to briefly describe the  
24 environmental impact statement process. The *National*  
25 *Environmental Policy Act* requires government agencies

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1 to prepare an environmental impact statement for  
2 proposed major federal actions such as the potential  
3 licensing of the proposed MOX project. An  
4 environmental impact statement presents environmental  
5 impacts (sic) of the proposed action, along with  
6 reasonable alternatives to that proposed action. Note  
7 that the bolded areas are opportunities for public  
8 involvement in the process, and we consider this a  
9 very important part of the EIS.

10 NRC's involvement with the MOX project  
11 started when Duke Cogema Stone & Webster, or DCS, the  
12 applicant, submitted an environmental report and  
13 requested to construct the MOX facility. We published  
14 a notice of intent to prepare an EIS in the *Federal*  
15 *Register* in March of 2001. During the scoping  
16 process, the public helped determine what issues would  
17 be addressed in the environmental impact statement.  
18 We have completed the draft environmental impact  
19 statement, and we sent copies to approximately 550  
20 people in February.

21 We are currently in the public comment  
22 period for the draft environmental impact statement.  
23 This meeting is being transcribed, and comments made  
24 here tonight will be included in the official comment  
25 record. And the last slide that Tim will show this

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1 evening will show you ways you can submit public  
2 comments. We will review and consider the public  
3 comments and finalize the environmental impact  
4 statement.

5 As I mentioned earlier, NRC's role is to  
6 make a licensing decision regarding the proposed MOX  
7 facility. I'd like to take some time to describe the  
8 licensing process just briefly, and how the EIS we're  
9 discussing tonight fits into NRC's decision-making  
10 process. First, there are two decisions that the NRC  
11 will have to make for the proposed MOX project. The  
12 first decision is whether to authorize construction of  
13 the facility, and the second is whether to authorize  
14 operation of the facility. These decisions are shown  
15 in the middle of the slide. The NRC's environmental  
16 review is shown at the top portion of the slide, and  
17 consists of preparing the final environmental impact  
18 statement. The final environmental impact statement  
19 will be used by NRC to decide whether to authorize  
20 construction, and later whether to issue a license to  
21 operate the MOX facility.

22 And I need to point out that the  
23 environmental impact statement does not cover  
24 everything that would normally be covered in the  
25 safety review. For example, response to terrorists

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1 activities, which is a security and safeguards matter,  
2 is -- would be considered in the safety review, not  
3 the environmental impact statement. It is not that  
4 it's not going to be considered, it's just that the  
5 forum for that will be in the safety review and not in  
6 the environmental impact statement.

7 The NRC's safety review is shown at the  
8 bottom portion of the slide. The safety evaluation  
9 report for the construction authorization request  
10 focuses on a safety assessment of the proposed design  
11 bases to determine if it meets NRC's requirements.  
12 NRC's final environmental impact statement and safety  
13 evaluation report for the construction authorization  
14 request will be the basis for making a decision on  
15 whether to construct the proposed MOX facility. And  
16 we anticipate making that decision later this year.

17 Duke Cogema Stone & Webster plans to  
18 submit a license application to operate the proposed  
19 facility around October of 2003. The safety  
20 evaluation report on the operating application and the  
21 final environmental impact statement will form the  
22 basis for making a decision on whether to allow DCS to  
23 operate the proposed MOX facility.

24 I also want to point out that there will  
25 be at least -- there will be another opportunity for

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1 hearing on the operation of the facility. John Hull,  
2 with our Office of General Counsel, is here this  
3 evening, and he can answer questions related to the  
4 hearing process.

5 To summarize, a single environmental  
6 impact statement will be used to support the decision  
7 to construct and later operate the proposed MOX  
8 facility. And let me also stress, once again, the  
9 environmental impact statement has a separate mission  
10 than the safety review. And the safety review will be  
11 -- will be used to determine if it meets the  
12 regulatory requirements as outlined in Title X, *Code*  
13 *of Federal Regulations*, Part 70.

14 Now, I would like to turn the presentation  
15 over to Mr. Tim Harris of my staff. Mr. Harris is  
16 lead for the environmental review for the MOX project  
17 at the NRC.

18 Tim?

19 MR. CAMERON: And Tim is going to cover a  
20 lot of material for you. And let's let him get  
21 through that material and go for questions. So if you  
22 could mark any questions that you have on your -- your  
23 view graphs, then -- so that we make sure and get  
24 them.

25 Tim?

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1 MR. HARRIS: Thanks, Chip. Thanks,  
2 Lawrence.

3 The document we sent out is a culmination  
4 of approximately two years of effort. And I would  
5 like to provide an overview of that document. It's  
6 quite lengthy, so I'm going to try to focus the  
7 discussion on several issues. And if one of the  
8 issues we don't talk about is important to you, please  
9 ask a question and we can provide some additional  
10 detail.

11 I'll describe the alternatives that we  
12 analyzed in detail, and also alternatives that we  
13 considered but did not analyze in detail. And then,  
14 as I stated, I'll go through a summary of the  
15 alternatives we did analyze in detail.

16 To understand how we did, that---that is,  
17 which alternatives we analyzed in detail and those  
18 that we just considered but did not do a detailed  
19 analysis of---it's very useful and helpful to  
20 understand the purpose and need associated with the  
21 environmental impact statement. As we stated in the  
22 notice of intent that Lawrence noted was published  
23 back in March of 2001, the purpose and need for the  
24 MOX facility relates to a larger surplus plutonium  
25 disposition program that, as Lawrence mentioned, is

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1 administered by the Department of Energy. So the  
2 purpose and need for this, our draft environmental  
3 impact statement, is essentially the same as used by  
4 the Department of Energy in its programmatic EIS's for  
5 the surplus weapons plutonium disposition program.

6 The purpose and need relates to agreements  
7 between the United States and Russia to reduce the  
8 threat of nuclear weapons by insuring that those  
9 materials are converted into proliferation-resistant  
10 form. And also to reduce the risk that that plutonium  
11 might fall into the hands of terrorists or rogue  
12 states.

13 The draft environmental impact statement  
14 evaluates two alternatives in detail. These are the  
15 proposed action and the no-action scenarios. The no-  
16 action alternative would be continued storage of  
17 surplus weapons plutonium at existing Department of  
18 Energy sites. The no-action alternative is used as a  
19 comparison -- as a baseline for comparing different  
20 alternatives.

21 The proposed action includes impacts from  
22 constructing, operating, and later decommissioning the  
23 proposed MOX facility. And it also considered impacts  
24 of other connected actions that are things that are  
25 closely related to the operation of the MOX facility.

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1 These would be transportation of various nuclear  
2 materials, feed stocks, fresh fuel, spent fuel. And  
3 also, as Lawrence mentioned, DEIS includes impacts  
4 associated with those two DOE support facilities. And  
5 again, those were the pit disassembly and conversion  
6 facility and the waste solidification building.

7 The pit disassembly and conversion  
8 facility would take weapons material in a classified  
9 form, declassify the form, and convert it from a metal  
10 into a plutonium powder. That powder would go to the  
11 MOX facility where it would be mixed with depleted  
12 uranium in order to make reactor fuel. The waste  
13 solidification building would take waste from the  
14 proposed MOX facility and the pit disassembly and  
15 conversion facility and process that waste. The  
16 impacts associated with the proposed action also  
17 includes the potential use of MOX fuel in reactors.

18 For the proposed action, we also evaluated  
19 differences in using a sand filter versus HEPA  
20 filters. The idea of using sand filters was raised at  
21 a scoping meeting in North Augusta.

22 As I said before, the purpose and need is  
23 used to determine which alternatives we considered to  
24 be reasonable and were analyzed in detail, and those  
25 that were not. In addition to siting and technology

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1 options that were evaluated by DCS in its  
2 environmental report, several alternatives were raised  
3 during scoping, and also at public meetings that we  
4 had last fall.

5 Immobilization was initially considered to  
6 be a reasonable alternative. However, following DOE's  
7 -- excuse me, the Department of Energy's amended  
8 record of decision, DOE believed that an  
9 immobilization-only approach would not meet the U.S.-  
10 Russia agreements. Therefore, it did not meet the  
11 purpose and need, and we did not analyze that  
12 alternative in detail.

13 Deliberately making off-specification MOX  
14 fuel was also raised during meetings we had last fall.  
15 This alternative involves not removing impurities that  
16 are in the -- the weapons plutonium that would make it  
17 less useful to use in the reactor fuel. They have to  
18 remove the impurities in order to make it useful in a  
19 reactor. This alternative would not remove those  
20 impurities, so you wouldn't get the waste associated  
21 with the removal, and also they would make the fuel,  
22 but it would not be used in a reactor. Instead, the  
23 off-specification MOX fuel, under this alternative,  
24 would be stored at spent fuel pools at existing  
25 reactor sites prior to disposal in a geologic

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1 repository.

2           The impacts of this alternative are  
3 addressed qualitatively in the draft environmental  
4 impact statement. The monetary costs of the off-  
5 specification MOX alternative would be about the same  
6 as the proposed action. That is, you would still  
7 build the facility. Those costs would still be there.  
8 However, the off-specification MOX fuel alternative  
9 would generate less waste than the proposed action.  
10 However, the benefits would be lower because you would  
11 not produce electricity. Therefore, the off-  
12 specification MOX fuel alternative was not obviously  
13 superior to the proposed action. And also, this  
14 alternative did not fulfill the U.S.-Russia  
15 agreements.

16           For the proposed action and no-action  
17 alternatives, the impacts associated with the  
18 following list were evaluated. In order to allow time  
19 for public comment, I won't go through the -- the  
20 exhaustive list. I'll focus on the impacts on the  
21 left, which are human health, air quality, hydrology,  
22 waste management, and environmental justice. I'll  
23 also talk about the impacts associated with  
24 transportation and potential MOX fuel use. And I'll  
25 also summarize the cost benefit analysis discussed in

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1 the EIS.

2 First, I'd like to summarize the impacts  
3 associated with the no-action alternative. The  
4 impacts of this alternatives (sic) were previously  
5 evaluated by the Department of Energy, as I mentioned,  
6 the programmatic EIS's that they did. They evaluated  
7 the impacts of continued storage. And the impacts  
8 that are included in our draft environmental impact  
9 statement are essentially the same as DOE had  
10 previously evaluated.

11 The information packet that Adrienne  
12 mentioned includes tables which shows numerical  
13 differences. So if you want to compare the  
14 differences for a particular resource area, like how  
15 much groundwater would be used or what the air quality  
16 impacts would be, you have that information in your  
17 handouts. I'll just summarize those quickly.

18 The impacts to the public and workers from  
19 this no-action alternative---that is, continued  
20 storage---are considered to be low. There would be no  
21 significant water quality or air quality impacts  
22 associated with this alternative. As you can imagine,  
23 if you're storing material in a warehouse or other  
24 type of facility, you're not going to generate a lot  
25 of air emissions or -- or water impacts. Also, there

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1 would be no significant waste management impacts or  
2 environmental justice concerns.

3 The next series of slides summarize  
4 impacts associated with the proposed action. And  
5 again, the proposed action includes the impacts from  
6 three facilities: the proposed MOX facility; the pit  
7 disassembly and conversion facility; and also the  
8 waste solidification building. I've presented the  
9 impacts on the slides in terms of increase or decrease  
10 relative to current conditions at the Savannah River  
11 Site. And again, if you want to see the actual  
12 numerical numbers, those are on the handouts. There  
13 would be no adverse chemical or radiological impacts  
14 during construction. From operating these three  
15 facilities, the annual public collective dose would  
16 increase by about 11%. But as I'll show in the next  
17 slide, we'll put that in perspective. There would  
18 also be no significant chemical exposures during  
19 normal operations. Thanks.

20 This slide shows the radiation dose from  
21 several sources, and also, importantly, NRC's annual  
22 public dose limit. The average annual dose from  
23 natural background is about 360 millirem. And a  
24 millirem is just a unit of radiation exposure, to kind  
25 of give you a benchmark. If you looked at the -- the

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1 important thing to note is NRC's annual public dose  
2 limit, which is 100 millirem. And if you -- if you  
3 provide context, if you got a chest X-ray you'd  
4 receive about six millirem. The annual dose to the  
5 public from normal operations of the three facilities  
6 would be less than one millirem. So that, while the  
7 increase is 11%, it's still less than one millirem.

8 Accidents have the greatest potential  
9 consequences of the impacts that we evaluated. Two  
10 conservative scenarios were evaluated in the draft  
11 environmental impact statement for a number of  
12 potential accidents. The short-term scenario assumes  
13 that people would be exposed by inhaling contaminant  
14 material from a plume that would be generated  
15 following the accident. We have also evaluated a  
16 long-term scenario. And these would include the  
17 impacts from the short-term scenario, as well as  
18 potential impacts from eating crops that could become  
19 contaminated.

20 The potential accident impacts are  
21 evaluated in terms of risk. The classical definition  
22 of "risk" is you take the probability of an event  
23 times the consequences equals the risk. In keeping  
24 with NRC's mission to protect public health and  
25 safety, we want to insure that the resulting overall

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1 risk to the public from an accident is very small.  
2 Therefore, events that could have significant  
3 consequences are required to be made highly unlikely  
4 through design safety features. And I think Lawrence  
5 touched on that. With the safety evaluation report is  
6 where those safety features are addressed. The safety  
7 features are not defined in the EIS. Those are  
8 covered in a separate document.

9 In March we notified a number of  
10 stakeholders that we had identified an error in the  
11 accident consequences that was due to a computer code  
12 bug. And we felt it was very important to get that  
13 information out to the public in a timely manner. I  
14 think I got a phone call on Monday afternoon notifying  
15 me of the error, and by Thursday we had sent out a  
16 letter to over 500 people notifying them that, hey, we  
17 think there's an error. We think the numbers are  
18 going to change. We'll provide more information.

19 During our review, we also found an  
20 additional error, and that was related to wind data  
21 that Duke Cogema Stone & Webster had provided in its  
22 environmental report. This error would essentially  
23 double the impacts associated with normal operations  
24 and potential accidents. However, we reviewed the  
25 impacts associated with these errors and determined

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1 that they did not change NRC's conclusion or  
2 preliminary recommendations. That is, if you double  
3 a number that was significantly less than one  
4 millirem, that number's still going to be less than  
5 one millirem from normal operations, and we didn't  
6 consider that to be significant. If you looked at the  
7 accident impacts, if you double, say, 10 and get 20,  
8 10 is significant, 20 is significant. That didn't  
9 change our conclusions that potential accidents have  
10 significant consequences.

11 We also promised in the letter that we  
12 sent out in March that we would provide you additional  
13 information. And hopefully we'll have those errata  
14 sheets prepared next week. And those will be mailed  
15 out. We're also going to post those on the Web site.

16 Hypothetical events caused the highest --  
17 that caused the highest consequences were an explosion  
18 event at the proposed MOX facility. For the one-year  
19 scenario that I talked about, this would have an  
20 estimated result of less than 50 latent cancer  
21 fatalities. And then, for the long-term scenario, we  
22 estimated less than 200 latent cancer fatalities. And  
23 again, these numbers are one significant figure. So  
24 the -- the actual impact that was calculated  
25 numerically was less, but we reported 200 to be

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1 significantly accurate. These estimates for the long-  
2 term impacts do not credit any interventions that  
3 might be taken to reduce long-term exposures from  
4 eating contaminated crops. That is, it's assumed that  
5 the crops are contaminated shortly before harvest,  
6 that the people harvest the crops, eat the crops. So  
7 intervention that would follow an accident, such as  
8 not allowing people to eat crops and other things, are  
9 not credited in our analysis.

10 The probability -- getting back to risk,  
11 the probability of these hypothetical events is  
12 considered to be highly unlikely through preventative  
13 and mitigative features that are being developed in  
14 the safety review. The consequences of these highly  
15 unlikely events are significant; however, the overall  
16 risk---that is, consequences times probability---we  
17 believe is very small to members of the public.

18 I'll walk through these rather quickly.  
19 Air quality relates to compliance with national  
20 ambient air quality standards for chemical pollutants.  
21 Air quality at the Savannah River Site already exceeds  
22 one proposed standard, which is the particulate matter  
23 2.5 micron or PM 2.5 standard. The proposed action  
24 would increase the PM 2.5 by about 0.1% during  
25 construction, and that's primarily from earth-moving

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1 activities; and 0.01% increase from normal operations.  
2 Now, as I mentioned, this is a -- a proposed standard.  
3 EPA has delayed implementing the PM 2.5 standard. And  
4 if and when attainment plans are developed by the  
5 State of Georgia and South Carolina, SRS could be  
6 required to reduce PM 2.5 emissions or develop  
7 measures to -- to mitigate those.

8           Surface water would not have a significant  
9 effect -- or surface water would not be significantly  
10 affected during construction through the use of  
11 sedimentation control measures. And there would be no  
12 direct discharges during operation. Waste from the  
13 proposed MOX facility would be managed by existing  
14 Savannah River Site facilities. And discharges from  
15 those facilities are not anticipated to change  
16 significantly as a result of processing this waste.  
17 Groundwater would be used during construction and  
18 operation, and the figures are shown there. But  
19 existing well capacity exists to allow this water to  
20 be used. And it would not have a significant impact  
21 on the aquifer.

22           There would be no significant impact on  
23 the Savannah River Site waste management capability  
24 from processing the waste from the proposed action.  
25 Operation of the three facilities would generate about

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1 300% more transuranic waste than is currently being  
2 generated at the Savannah River Site. This TRU waste  
3 is planned to be disposed of in New Mexico at the  
4 Waste Isolation Pilot Plant. And the volume of the TRU  
5 waste that would be generated would be about 3% of the  
6 Waste Isolation Pilot Plant disposal capacity.  
7 Operation of the three facilities would increase low  
8 level waste by about 32%, and non-hazardous solid  
9 waste by about 60% above what is currently being  
10 generated at the Savannah River Site. But, again, the  
11 current Savannah River Site waste infrastructure can  
12 accommodate these waste volumes.

13 In an executive order issued by President  
14 Clinton in 1994, it directed federal agencies to  
15 address any disproportionate or high adverse human  
16 health impacts to low income and minority populations.  
17 And this is commonly referred to as environmental  
18 justice. The impacts from construction and operation  
19 from the three facilities are not high or adverse;  
20 therefore, there would be no environmental justice  
21 concern associated with operating the facility or  
22 constructing the facility. However, due to prevailing  
23 wind directions, we believe that there is a potential  
24 impact to low income and minority populations in the  
25 highly unlikely event that an accident might occur.

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1           The risk associated with that accident, as  
2 I mentioned, is considered to be very small to all  
3 populations. NRC felt it was important to include  
4 mitigation measures to help mitigate those potential  
5 impacts to low income and minority populations. And  
6 those are addressed in Chapter 5.

7           Transportation of material was raised  
8 during scoping as an important issue to many  
9 stakeholders. And the transportation analysis is --  
10 the transportation analysis includes shipping the  
11 surplus weapons material from the various DOE sites to  
12 the Savannah River Site, and also includes shipping  
13 depleted uranium from an enrichment facility where it  
14 would be converted to a powder form and then go to the  
15 Savannah River Site. The analysis also includes  
16 shipping of fresh MOX fuel to a generic Midwest  
17 reactor. Transport of spent MOX fuel is also  
18 discussed generically in the EIS.

19           To summarize the impacts, there would be  
20 less than one latent cancer fatality from routine  
21 transportation to members of the public living along  
22 transportation routes, and also to transportation  
23 crews. The hypothetical accidents that were evaluated  
24 did not result in significant impacts.

25           The potential impacts of -- associated

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1 with using MOX fuel are also discussed generically in  
2 the draft environmental impact statement. The  
3 collective dose to members of the public from normal  
4 operations would be about the same, whether you used  
5 conventional, low enriched uranium fuel, or a mixture  
6 of MOX fuel and low enriched uranium fuel.

7 We also looked at various design-based  
8 accidents, and found that the risk of developing a  
9 latent cancer fatality, comparing the two fuel types,  
10 ranged from about 6% lower to 3% greater. And we also  
11 looked at beyond design-based accidents, and found  
12 that the risk was about 7% lower to 14% greater. And,  
13 again, it depended on the actual scenario event tree  
14 that was looked at, which is why in some cases the  
15 impacts were actually lower.

16 We have received an application from Duke  
17 Power to place lead test assemblies in either the  
18 Catawba or McGuire plants. We will do additional  
19 site-specific evaluations before these lead test  
20 assemblies are placed in a reactor. That is, we will  
21 determine whether or not they can be safe -- that can  
22 be safely done. And also, before MOX -- we'll do  
23 additional analysis before MOX fuel is placed in any  
24 reactor.

25 The draft environmental impact statement

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1 includes a cost benefit analysis of the proposed  
2 action on both a national and regional scale. The  
3 cost benefit was used in helping determine staff's  
4 preliminary recommendation. The national cost would  
5 be about \$3.85 billion, and the national benefits  
6 would be the safe use of excess weapons plutonium, and  
7 also employment and income. The regional numbers  
8 include a 15-county area surrounding the Savannah  
9 River Site. And those numbers are provided for your  
10 review.

11 In conclusion, the impacts of the proposed  
12 action are generally not significant. Accident  
13 impacts from the pit disassembly and conversion  
14 facility and the proposed MOX facility are  
15 significant. However, the probability of such an  
16 accident is considered to be highly unlikely. And  
17 again, that's -- part of our job is to make sure that  
18 those accidents are highly unlikely. Therefore, the  
19 overall risk to the public is considered to be very  
20 small. There is a potential environmental justice  
21 concern should these accidents occur. And we've  
22 provided mitigation measures to do that. Also, we've  
23 been engaging communities around the Savannah River  
24 Site to help refine those mitigation measures.

25 Staff's preliminary recommendation is the

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1 proposed action, again with appropriate mitigation  
2 measures to reduce potential impacts in all areas.  
3 Before making any decision, NRC will consider comments  
4 on the draft environmental impact statement, and we'll  
5 prepare a comment summary document, and we'll revise  
6 the environmental impact statement as appropriate.  
7 That is, comments that you make in writing and here  
8 tonight we will review and determine whether or not  
9 the analyses need to -- need to be changed, whether we  
10 need to consider additional information. And that  
11 will be documented in the final environmental impact  
12 statement.

13 When DCS submits an operating license  
14 application, NRC will review that application and  
15 prepare a second safety evaluation report. NRC will  
16 only grant authority to operate that facility if it  
17 can be shown to be safe.

18 The last slide shows ways that you can  
19 submit comments, and these are either by mail to Mike  
20 Lesser, you can Email me, you can provide comments  
21 directly through the Web, or you can fax me. And  
22 again, I think our phone numbers are up there if you  
23 -- if you have questions. We really want to hear your  
24 comments.

25 And with that, I'll conclude my

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1 presentations and hope that that was succinct enough,  
2 Chip, for a document that was two inches.

3 MR. CAMERON: Very, very good, Tim. Thank  
4 you. Good summary. A lot of material there.

5 Let's go out to you for -- for any  
6 questions that you might have about the presentation.  
7 And I'm going to go back here, and then I'll come up  
8 front. And if you could just, again, give us your  
9 name and affiliation, if appropriate.

10 MS. ODOM: Okay. My name is Linda Odom.  
11 I have no affiliation other than I'm from the Savannah  
12 River plant area.

13 I wanted to ask you, all the accidents,  
14 potential hazards that you have used are hypothetical.  
15 Why not look at the actual accidents, like I said to  
16 you earlier? When you were talking about the  
17 radioactive millirem that people are exposed to, in  
18 1973 the accident from the Savannah River plant, it  
19 was estimated that the average person in the way  
20 received over 300 millirems of radiation. Now, how --  
21 if that happens here, hypothetically, how would that  
22 affect people for the next 30 years?

23 And also, if just 20 pounds of -- of --  
24 excuse me, 14 pounds of plutonium can cause a bomb  
25 destruction as big as Nagasaki, how big of an accident

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1 do we have to have? You said that it's regulated.  
2 How much are they allowed to work with at a time?

3 MR. CAMERON: And, Tim, I think there's  
4 two questions there, and one -- one goes -- no, that's  
5 fine. That's fine. I'm just trying to give a summary  
6 here. One was on the probability and the...

7 MR. HARRIS: Well, I think...

8 MR. CAMERON: ...the second one was on --  
9 I think, please address the -- the criticality  
10 concern. Okay. In other words...

11 MR. HARRIS: Let me -- let me answer the  
12 first question, and I'll let Dave answer the second  
13 question.

14 MR. CAMERON: All right.

15 MR. HARRIS: The first question related to  
16 the use of past accidents. And yes, we did look at  
17 past accidents at similar facilities in order to  
18 develop the types of accidents that could be -- that  
19 could happen at the MOX facility. So we looked at  
20 accidents at fuel fabrication facilities or facilities  
21 that do the types of processing that would occur at  
22 the MOX facility. So we did look at similar  
23 facilities in developing which accidents were  
24 evaluated.

25 And I'll let Dave talk about the amount of

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1 material.

2 MR. CAMERON: And if you have a follow-up  
3 on that first one, we'll go to you again, Linda; okay?

4 David?

5 MR. BROWN: Well, one of the things we're  
6 looking at certainly in the safety evaluation is the  
7 potential for an accidentally criticality. And, in  
8 fact, the consequences of such an event are summarized  
9 in the EIS. But one of the ways that the -- the  
10 applicant has proposed to prevent that is to control  
11 the amount of material that would be in -- in any  
12 place at any one time. But, in any event, it would  
13 not be like a nuclear bomb going off, and that should  
14 be clear. It would be an accident, but not like a  
15 nuclear weapon detonation.

16 MR. CAMERON: And, Linda, did you want to  
17 add anything in terms of Tim's answer?

18 MS. ODOM: Well, I wanted to know what  
19 would the long-term effect be 30 years from now, 30 --  
20 like in Savannah River plant, which I mentioned to you  
21 earlier. There was an awful effect, even if it was to  
22 the low income population, you know, as far as a lot  
23 of people dying from cancer. I, myself, lost 19  
24 people in eight months. So I'm very concerned about  
25 this, as you well know.

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1           MR. HARRIS: I guess I can't tell you what  
2           the impacts would be because I'd need a calculator,  
3           and there's a lot of things involved. The EIS does  
4           tell you, if you know how many millirem you were  
5           exposed to, you can convert that to a risk of  
6           developing cancer. And if you have questions on how  
7           to do that, give me a call and I'll walk you through  
8           the steps. But I'm not sure I want to get into  
9           calculating impacts from an accident at a Department  
10          of Energy site that happened years ago.

11          MR. CAMERON: Okay.

12          MR. HARRIS: That's kind of outside our --  
13          our...

14          MR. CAMERON: But we do, in the -- in the  
15          draft EIS, as you point out, you -- we do discuss the  
16          long-term impacts of the hypothetical?

17          MR. HARRIS: Impacts associated with --  
18          that are hypothetical, associated with the proposed  
19          action, which is -- which is constructing the MOX  
20          facility.

21          MR. CAMERON: Okay. Thank you.

22          Mary?

23          MS. OLSON: I actually wrote down three  
24          different types of questions, but I'll do them one at  
25          a time, and you can come back to me again after the

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1 first one. Okay.

2 I want to appreciate that you did look at  
3 the plutonium and uranium transport portion of this  
4 program, because clearly, to do MOX at Savannah River  
5 Site you have to move plutonium. I am curious,  
6 though, because the last time somebody told me that  
7 transportation impacts were not significant, they were  
8 using a population to make that determination that  
9 never occurred to me, which was the entire U.S.  
10 population. So I -- I'd like you to remind me,  
11 anyway, what the base of your compare -- you know,  
12 your group is to be able to say significant or not  
13 significant.

14 MR. HARRIS: I believe that the group was  
15 just people directly next to transportation corridors.  
16 The -- as determining whether or not the public was  
17 significantly impacted. The computer code that's used  
18 to do those estimates, you plot out your route, and  
19 then it has population data along that route, and it  
20 uses formulas and -- to determine, sum up all the  
21 exposures along that route.

22 MR. CAMERON: So there were...

23 MR. HARRIS: And that's -- it's not the  
24 entire nation. It's people directly next to the  
25 transportation corridors.

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1 MR. CAMERON: But there -- there were  
2 specific routes that were...

3 MR. HARRIS: No, there were not specific  
4 routes.

5 MR. CAMERON: Okay.

6 MR. HARRIS: Living in the new age that we  
7 are with terrorism and security, the routes are not  
8 plotted. What we did provide in the EIS is the stuff  
9 would come from here to here, but we didn't tell you  
10 what roads it was going to go on.

11 MS. OLSON: Just a word to the wise.  
12 There's currently pending in -- I've forgotten which  
13 federal court, a case questioning whether there is an  
14 environmental justice issue around the Yucca Mountain  
15 shipments. So I guess at this point, since you find  
16 no significant impact to anybody, this program doesn't  
17 have to worry about that. But should those numbers  
18 change, it's fairly evident to the casual observation  
19 that, for the most part, low income and minority  
20 people are the ones living near those transportation  
21 routes, no matter which one they are.

22 MR. HARRIS: Right. Let me -- let me  
23 check, but I think we looked at that, Mary. I want to  
24 say we did. I'll get you the answer, but I think we  
25 looked at that. Again, it's a two-inch thick document

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1 and I can't remember every word in there, but -- but  
2 I'll get you an answer.

3 MR. CAMERON: Do you want to ask your  
4 other questions now, or do you want me to come back?

5 MS. OLSON: That's it.

6 MR. CAMERON: I'll go to others, then I'll  
7 come back for -- for that.

8 Peter?

9 And that was Mary Olson.

10 And Peter, if you could just give us your  
11 name, and then we'll go to...

12 MR. SIPP: Sure. My name is Peter Sipp,  
13 Asheville, North Carolina. And I have two questions.

14 First of all, is -- you didn't talk about  
15 the Parallex Project on -- on the one page there,  
16 alternatives considered but not analyzed in detail.  
17 Would you tell me what the Parallex Project is?

18 MR. HARRIS: Sure. The Parallex Project  
19 is a Department of Energy-Canadian project which is an  
20 experimental project to use MOX fuel in Canadian CANDU  
21 reactors. I think the quantity associated is 35  
22 pounds. It's a very small amount compared to 34 -- 34  
23 metric tons.

24 MS. OLSON: It's a test.

25 MR. HARRIS: It's a test. It's an

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1 experiment. So that's what that relates to. And it's  
2 just -- the description, Peter, is in Chapter 2. It  
3 goes into a little bit more detail.

4 MR. CAMERON: Peter, why don't you ask  
5 your -- excuse me, Mary, let me squeeze past.

6 Peter, why don't you ask your second  
7 question, and then we'll go...

8 MR. SIPP: Yeah. Yeah, sure.

9 The other question is, Linda asked about  
10 how much plutonium is going to be -- you may be  
11 answered it, but I didn't quite hear it.

12 MR. HARRIS: How -- how much plutonium is  
13 going to be used?

14 MR. SIPP: Well, I don't -- what -- what  
15 was that question, Linda?

16 MS. ODOM: You said that it would be  
17 regulated, the amounts that would be used. It would  
18 be a safe amount. Actually, you said it would be  
19 safe. Well, just 14 pounds from -- according to the  
20 scientist at MIT University, he said 14 pounds of  
21 plutonium, if there is an accident, a human error,  
22 that 14 pounds would cause destruction like a bomb at  
23 Nagasaki. And that's where I got that information.  
24 So how much -- I mean, 14 pounds is a really small  
25 amount to me.

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1 MR. HARRIS: But the idea that Dave tried  
2 to say is that they use safe amounts in discrete  
3 locations. The throughput of the facility annually is  
4 about 3.5 metric tons. So 3.5 metric tons would go  
5 through the facility in any given year during normal  
6 operations. But, again, that -- the amount of  
7 plutonium would be in a number of different locations  
8 in order to make sure that it was safe.

9 MR. CAMERON: Okay, let's go to Dr.  
10 Patrie. Could you just introduce yourself.

11 DR. PATRIE: I'm Dr. Lew Patrie, L-E-W, P-  
12 A-T-R-I-E, from Asheville. I'm with the Western North  
13 Carolina Physicians for Social Responsibility.

14 I would like to find out -- follow up on  
15 Mary's question with regard to the denominator used  
16 for the population at risk in the case of an accident.  
17 I wonder if you could tell us the magnitude. If it  
18 wasn't the total population of the United States, if  
19 it was of a population of people along -- within a  
20 certain distance of transportation routes, what --  
21 what is that magnitude of denominator of population?

22 MR. HARRIS: Can we do this, Chip? Dave  
23 is going to go over and find the number in the EIS.  
24 I'm sorry, I -- I don't have that up here.

25 DR. PATRIE: Another question, and that

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1 is: What assumptions were you making when you  
2 calculated the risks of morbidity and/or mortality  
3 from acute or long-term exposure for the...

4 MR. HARRIS: We're talking about  
5 transportation?

6 DR. PATRIE: On any of the risks. Are we  
7 -- are you using the base -- assumptions based on  
8 studies that were extrapolated from world -- from the  
9 Nagasaki and Hiroshima experience?

10 MR. HARRIS: Yeah, we -- I think you're  
11 asking about the conversion factor to convert from  
12 exposure to latent cancer fatalities. Is that what  
13 you're asking about?

14 DR. PATRIE: Yes, or latent...

15 MR. HARRIS: The number that we used was  
16 in *Federal Guidance Report 13* which is issued by the  
17 Environmental Protection Agency.

18 DR. PATRIE: And do you know where they  
19 came from?

20 MR. HARRIS: They came from -- I'll let  
21 Dave answer that, since he's a certified health  
22 physicist.

23 MR. BROWN: That is -- as I understand,  
24 that is the most...

25 MR. HARRIS: Use your mic right there,

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1 Dave.

2 MR. BROWN: I don't...

3 That number reflects the more recent  
4 recommendations of the ICRP. The kind of data...

5 DR. PATRIE: I don't -- I don't know that  
6 acronym.

7 MR. BROWN: Oh, I'm sorry. The  
8 International Commission on Radiological Protection.  
9 Which forms the basis for many of NRC's radiation  
10 standards, protective guides.

11 DR. PATRIE: Do you think those standards  
12 are primarily derived from data that was extrapolated  
13 from the bomb -- bomb experience in Japan in 1945, or  
14 do you think they have modified those, considering the  
15 studies that were carried out by people like Dr. Alice  
16 Stewart and Dr. Steve Wing, who happens to be from  
17 North Carolina?

18 MR. BROWN: I don't know the answer to  
19 your question about the latter part. I do know that  
20 the Hiroshima and Nagasaki bombs do form a basis for  
21 our current understanding of the risk of radiation.  
22 I'm not familiar with the latter two studies.

23 DR. PATRIE: I understand that they have  
24 been used as sort of sacrosanct data basis for  
25 calculating risks, even though there's other data that

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1 suggests a low level radiation over a long period of  
2 time, and some other kinds of radiation, may not  
3 follow those premises.

4 MR. CAMERON: And I -- I think that  
5 perhaps we -- I think we could say, Dr. Patrie, that  
6 there -- ICRP and other organizations are continually  
7 looking at -- at new data. But whether they're  
8 looking at data from people like Wing or Stewart is --  
9 is something that we don't know. But perhaps we  
10 could...

11 MR. HARRIS: Well, I...

12 MR. CAMERON: ...it's simple to get Dr.  
13 Patrie some information on that.

14 MR. HARRIS: ...I think you -- I think you  
15 can go to the EPA Web site and pull up a copy of  
16 *Federal Guidance Report 13* and look at the basis. And  
17 also I think that was a quasi-comment, Chip, that, you  
18 know, if there's a different basis or additional  
19 information that would be used to develop -- estimate  
20 latent cancer fatalities, that could be a comment.

21 MR. CAMERON: Good. And that's a good  
22 reminder, Tim, is that as we're asking questions here,  
23 there may be comments by implication or explicitly,  
24 and we will evaluate the transcript to make sure that  
25 we -- we capture all those, too.

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1 Yes, sir?

2 MR. TROZZI: My name is David Trozzi, and  
3 I have no affiliation at this point.

4 I had a question concerning travel safety.  
5 And I'll try to -- try to make this as simple as I  
6 can. What protocols surround transportation, number  
7 one?

8 And to qualify that, is -- do -- does DOE  
9 and EPA have a mocked -- a mocked plan? In other  
10 words, if an accident happened, what do they do? And  
11 let me -- let me qualify this a little more in a time  
12 period. Years ago I worked at IBM as a safety auditor  
13 and with the haz com team. And in 1989, at the  
14 Fishkill, New York plant, we had mocked up if we were  
15 bombed, so to speak. Because it was -- it was a semi-  
16 conductive facility that used quite a bit of lethal  
17 elements or chemicals.

18 And during this presentation that we --  
19 that we did, it actually showed where the site was  
20 bombed, and what to do for it and what to do with it  
21 and how to stop that proactively. Again, this is back  
22 in 1989. And I understand this program came up in '95  
23 when Clinton was in the -- when Clinton was in office;  
24 is that correct? So I don't know...

25 MR. HARRIS: '93. But yes.

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1 MR. TROZZI: Okay. I don't know if  
2 terrorism, at that point and at that time, really was  
3 looked at as it is now. So I'm -- I'll stop right  
4 there and let you answer those questions.

5 MR. HARRIS: Just to make sure, you're  
6 asking one question? Okay.

7 MR. TROZZI: All right. Yeah. Yes.

8 MR. HARRIS: Okay. The answer is that the  
9 NRC is currently looking at design threats and -- the  
10 word -- the word just left me, Lawrence.

11 MR. KOKAJKO: The NRC takes its  
12 responsibility toward safe transport very seriously.

13 UNIDENTIFIED: Could you get closer to the  
14 microphone.

15 MR. KOKAJKO: Certainly.

16 The NRC takes its responsibility for safe  
17 transport very seriously, and I know the Department of  
18 Energy does, too. There are route controls and  
19 approvals, there -- many shipments are monitored by  
20 satellite and they're tracked, many have armed  
21 escorts. These shipments would qualify for those  
22 types of activities. Route approvals are not released  
23 prior to shipments. States typically are made aware  
24 and -- so that they're -- in case of -- as a shipment  
25 is rolling down the -- the highway, so that the state

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1 governments are -- can provide certain protective  
2 features, if necessary.

3 And, okay, the -- the other piece I want  
4 to tell you is the NRC is also looking at interim  
5 compensatory measures for transportation, as well as  
6 other aspects of the regulatory program, to insure  
7 that they are responsive to the terrorist threat. And  
8 we're also doing vulnerability assessments on certain  
9 things that are -- that we regulate, to insure that we  
10 understand the vulnerability, so that we can protect  
11 against it. And the interim compensatory measures are  
12 one step in how we're trying to handle that.

13 MR. CAMERON: I believe -- do you have a  
14 follow-up, Mr. Trozzi? And I think Dave has some  
15 information for you.

16 Here, other questions? And, Mary, I'm not  
17 forgetting. I'm going to come back.

18 Yes, sir?

19 MR. KEISLER: My name's Bill Keisler. I'm  
20 a resident of Lexington County, South Carolina, and  
21 been active in the nuclear industry for many years,  
22 including some standards of (indiscernible)  
23 engineering (indiscernible) consulting work.

24 There are a couple of things. Go back to  
25 Slide #6 with the process of the environmental impact

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1 statement and the safety review.

2 MR. HARRIS: Dave, go back to Slide 6.

3 Go ahead. I'm...

4 MR. KEISLER: Okay. It's not clear to me.  
5 You have public comment up here with the EIS. Is  
6 there no public comment and review for the safety  
7 review?

8 MR. HARRIS: That's correct. Public  
9 comment is typically not a part of the safety  
10 evaluation. Again, that -- those -- the safety  
11 evaluation focuses on compliance with NRC regulations.

12 MR. KEISLER: Okay. Because you said --  
13 or whoever had this slide, maybe (indiscernible) said  
14 that terrorism or whatever would be covered under the  
15 safety review and not the environmental impact, and  
16 yet the environmental impact speaks to accident  
17 analyses, in trying to keep that to a minimum.

18 I was a senior consultant for the Davis-  
19 Besse Nuclear Facility in the late '80s following the  
20 June '85 event. We all know that there has been a  
21 serious problem with the discovery last year of their  
22 -- the regulatory failure to that, and there are open  
23 issues that cover a broad breadth of culture internal  
24 to the NRC. Also throughout the licensee. It's too  
25 lengthy now, but there is some relevance, particularly

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1 out of the Chicago office as relates to Paducah,  
2 Kentucky; Portsmouth, Ohio; the inspectors, same ones  
3 overseeing that didn't find a hole in a reactor  
4 vessel.

5 I spent 23 years on (indiscernible) boiler  
6 and pressure vessel (indiscernible), and the initial  
7 chairman of the replacement's working group, subgroup  
8 on repairs and replacements, a number of things. It  
9 is impossible to get to a hole in a reactor vessel  
10 that's leaking. And we all know that. But to  
11 conclude (indiscernible) implemented.

12 What we're saying here is -- but I don't  
13 know how -- and there's some things still emerging.  
14 I will assure you of that. That haven't seen the  
15 light of day yet. But it does have a relevance to  
16 this, and it was covered in the safety review with no  
17 public comment. How does the public make a comment to  
18 bring that to bear?

19 MR. KOKAJKO: Okay, I understand your  
20 question.

21 First of all, there -- I'd like to say  
22 three things. There are a number of public meetings  
23 that have occurred between the NRC and DCS over this  
24 process. And those are open, public meetings. And  
25 many times those meetings -- people have been --

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1 public members can observe them. And typically you  
2 may have the opportunity to comment at them, and  
3 particularly if you talk to the person who is in  
4 charge of the meeting. They will allow people to  
5 speak if you want to say something.

6 Second thing is, there is, as I mentioned,  
7 an opportunity for hearing in this. This is a formal,  
8 adjudicatory process that -- that may occur if you  
9 have a contention. It can be admitted and it will  
10 have a hearing on it. So that is a very formalized  
11 process and a very legal process that they have to go  
12 through if a hearing is requested. I would ask John  
13 Hull to perhaps comment on that after I finish.

14 The latter piece, the safety oversight,  
15 NRC does not abdicate its responsibility for safety  
16 oversight. I can't speak to the Davis-Besse incident.  
17 I haven't been in nuclear reactor regulation in some  
18 time, so I don't exactly know. But I do know that  
19 there has been a rather scathing report on lessons  
20 learned from the Davis-Besse event within the NRC.  
21 That is available, I believe. And we've taken  
22 ourselves, you know, to the cleaners, so to speak,  
23 trying to solve the problems that may have led to  
24 that.

25 In this case, the MOX case, I think we

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1 plan to have a resident inspector onsite for the MOX  
2 facility. It will be inspected in our post-licensing,  
3 and it will be monitored as we would any other fuel  
4 fabrication facility.

5 MR. CAMERON: And before we see if John  
6 wants to add anything, I guess one question for -- for  
7 you, Lawrence, is if anybody wants to find out about  
8 the meetings between the applicant and the NRC on the  
9 safety side, how would they do that, and are there  
10 minutes of those meetings that are publicly available  
11 if anybody wanted to tune into the safety side?

12 MR. KOKAJKO: Okay, first of all, the --  
13 the meetings are posted on the NRC Web site. And, in  
14 fact, those all -- most public meetings are open to  
15 the public. There are some that are not, primarily  
16 when they deal with privacy act information, or  
17 perhaps when they deal with safeguards and security  
18 matters. But you can look on the Web site to see what  
19 meetings are there.

20 I believe, also, the Davis-Besse incident,  
21 in itself, has its own subpage on the NRC Web site, so  
22 you can go to the Davis-Besse to find out more about  
23 that.

24 MR. CAMERON: And minutes of the -- are  
25 there minutes taken that are publicly available?

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1 MR. KOKAJKO: Typically...

2 MR. KEISLER: I'm well aware of that  
3 process.

4 MR. CAMERON: Okay.

5 MR. KEISLER: I've been involved in that  
6 process (indiscernible).

7 MR. CAMERON: Okay, we've got to get you  
8 on the -- the record.

9 MR. KOKAJKO: Let me finish that, because  
10 some other people may not know.

11 We do take -- we do have a meeting summary  
12 after each public meeting. Many meetings are  
13 transcribed, but I would say most probably are not  
14 transcribed. But at least a meeting summary is  
15 generated and is publicly available.

16 MR. CAMERON: Okay. And just -- you know,  
17 we -- we know that you may know a lot of that -- that  
18 part about it. But for other people's edification --  
19 and we do have David Ayres here from our regional  
20 office, the inspection specialist. And why don't you  
21 tell us a little bit in regard to one question, David.

22 MR. AYRES: Okay, I'm David Ayres. I'm  
23 the Chief of the Fuel Facility Inspection Branch in  
24 Region 2.

25 MR. CAMERON: It's not obvious, yeah. I

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1 think that that's -- so people...

2 MR. AYRES: And as was mentioned here just  
3 a minute ago, we do plan to have a resident inspector  
4 there at the site. If the construction authorization  
5 is approved, we would have a resident there from the  
6 beginning of construction all the way through startup  
7 and -- and beyond. Our plans are to have at least one  
8 resident there at all times.

9 And we are going to have fairly extensive  
10 region-based inspection program that will include  
11 virtually all of the aspects of the safety evaluation  
12 report that will come out, such that all of the -- all  
13 the commitments and requirements that are in the  
14 approved construction authorization that come out of  
15 the safety evaluation report would be inspected. So  
16 we were going to cover all the bases we possibly  
17 could.

18 MR. CAMERON: Okay, thank you very much,  
19 David.

20 Let's -- before we go back over to Mary,  
21 is there any other -- any questions over here?

22 Okay, Catherine, if you could just  
23 introduce yourself to us.

24 MS. MITCHELL: I'm Catherine Mitchell, and  
25 I'm here -- I'm not representing any organization.

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1                   But my question is: Since this program  
2 was initially started as a joint program between the  
3 United States and the Russian government to dispose of  
4 surplus materials from dismantled nuclear warheads,  
5 what plans are in place in the event of -- and  
6 certainly, in light of current events, of  
7 deteriorating relations with the Russian government?  
8 How would that affect the ongoing plan for this  
9 particular program?

10                   MR. CAMERON: Okay, thank you, Catherine.

11                   MR. HARRIS: Those issues, Catherine,  
12 really relate to the Department of Energy who has the  
13 overall mission for implementing the agreements with  
14 Russia and the overall surplus weapons -- weapons --  
15 surplus weapons plutonium -- the program. Sorry.

16                   As it relates to us, likely what would  
17 happen would be, if -- if things did deteriorate. The  
18 applicant, DCS, would withdraw their application.

19                   MR. CAMERON: Okay, let's -- let's go back  
20 to Mary, and then we'll go to -- to Gregg.

21                   Mary, you have another question; correct?  
22 All right.

23                   MS. OLSON: I am Mary Olson, the Southeast  
24 Office Director for Nuclear Information and Resource  
25 Service.

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1 I was really struck, I was really pleased,  
2 I must say, that you did give a qualitative review of  
3 the off-spec MOX plan that was put forward by Frank  
4 Von Hippel and Alice (indiscernible) and others as a  
5 way to kind of go down the middle path. I didn't  
6 agree with a lot of your analyses, but one of the  
7 things that struck me the most is this invocation of  
8 DOE's statement that the Russians might not like  
9 something that doesn't degrade the plutonium from its  
10 current isotopic distribution. And it really bothered  
11 me so much, that I had the horrifying experience of a  
12 new idea at this late date in the game.

13 But there's reactor grade plutonium lying  
14 around in large quantities. I mean, there may not be  
15 that much in the U.S., but West Valley operated for a  
16 while, and I'm sure there's other degraded plutonium  
17 around. We could probably even buy it at a pretty  
18 good price from European countries that really don't  
19 want to use MOX because it's so expensive. So why not  
20 just mix it. Instead of MOX it, let's mix it, and  
21 then do any of the other things we might do that  
22 wouldn't have the reactor risks associated with it,  
23 which I think you way underplayed in your cost benefit  
24 on the off-spec MOX, and DOE underplays on the  
25 immobilization decision. So, anyway, I'm now

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1 advocating mix rather than MOX.

2 MR. CAMERON: And I think we -- we treat  
3 that as a -- as a comment.

4 MR. HARRIS: As a comment, but let me just  
5 make sure I understand, Mary. You're talking about  
6 mixing the surplus weapons grade plutonium with  
7 reactor grade plutonium and making reactor fuel?

8 MS. OLSON: No.

9 MR. HARRIS: Or you're saying mix -- oh,  
10 I'm sorry. I got you. Mixing surplus plutonium,  
11 reactor plutonium, making off-specification mixed  
12 fuel, and storing that and disposing of it. That...

13 MS. OLSON: What I'm suggesting is  
14 isotopic degradation through mixing rather than  
15 irradiation.

16 MR. HARRIS: Okay, got you.

17 MS. OLSON: It might take a large quantity  
18 of reactor grade plutonium, which is why I'm  
19 suggesting that other countries might have to be  
20 vendors of this stuff. But it could be done. It  
21 would isotopically degrade the weapons grade  
22 classification. And then you would not have all the  
23 reactor-related risks, which I believe you are still  
24 underplaying in your analysis.

25 MR. HARRIS: Okay, that -- thank you,

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1 Mary.

2 MR. CAMERON: Let's go over here to -- to  
3 Gregg Jocoy. If you'd introduce yourself to us.

4 MR. JOCOY: Sure. Thank you, Chip.

5 I'm Gregg Jocoy. I'm here representing  
6 the York County South Carolina Green Party.

7 One question that I have. You talked  
8 about these resident inspectors. Now, we've all heard  
9 on the radio people -- reports that a listeria  
10 outbreak has happened in a meat packing plant and 12  
11 people have died and 40 billion pounds of meat have  
12 been recalled and so on like this. They have U.S. DA  
13 resident inspectors, as well. How long do NRC  
14 resident inspectors stay at any one particular plant,  
15 and what steps does the NRC take to assure that the  
16 resident inspectors don't develop an unhealthy  
17 relationship with the people that they're supposed to  
18 be watching?

19 MR. CAMERON: We're going to go to David  
20 for that one.

21 David? I think you have a sense of...

22 MR. AYRES: Right.

23 Right now the time frame for resident  
24 inspectors at the sites is a maximum of seven years.  
25 And they are, you know, extensively trained in not

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1 fraternizing with the licensee, that kind of thing.  
2 I've known several personally, resident inspectors who  
3 lament about having to, you know, be kind of stand-  
4 offish in the community because they can't really  
5 interact with a lot of the people that we meet because  
6 of their status as an NRC resident inspector.

7 Now, I'm not that familiar with the  
8 residents at the reactor sites because I really deal  
9 with just the fuel facilities. But that's -- that's  
10 the way we've done.

11 MR. CAMERON: Thank you very much, David.

12 MR. JOCOY: Have any of the resident...

13 MR. CAMERON: Gregg, we better get you on  
14 the transcript. We'll give you a follow-up here.

15 MR. JOCOY: Thank you.

16 Have any of the resident inspectors at any  
17 of the power plants that have faced challenges like  
18 Besse -- I've got my state legislator on my mind. I  
19 want to call it Bessie Moody.

20 Have any of the resident inspectors at any  
21 of the power plants that have experienced difficulties  
22 lost their job as a result of dropping the ball and  
23 not noticing problems they should have noticed in  
24 advance, or have they been kept on? And, in fact,  
25 have people who have been resident inspectors been

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1 hired by the companies that they were inspecting?

2 MR. CAMERON: David, do you have any --  
3 any information on that?

4 MR. AYRES: I really don't know about the  
5 residents at the reactor sites, whether or not  
6 anybody's been let go or whatever. I do know in the  
7 fuel facility arena there have been a couple of times  
8 where the resident inspectors, after their five to  
9 seven years time was up, that they didn't want to  
10 move, so they got a job with the licensee. So that  
11 has happened.

12 MR. CAMERON: Okay, thank you.

13 Lou, did you have a question before?

14 MR. ZELLER: In your presentation here,  
15 Tim, you talked about impacts on public health in your  
16 investigation. And largely the discussion is about  
17 cancer effects from ionizing radiation. Are you  
18 familiar with some of the work of Dr. John Gothman  
19 that (indiscernible) on some of the plutonium weapons  
20 in the early days before he turned to medicine,  
21 produced a report several years ago which point to  
22 ionizing radiation in the form of X-rays as a major  
23 component of ischemic heart disease, wholly and  
24 separate from cancer. And what we have found is that,  
25 for example, in Barnwell County, alone, there's a 15%

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1 elevated level of ischemic heart disease above the  
2 average of the whole State of South Carolina.

3 MR. CAMERON: Was that considered?

4 MR. HARRIS: I think -- I think the answer  
5 is your observation was correct, that we only  
6 considered latent cancer fatalities as an impact. And  
7 I don't know if you want to add more to that, Dave, as  
8 far as -- I'm not familiar with the work of Dr. Goth  
9 (sic).

10 MR. BROWN: I'm a little bit familiar with  
11 Dr. Gothman's work. At this time his conclusions are  
12 not part of NRC's bases for assessing risk from  
13 radiation. I would be interested in the specifics of  
14 the information you have about Barnwell County, if you  
15 could give us a citation, that sort of thing.

16 MR. CAMERON: And it would be appropriate  
17 if Mr. Zeller wanted to submit the information on Dr.  
18 Gothman's work for us to -- to look at.

19 MR. ZELLER: We've got it.

20 MR. CAMERON: Okay, that's -- that's good.

21 Before I -- and we'll -- we'll take a  
22 couple more questions and then go to comment, and then  
23 we can come back, if we have time, for questions. I  
24 know Linda has one, and Mary. And I just want to make  
25 sure that -- is there anybody else who wanted to ask

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1 a question that we haven't heard from at this point?

2 (No audible response)

3 MR. CAMERON: Okay. Well, let's -- let's  
4 go to -- Mary, you have one other question?

5 MS. OLSON: I think I'll fold it into a  
6 comment.

7 MR. CAMERON: Okay, good.

8 Well, let's go to -- we'll go to Linda,  
9 and then we'll -- we'll go over here, and then we'll  
10 get started with the formal comment. All right.

11 MS. ODOM: Tim, can I ask about something  
12 I read in this book that I was concerned about?

13 MR. HARRIS: Yeah, that -- that's...

14 MS. ODOM: At Wilmington, North Carolina,  
15 at a GEE plant, I was reading by the conversion of  
16 uranium hexafluoride and uranium dioxide.

17 MR. HARRIS: Correct.

18 MS. ODOM: And it said they are changing  
19 their process of converting that to -- from a wet  
20 process to a dry process. I want to know have they  
21 done that.

22 And also it says discharges are permitted,  
23 are -- they're monitored to insure compliance with  
24 permit requirements. I tried to find what the permit  
25 requirements would be, like how much of a discharge

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1 can they release into the environment.

2 And I -- can I say one thing about the  
3 Russians? By Talli Khizhnyak, he was the head of --  
4 I'm sorry. I can spell it. K-H-I-Z-H-N-Y-A-K, who is  
5 head of the Russian nuclear agency, said it will never  
6 happen, the MOX project with the United States. And  
7 that we are paying their scientists, which I spoke to  
8 the DOE, who was kind enough to talk to me earlier.  
9 They -- we are still paying their scientists, but I  
10 understand why; to keep from the plutonium getting in  
11 terrorist hands, or Iraq, or -- which is probably a  
12 good thing. But he does say that will never happen.

13 MR. CAMERON: Okay, this is Section 4  
14 point...

15 MR. HARRIS: No, I -- I got it, Chip.

16 MR. CAMERON: ...4 point -- for other  
17 people, though, 4.4.2. And I'm glad you know that,  
18 too. That's...

19 MR. HARRIS: You mean not everybody is  
20 familiar with the document as I am, Chip?

21 MS. ODOM: I read it.

22 MR. HARRIS: Thank you.

23 I think Dave's going to confirm that, in  
24 fact, they have gone over to the dry process. That's  
25 my understanding.

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1 MR. BROWN: I'm going to ask Dave Ayres to  
2 confirm that.

3 MR. HARRIS: Oh.

4 MR. CAMERON: Let me bring this to you,  
5 David.

6 MR. HARRIS: But -- but it -- but, Linda,  
7 it's also important to note that we looked at both  
8 processes.

9 MR. AYRES: Yes, the facility at  
10 Wilmington converted over to a dry process two or  
11 three years ago. I was the inspector during the time  
12 of the conversion over to the dry process, and it has  
13 happened. The (indiscernible) detail I believe are in  
14 Part 20 either (indiscernible) in their license  
15 application. And if you need some more information,  
16 I'll get my project manager to send you some  
17 information on it.

18 MR. CAMERON: Great.

19 Okay, let's go for a final question, and  
20 then we'll...

21 MR. HARRIS: Can we thank David for  
22 coming? Thank you, David.

23 MR. CAMERON: Okay, here we are.

24 MR. KEISLER: This is Bill Keisler again.  
25 In July of 2000 there was one of these meetings in

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1 Columbia, South Carolina. I attended that one. And  
2 I don't think there was a transcript made of that, at  
3 that meeting. But I asked a question there and it's  
4 never been answered. It was supposed to have been and  
5 it never has.

6           There's an umbrella of protection for the  
7 public that is never breached, ever, under the *Atomic*  
8 *Energy Act*. And yet, when we look now at the NRC-DOE  
9 interface, or even state -- State of South Carolina,  
10 I believe it indicates there's 199 licenses they have.  
11 There are issues in the State of South Carolina,  
12 violations of the *Atomic Energy Act* under 10 CFR 150,  
13 issuing licenses. There was one with an issue of a  
14 DOE contract for plutonium in a city in violation of  
15 that, who was allowed to continue to operate for seven  
16 years.

17           This is a unique situation now where  
18 geographically NRC has a facility inside a whole DOE  
19 boundary, 350 square miles. How is the hierarchy of  
20 authority, in the event of an accident or event, in  
21 that situation who holds that? Typically, with the  
22 way the *Atomic Energy Act* is written, it appears, with  
23 the *Energy Reorganization Act of '74* and the DOE which  
24 was in '78, that the DOE exemptions from the NRC --  
25 NRC authority are predicated on certain conditions.

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1 That that would fail the umbrella means, and it would  
2 instantaneously (indiscernible) the NRC.

3 How -- in this integration of regulatory  
4 authorities, what is the hierarchal protocol for  
5 accident events?

6 MR. KOKAJKO: Okay, I am -- by the way,  
7 I'm familiar with certain licensing things that we do  
8 regulate DOE on. For example, the -- the Independent  
9 Spent Fuel Storage Installation at the Idaho National  
10 Environmental and Engineering Laboratory which is  
11 storing the old Fort St. Berin spent fuel. We also  
12 regulate them and their storage of the Independent  
13 Spent Fuel Storage Installation at Fort St. Berin. So  
14 that fuel is in two different locations.

15 This is very comparable to the situation  
16 at Idaho where there is a small regulated area that we  
17 control within the overall site complex at the DOE, at  
18 the -- at the Idaho lab. In that case, DOE had to  
19 meet all our regulatory requirements for whether  
20 meeting the safety specifications to emergency  
21 planning, everything that -- that they would normally  
22 have to do. And, in fact, we ended up imposing upon  
23 them more stringent requirements in some areas for  
24 that facility and within the DOE complex.

25 And in this case, we would do the same

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1 thing. The MOX facility would be regulated according  
2 to our safety standards. It would have to meet our  
3 standards in terms of emergency planning, procedure,  
4 control, configuration control, and a whole host of  
5 other things. And we would have that authority over  
6 them, whether it was through licensing, inspection, or  
7 enforcement. So that is -- that is allowed by the  
8 *Atomic Energy Act*, the *Energy Reorganization Act*. It  
9 is very well understood that once they submit to our  
10 licensing program that is what the rules of the game  
11 are.

12 MR. CAMERON: And that cannot be  
13 delegated, under the *Atomic Energy Act*, to an  
14 agreement spec.

15 MR. KOKAJKO: No, that cannot be delegated  
16 to an agreement spec.

17 MR. CAMERON: And, Dave, do you have some  
18 things to add on that? And you have a mic there, too.

19 MR. BROWN: I thought I would have. We  
20 did have a question last night, I believe. There is  
21 a question about, for example, there are many areas  
22 that Lawrence outlined. One is radiation safety  
23 standards, you know, which ones apply. And we think  
24 we've laid that out pretty clearly for DCS, the  
25 applicant, with respect to how to treat workers who

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1 would be in the Savannah River Site area who are not  
2 employees of DCS and that sort of thing. So that  
3 issue, I think, has been resolved.

4 MR. CAMERON: Okay, thank you. And if we  
5 do have time to follow up on any of this, we will.  
6 But I think we should get on with the -- hearing from  
7 -- from all of you in terms of what your comments are.  
8 We're going to go to Mr. Lou Zeller first. Lou, if  
9 you could come up and talk to us.

10 MR. ZELLER: Okay, thank you. My name is  
11 Lou Zeller, and I'm on the staff of the Blue Ridge  
12 Environmental Defense League. And I appreciate the  
13 opportunity to speak tonight.

14 Many of you know my co-worker and my wife  
15 of going on seven years, Janet. She had hip surgery  
16 this week. She'd love to be here tonight. But she  
17 came home from the hospital today and she's recovering  
18 quite nicely. So I do want to get into my comments,  
19 though, tonight about this facility.

20 I do have to agree with -- with Linda, in  
21 that this may seem like a collective whistling past  
22 the graveyard, in that the international tensions and  
23 the problems between the United States government and  
24 the Russian government and the French government at  
25 this time could ultimately scotch this project. The

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1 international agreements required for it to keep  
2 moving forward, the parity requirements explicit in  
3 the agreement may ultimately cause this project to  
4 come to a grinding halt.

5 The \$309 million increase in fiscal year  
6 2004 budget appropriation for the plutonium fuel  
7 factory alone could be much better spent in some other  
8 area. So, the long and short of my comments is  
9 tonight that the no-action alternative would save us  
10 a great deal of money, and get us back on the right  
11 track on how to deal with dismantling weapons of mass  
12 destruction here in the United States.

13 One of the problems that we have  
14 identified with regards to safety lapses, false  
15 promises, environmental violations, and public health  
16 hazards, and illegal activities, have to do with one  
17 of the partners of DCS, the "C," which stands for  
18 Cogema over the last two decades. The record reveals  
19 a company which ignores or flouts the law, and which  
20 is oblivious to the dangers to public health and  
21 safety caused by its operations in Europe and in North  
22 America.

23 Cogema is a French company. It is a lead  
24 partner in DCS, and the sole provider of experience  
25 and techniques regarding the reprocessing of

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1 commercial plutonium into fuel. However, weapons  
2 grade plutonium has never been reprocessed into  
3 commercial nuclear fuel.

4 While I won't indulge in French bashing,  
5 as is -- seems to be the -- the rage these days, at  
6 least on some of the talk radio stations, the problems  
7 of dealing with a French company which is outside of  
8 United States law is a problem for the Nuclear  
9 Regulatory Commission. So you do have to deal with  
10 that. Cogema's flagship in -- in Europe is its giant  
11 reprocessing facility at La Hague on the north coast  
12 of France. During reprocessing, toxic and  
13 radiological chemicals are released into the air and  
14 the water at that facility. A recent report released  
15 by the European Parliament found that the combined  
16 discharges from La Hague---and the nearby Sellafield  
17 Plant in the United Kingdom---reprocessing sites  
18 correspond in contamination to a large-scale nuclear  
19 accident every year.

20 Cogema has consistently ignored  
21 international treaties that safeguard the seas from  
22 contamination, and Cogema has chosen to disregard  
23 findings of extreme contamination and health effects  
24 resulting from its own reprocessing activities, and  
25 has refused to abate its discharges as requested by

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1 the European governments, and as mandated by  
2 international laws and treaties.

3 The U.S. Nuclear Regulatory Commission  
4 simply cannot and must not repeat the failures of the  
5 U.S. Department of Energy in this matter. Cogema's  
6 track record must be considered by the Commission  
7 before issue a license for construction of a plutonium  
8 fuel factory. This is entirely proper and permitted  
9 under the *National Environmental Policy Act*.

10 We hereby request that, as a function of  
11 its environmental review of the mixed oxide fuel  
12 fabrication facility, the plutonium factory, that the  
13 Nuclear Regulatory Commission investigate the track  
14 records of Cogema, as well as Stone & Webster and Duke  
15 Energy. I might point out to a -- a quote which comes  
16 out of the *Augusta Chronicle* regarding Cogema and the  
17 failure of the Nuclear Regulatory Commission thus far  
18 to do this very thing. In July 14, 2000, *Augusta*  
19 *Chronicle* article, Nuclear Regulatory Commission's  
20 Melanie Galloway said that, quote, "Whatever their  
21 record, good, bad, or indifferent, it isn't going to  
22 affect our decisions," end quote. This assumption  
23 that Cogema, Inc., will abide by United States law---  
24 that's the American affiliate of Cogema---leaves much  
25 to be desired.

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1           Two other points which I would like to  
2 cover in my time tonight have to do with the  
3 contamination from such a facility. We have been  
4 commenting and investigating and doing research in the  
5 State of South Carolina offices with regards to the  
6 *Clean Air Act* permit which was recently issued for the  
7 Savannah River Site. Now, there are 1,500 emission  
8 sources, air emission sources located within that --  
9 the Savannah River Site reservation emitting a great  
10 many radio nuclides, as well as hazardous air  
11 pollutants. The national emission standards for radio  
12 nuclides, other than radon, from the Department of  
13 Energy facilities states that emissions of radio  
14 nuclides to the air shall not exceed that which would  
15 cause any member of the public to receive a dose of  
16 ten millirems per year. Emission measurements from  
17 the stacks are stipulated in the existing Title V  
18 permit.

19           But the millirem standard for the maximum  
20 allowable dose to the public is an ambient standard,  
21 not an emission limit. The permit fails -- the  
22 existing permit fails to require any direct  
23 measurement of radioactive dose to the public, and  
24 cannot be enforced as a practical matter. This is a  
25 serious problem for many of the radio nuclide-emitting

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1 facilities, including the proposed plutonium fuel  
2 factory.

3 One other point I'd like to go into here  
4 tonight is the fact that it is very difficult to  
5 estimate the emissions because of the problems with  
6 the HEPA filters, the paper filters, the high  
7 efficiency so-called filters which are an unreliable  
8 means of controlling radio nuclide emissions. We have  
9 been in touch with Dr. Peter Richards, who is a former  
10 member of the Centers for Disease Control Advisory  
11 Panel at the Idaho National Engineering Laboratory.  
12 Dr. Richards has outlined the problems with alpha  
13 emitters like plutonium which crept through four  
14 HEPA filters in sequence, the problems with alpha  
15 migration, reintrainment of particles, and alpha  
16 recoil, which is a DOE term for the ability of alpha  
17 emitters, like plutonium, to creep through these  
18 filters.

19 The bottom line here is no one knows how  
20 much plutonium comes out of the last filter. The  
21 Nuclear Regulatory Commission needs to get to the  
22 bottom of the plutonium releases for this factory  
23 before moving forward. Once again, thank you for the  
24 opportunity to speak here tonight. And we will be  
25 submitting written comments before the comment

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1 deadline.

2 Thank you.

3 MR. CAMERON: Thank you very much, Lou.

4 Let's go to Dr. -- Dr. Lew Patrie. And I  
5 apologize if I'm mispronouncing your name, Dr. Patrie.

6 DR. PATRIE: That's -- that's perfectly  
7 all right, Chip. Everybody else does.

8 Appreciate the presentation and the  
9 opportunity, very studied reports, so many people here  
10 tonight. I want to just say that from the perspective  
11 of Physicians for Social Responsibility, I wish to  
12 cite the dangers and massive costs of the entire  
13 plutonium bomb fuel experiment, the lesser costs and  
14 dangers of the option of plutonium immobilization, and  
15 how such a venture could affect us in North Carolina  
16 and the general area, and an apparent hidden agenda.

17 Dangers stem from this entire plutonium  
18 fuel experiment. The U.S. portion of the proposal  
19 involves shipment of plutonium from dismantled nuclear  
20 weapons sites in Western states, some likely by way of  
21 Interstates 40 and 26 en route to South Carolina. The  
22 greatest transportation risk would be an accident in  
23 which plutonium metal, which rapidly oxidizes when it  
24 comes into contact with air, would vaporize or burn  
25 and disburse its deadly particles, contaminating the

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1 air, our citizens inhale, the water upon which we  
2 depend, and the soil upon which we grow crops and upon  
3 which animals feed.

4 Inasmuch as you've already brought up the  
5 subject of terrorism in regard to a presumed reduction  
6 of MOX fuel and supposedly reducing the risk of being  
7 taken over and used by terrorists, I would also like  
8 to say the increased risks of -- the risks of  
9 terrorism on the highway create additional concerns.

10 Is there some reason this is making this  
11 clicking noise?

12 MR. CAMERON: I was going to make a joke  
13 that sometimes a raccoon gets under the podium.

14 DR. PATRIE: I don't know if I had a  
15 glottic click in my throat or something. But, anyway,  
16 I am sorry if it's disturbing folks.

17 MR. CAMERON: Don't worry.

18 DR. PATRIE: Creating the proposed MOX,  
19 mixed oxide fuel fabrication factory, would be  
20 counterproductive. Such a facility at Savannah River  
21 Site would place workers' health at greater risk from  
22 unnecessarily increasing their plutonium exposure. It  
23 would greatly increase the radioactive waste generated  
24 that are already highly contaminated -- at the highly  
25 contaminated bomb-building plant. It places

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1 populations in nearby areas at increased risks of  
2 exposure to plutonium and other byproducts of such a  
3 facility as stated.

4 I think that there has to be some  
5 consideration of the risks that are presented by the  
6 experts for reasons I've already stated in my  
7 question. I would feel better about it if there were  
8 some carefully carried out, long-term epidemiological  
9 studies by impartial, qualified scientists of workers  
10 and other potentially exposed people, populations.  
11 These should have been conducted on populations which  
12 have been exposed through air, water, or food  
13 ingestion over the many decades of the nuclear  
14 industry. Such scientists should not have their mind  
15 sets prejudiced by assumptions that were made as a  
16 result of extrapolating the data gathered from  
17 Hiroshima and Nagasaki experiences, which are pretty  
18 well limited to high levels of acute radiation. I  
19 fail to understand why such studies haven't been  
20 carried out and publicized; and further, how a DEIS  
21 can be adequately carried out without the results of  
22 such studies.

23 Inseparable from the proposed MFFF is the  
24 fact that once manufactured, plutonium bomb fuel is  
25 destined for use at Duke Energy's McGuire and Catawba

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1 reactors within 20 miles of downtown Charlotte.  
2 Plutonium fuel is experimental, in that the fuel  
3 derived from weapons grade plutonium has never before  
4 been used in commercial reactors. These plants are  
5 poor choices for an experimental program because their  
6 cooling systems depend on constant supplies of ice.  
7 In the event of failure for even a few hours, there is  
8 a risk of a severe accident. Plants are encased in  
9 weaker metal plates than the preferred thicker amounts  
10 of concrete. Plutonium bomb fuel is inherently more  
11 dangerous than currently used uranium fuel, in that it  
12 bombards structures within the reactor chamber with  
13 more damaging radioactivity, and would be more  
14 difficult to control, increasing the likelihood of a  
15 Chernobyl-type disaster. Compared with currently used  
16 uranium, should a nuclear catastrophe occur in a MOX  
17 fuel reactor, up to twice the number of cancer deaths  
18 would result due to the nature of radioactivity  
19 produced.

20 The possibility of terrorism should not be  
21 ignored, either to the reactor vessel, itself, or to  
22 the spent fuel rods that are stored onsite. A worst  
23 case scenario would result in the entire Charlotte  
24 area becoming a nuclear wasteland for decades to come,  
25 with national repercussions, and most of the

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1 population becoming refugees. More and more danger  
2 comes from vastly increased radioactivity produced  
3 through MOX. Promoters deceptively claim it would rid  
4 the world of plutonium, making it unavailable for  
5 future nuclear weapons use. As you well know,  
6 plutonium will be produced while MOX fuel generates  
7 electricity. The proposed parallel tract whereby  
8 plutonium is presumably converted into fuel in both  
9 the U.S. and Russia reactors would markedly increase  
10 the availability of plutonium on a global scale. It  
11 would work contrary to our national interest. It  
12 would favor further nuclear weapons proliferation.  
13 Furthermore, MOX would vastly increase amounts of a  
14 radioactive waste for which no satisfactory solution  
15 has yet been discovered. The railway or highway  
16 transportation of increased quantities of radioactive  
17 waste to proposed Yucca storage facility in Nevada  
18 would create new and extensive dangers which would  
19 further increase the risk to large segments of our  
20 population because of the risks of terrorism.  
21 Finally, when the Yucca facility would be filled to  
22 capacity, there would remain at Catawba and McGuire  
23 sites almost as much high level nuclear waste as is at  
24 present. In addition, these sites will continue to be  
25 attractive targets to terrorists due to their

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1 proximity to a large population and financial center.  
2 Immobilization is the safest and least expensive  
3 alternative to converting plutonium into fuel. Even  
4 though this has been discarded as an option, ongoing  
5 immobilization was to have been developed along with  
6 the MOX program. It would consist of vitrifying  
7 plutonium, and made into a safer material for  
8 indefinite storage. It would substantially reduce the  
9 risks of accidents and terrorist procurement of this  
10 deadliest of all elements. Although it is the best  
11 choice for a problem like plutonium that we know of  
12 today, all funds for this alternative have been  
13 deleted from the budget, and the concept of such an  
14 alternative appears to have been placed on an  
15 indefinite hold. Failure to consider this option has  
16 to be considered an abysmal decision. There appears  
17 to be a hidden agenda with the decision to continue  
18 with the MFFF, despite the risks and uncertainties of  
19 proceeding with plans for this facility. The  
20 production of quantities of tritium in three of TVA's  
21 nuclear reactors which will be processed at Savannah  
22 River Site has to have significance. Such quantities  
23 of tritium can be used only in the production of  
24 nuclear weapons, and MFFF could make plutonium  
25 available in sufficient quantities for the production

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1 of nuclear weapons. What other explanation could  
2 there be that another objective of the MFFF is in  
3 conjunction with the production of large numbers of  
4 new nuclear weapons. If this premise is valid, this  
5 should be acknowledged as part of the DEIS, and should  
6 be made apparent to the U.S. citizenry upon whose  
7 taxes this project would depend. Without a  
8 satisfactory explanation of this, the DEIS is  
9 complete. If these premises are correct and we're  
10 planning to create a new massive buildup of nuclear  
11 weapons, it will create a massive increase in the  
12 world's supply of weapons of mass destruction, and  
13 stimulate even greater risks of nuclear weapons  
14 proliferation. For the reasons I have stated, the  
15 proposed MFF should not be approved for construction.

16 Thank you.

17 MR. CAMERON: Okay, thank you very much,  
18 Doctor. And I hope that you will submit those written  
19 comments to us.

20 DR. PATRIE: I will expand on them and  
21 submit them later.

22 MR. CAMERON: Okay, great. Thank you.

23 Let's go to -- to Mary Olson. That's --  
24 and then we'll -- we'll go to Peter Sipp.

25 Mary?

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1 MR. JOCOY: Chip, are we going to be able  
2 to hear from people whose name -- whose faces we don't  
3 recognize? I think there are some other people on the  
4 list who wanted to speak.

5 MR. CAMERON: Oh, yeah, we're going  
6 through the list of people who signed up to talk,  
7 Gregg. So we'll hear them and we'll know who they  
8 are. And this is Mary Olson.

9 MS. OLSON: I don't mind coming later if  
10 somebody needs to leave.

11 MR. CAMERON: I think we're fine. I don't  
12 think we have any problems with that, so go ahead,  
13 Mary.

14 MS. OLSON: My name is Mary Olson. I'm  
15 the Director of the Southeast Office of Nuclear  
16 Information and Resource Service. We are a national,  
17 and now international organization in our affiliation  
18 with the World Information Service on Energy, and have  
19 15 offices on four continents.

20 The office in the Southeast has been  
21 primarily focused on the MOX issue, and I want to  
22 thank the NRC for coming to Charlotte, and I want to  
23 also give the information that a number of people I  
24 know, in addition to Janet Zeller, are here in spirit  
25 because of other health situations and competing

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1 events. So I want to emphasize that we appreciate  
2 this meeting's being held.

3 It's a little bit unusual for me to do a  
4 written statement. I usually like to just talk. But  
5 I do have a written statement tonight that I am going  
6 to embroider a little bit.

7 That being said, I'm deeply moved and  
8 having some difficulty standing here today while  
9 people are dying over the question of weapons of mass  
10 destruction, as well as power and control of  
11 resources. These matters are what ultimately we are  
12 talking about here.

13 The Nuclear Regulatory Commission has  
14 prepared a detailed analysis of the proposed --  
15 proposal by DCS on behalf of their client, the  
16 Department of Energy, to build a factory to make  
17 plutonium fuel using plutonium from weapons of mass  
18 destruction that are being dismantled. NIRS is  
19 disappointed that NRC has issued a tentative approval  
20 for this project to go forward. We support the no-  
21 action alternative.

22 This approval is, however, based on a  
23 rather desultory dismissal of any other alternative.  
24 We are asked many times, in the introduction to the  
25 draft environmental impact statement, to concur that

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1 making MOX will, in fact, prevent plutonium from being  
2 used for mass destruction. We are asked to take the  
3 Department of Energy's word for it that the Russians  
4 will only accept U.S. MOX fuel production to stay in  
5 the program, and that NRC, even considering in detail  
6 the environmental consequences of any other option,  
7 would violate this consummate agreement.

8 Nuclear Information and Resource Service  
9 rejects the idea that making plutonium fuel from  
10 weapons grade plutonium will safeguard it from use in  
11 weapons of mass destruction. In fact, we believe that  
12 placing this material into commerce will vastly  
13 increase the risk that weapons grade material will be  
14 diverted, both in this country and in Russia.

15 Further, since the inception of this  
16 program, the U.S. DOE has stated that the weapons  
17 grade MOX fuel would be irradiated in other countries,  
18 in addition to Russia. First Ukraine was named;  
19 later, simply, quote, "Russia trading partners" were  
20 added to the list. In case people have failed to  
21 notice, many of the countries which the current  
22 administration in the U.S. labels "evil" or "rogue"  
23 nations are on the list of those who could potentially  
24 receive this material.

25 If Russia supposedly will not accept any

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1 alternative that would not degrade the isotopic  
2 composition of the plutonium, why would the United  
3 States accept a program that would -- could send  
4 weapons grade MOX fuel to countries like Iran, Syria,  
5 and potentially some day Iraq. And I'm sorry I don't  
6 have the full list of trading partners, but I'm sure  
7 it's available in the public record.

8 A very simple alternative was never  
9 considered by the DOE, and only recently considered by  
10 myself, which is to mix---M-I-X---mix weapons grade  
11 plutonium with reactor grade plutonium that could be  
12 purchased from any number of countries that have a  
13 huge plutonium, quote, "waste burden" that will be  
14 using it as problematic, expensive, deadly MOX fuel.  
15 There's a number of European nations with such  
16 inventories, not to mention Japan.

17 This mixed plutonium would then be  
18 isotopically degraded, and could be considered for a  
19 number of alternatives to MOX, none of which I am  
20 specifically advocating, but none of which would carry  
21 the risks associated with reactor use.

22 Instead, the U.S. Department of Energy,  
23 with lots of help from the U.S. Nuclear Regulatory  
24 Commission, is going forward with a program that  
25 places Charlotte at unprecedented risk. Plutonium

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1 fuel generates more radioactive activity and more  
2 deadly radionuclides than uranium fuel. In the event  
3 of an accident, or, heaven forbid, a retaliatory  
4 attack against our government or our corporations, the  
5 health consequences would up to double in proportion  
6 to the MOX fuel in the reactor core. And I will have  
7 to spend time with the current document to look at the  
8 estimates that are given there.

9 But that could happen on Lake Norman or  
10 Lake Wiley. We all now agree it could happen. The  
11 question is will it happen, and when will it happen.  
12 We can only hope that Duke Energy, in its  
13 international dealings, is making friends. And this  
14 is simply the tip of the iceberg.

15 I want to appreciate that NRC has  
16 faithfully analyzed the environmental justice impacts  
17 of the proposed factory. At the same time I am deeply  
18 disappointed. The analysis that shows that low income  
19 and minority people are disproportionately impacted by  
20 the proposed plutonium fuel factory also shows that  
21 these same people are and have been disproportionately  
22 impacted by the current and previous missions of the  
23 Savannah River Site. There is no recognition that the  
24 decision to add new radioactive missions to this site  
25 will impact a region already weakened by previous and

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1 ongoing exposures.

2 Not only is the cumulative and synergistic  
3 nature of this situation not fully expressed in the  
4 NRC analysis, but the proposed mitigation steps do not  
5 address this ongoing routine and repeated exposure.  
6 And I will insert here that the work of Dr. Alice  
7 Stewart, mentioned earlier, found that the Hiroshima  
8 and Nagasaki studies are deeply flawed, because only  
9 the survivors of an extremely traumatic and fatal set  
10 of experiences are analyzed, and many of those who  
11 were assumed to be outside the area walked into the  
12 center to find their loved ones, or try to find their  
13 loved ones, the day of and the day after the actual  
14 blast. And so that data has been reanalyzed by Dr.  
15 Stewart to show that, indeed, the young and the old  
16 are at much higher risk for radiation.

17 A millirem is not a millirem, it depends  
18 on who got the millirem as to what the dose risk is.  
19 And I will also add my other comment here, that the  
20 EPA has begun to adopt a separate set of evaluation  
21 standards for childhood cancers, and I think the NRC  
22 should follow suit and not use the standard man. Nor  
23 does the evaluation in environmental justice consider  
24 the long-term impacts of the waste from the MOX fuel  
25 factory, since the wastes are conveniently put into a

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1 shell game and moved over the NRC regulatory boundary,  
2 but not over the boundary of impact of these very same  
3 people.

4 This is another case of the powerful and  
5 the wealthy or the better informed dumping on those  
6 with less power or fewer resources, and less  
7 information. I have to admit that I have a part in  
8 this situation. In the years that DOE was considering  
9 where to put the MOX factory, I had working  
10 associations with people at the alternate sites under  
11 consideration in the West. There was a strong fight  
12 from people in Washington, Idaho, and Texas. Nuclear  
13 Information and Resource Service opposes a MOX factory  
14 anywhere, but we erred in not working more proactively  
15 in the Southeast to prevent the siting at the Savannah  
16 River Site. And I want to point out, while I'm in  
17 this room tonight, that it's rather convenient that  
18 the MOX factory, its potential for accidents and the  
19 environmental justice dimensions of those accident  
20 consequences, are far from Charlotte and Duke's  
21 headquarters.

22 Nonetheless, I do not believe that if we  
23 had placed our limited resources in the Southeast at  
24 that time, it would have been sufficient, since the  
25 decision to put the MOX factory at SRS was a *fete a*

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1 *compli.* The Savannah River Site is where DOE has  
2 always processed the bulk of the plutonium it  
3 generated. Now the MOX factory has been used as the  
4 camel's nose under the tent or the cover story for the  
5 Department of Energy's long-term plan to return to  
6 making new nuclear weapons. This is no longer swords  
7 into plowshares.

8 As such, the U.S. MOX program has become  
9 a magnet for other plutonium missions. We must turn  
10 again to the environmental justice concerns and admit  
11 that there will be even more elevated risks of  
12 accidents if the modern pitt factory is sited at SRS.  
13 There will also be more risk of accidents at the pit  
14 disassembly and conversion facility if it is  
15 processing twice or greater amounts of plutonium.  
16 There will also be more ongoing exposures to the  
17 workers and the public. All of this is a direct  
18 consequence of DOE siting the pit conversion and  
19 plutonium polishing at SRS, ostensibly for, quote,  
20 "peaceful MOX."

21 The second cover story for these new pits  
22 is that it is simply refurbishment of the existing  
23 U.S. nuclear arsenal that is there for deterrence.  
24 This statement is no longer credible. First, the  
25 current administration has declared deterrents a thing

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1 of the past and stated its decision to use nuclear  
2 weapons preemptively. Secondly, the Oak Ridge Y12  
3 factory has not -- has not only been updated, it has  
4 been redesigned to make new nuclear weapons assemblies  
5 for small, usable mini-nukes. Third, the production  
6 levels of tritium in TVA reactors, as approved by the  
7 U.S. NRC, indicate an intention to fuel as many as  
8 60,000 weapons. This astronomical number might seem  
9 ludicrous since the current U.S. arsenal has the  
10 potential to destroy every population center on earth  
11 several times over. On the other hand, the stated  
12 U.S. intention to weaponize near space would require  
13 a number of weapons on this order. I can only imagine  
14 the payoff that Duke Energy must have negotiated to  
15 posture disarmament while providing the cover for the  
16 most massive arms deployment in the history of the  
17 world.

18 We are asked by NRC to believe that the  
19 rejection of any alternatives to MOX is to keep the  
20 Russians at the table. Get real. This table has  
21 nothing to do with the Russians, except to put them  
22 and all other nations in the servile position that  
23 they will share once the U.S. has control of near  
24 space and can target any site on earth from space.  
25 Surgically, of course.

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1                   When it comes to the local aspects of all  
2 this, it is important to note, for those in this room  
3 who live in the Charlotte area, it is entirely  
4 possible that the brief consideration given by the NRC  
5 in this DEIS to the environmental and health impacts  
6 of the reactor use of MOX fuel may be the only  
7 environmental impact statement analysis we ever see.  
8 This document affirms that other environmental reviews  
9 will be conducted for any license amendment to use  
10 MOX. This assertion, we hope, means that there will  
11 be an environmental impact statement on the upcoming  
12 MOX fuel test, or LTA, not mentioned at all in the  
13 current report, and also when Duke applies for a  
14 license amendment for each of the reactors to begin  
15 using MOX fuel, if this program gets to that point.

16                   There is no basis for confidence in these  
17 environmental impact statements (sic) will, however,  
18 ever be written, or that the public will have the  
19 opportunity to be involved in these decisions. I am  
20 being charitable here, since clearly we have been  
21 effectively shut out of this one by the assertion that  
22 the Russians can dictate the terms of our program.  
23 Duke has four license amendment applications for the  
24 20-year extension of the operating licenses of Catawba  
25 and McGuire pending. Duke avoided any consideration

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1 of their participation in the MOX fuel program in  
2 these applications. When Nuclear Information and  
3 Resource Service and the Blue Ridge Environmental  
4 Defense League brought MOX into the license renewal  
5 process, the Atomic Safety Licensing Board first  
6 accepted us -- the contentions. But then the ASLB was  
7 overridden by the five NRC commissioners on Duke's  
8 appeal. Therefore, MOX use is not reflected in the  
9 NRC's supplemental EIS for the Duke reactors' license  
10 renewal at this time.

11 The MOX fuel test or lead test assembly  
12 program will likely be given only an internal  
13 environmental assessment, and finding of no  
14 significant impact. NIRS will challenge this  
15 amendment in an effort to broaden public participation  
16 in the decision to put people in this community at  
17 higher risk, not to mention those along the transport  
18 routes to and from Europe, and the potential for  
19 malicious diversion in transit. Nonetheless, it will  
20 be a miracle if we win a full EIS for the test fuel.  
21 The U.S. NRC could act in good faith by ordering that  
22 an EIS on the test fuel be prepared because the unique  
23 nature of this program and the fact that the overall  
24 risk environment has changed since the last time such  
25 a matter was considered for significance of impact,

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1 which I believe would be the transport across  
2 Michigan, which was so heavily opposed by the local  
3 population, but nonetheless pursued by DOE.

4 As for the reactor license amendments to  
5 use MOX fuel, we similarly hope that the NRC will  
6 require that a full EIS be done for each of the  
7 reactors. We are not assured of this, however. In  
8 1991, when then NRC Chairman Meserve was asked  
9 directly at a meeting whether the use of MOX fuel  
10 would trigger a full EIS he said no. Certainly this  
11 was an opinion, and an opinion that NIRS, and we  
12 believe the residents of Charlotte and the region, do  
13 not agree with. And we hope that the new chair will  
14 reverse this point of view.

15 This brings me, finally, to the concerns  
16 I raised in 1996 when then U.S. Secretary of Energy  
17 Hazel O'Leary announced the plutonium surplus  
18 disposition program in a public press conference.  
19 That day I was privileged to ask the Secretary a  
20 question that was featured later that evening on the  
21 *Leher News Hour*. My question started by pointing out  
22 that it is likely that MOX fuel use would increase the  
23 amount of plutonium in the so-called low level waste  
24 from the operations of nuclear power reactors. My  
25 question was: What would the impact of that

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1 additional plutonium be on the newly proposed, so-  
2 called low level radioactive waste dumps? The  
3 Secretary assured me that day, and the viewing public  
4 that night, that there would be many analyses  
5 performed under the *National Environmental Policy Act*  
6 before the decision to make MOX fuel would be  
7 finalized.

8           The Department of Energy did not analyze  
9 the impact of MOX fuel use on reactor waste in any  
10 depth, let alone any other affiliated nuclear service  
11 such as nuclear laundries, component repair,  
12 decontamination services, or decommissioning. We were  
13 told that the NRC would do this. Today we are  
14 reviewing a draft environmental impact statement that  
15 devotes, perhaps appropriately, only a fraction of its  
16 volume to the reactor use -- to the reactor use of the  
17 fuel the factory would produce. But is not the reason  
18 for the production of the fuel its use? Is it not  
19 justified, the whole program, because of production of  
20 electricity? The NRC should have done a programmatic  
21 EIS that would encompass the impacts of from what is  
22 known from all phases of this program. Instead, there  
23 are all these cracks. And, barring NRC decision to  
24 close them, my questions will continue to fall  
25 through, right along with the victims. It is -- is it

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1 not the reason to not produce this fuel to avoid the  
2 potentially catastrophic impacts that it could wreak  
3 on this very location and a wide radius around here?

4           Once again, the federal government is  
5 proceeding with decisions made long ago behind closed  
6 doors, and now engaged in a masquerade where their own  
7 employees are told it is their job to play by the  
8 rules that will, in the end, inevitably deliver the  
9 right decision, no matter how thin the stated  
10 justification. In the end, that thin veil reveals  
11 beneath the players who are paid to play this game,  
12 Duke Cogema Stone & Webster, civil servants we like  
13 very much, doing their job. But who is really paying  
14 them? Who is paying them?

15           Us. You and me. Our tax dollars. I'm  
16 almost done. In the end it is left to the victims to  
17 fight for their rights. It is not too late to stop  
18 this mess. And I call upon all those who want to help  
19 to join forces with all the other potential victims  
20 here in Georgia, in South Carolina, to support the  
21 organizations that are intervening in these licensing  
22 proceedings, and ultimately into federal court, if  
23 that's where we have to go. Your time and your money  
24 are needed. It is sad that we must first pay these  
25 folks---it is tax season. Just remember some of your

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1 money goes to DOE and then to DCS and then to NRC.  
2 That's how these guys get paid. And then also pay to  
3 stop them. But that is the way it is when the so-  
4 called protector of the U.S. public health and safety  
5 sells out to Minatom and DOE. I sound completely  
6 resigned, but I do believe in miracles. NRC, it's not  
7 too late to change your mind. We support the no-  
8 action alternative, including not transporting  
9 plutonium at this time, particularly when this country  
10 is at war.

11 NIRS will be submitting written comments.  
12 We appreciate this opportunity to speak tonight.

13 MR. CAMERON: Okay, thank you, Mary.

14 [Applause.]

15 MR. CAMERON: Let me go to Peter Sipp, and  
16 then we're going to go to Gregg Jocoy.

17 MR. JOCOY: Do you know (indiscernible)?

18 MR. CAMERON: I don't -- I don't know.  
19 But we're calling all the people who -- who signed up.  
20 There's another person after you; okay?

21 MR. SIPP: Thank you, Tim, and everyone  
22 from the NRC, for coming today. And thanks for  
23 putting all the work you put into this book. Just  
24 didn't happen in five minutes.

25 And you are right about the minorities

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1 being affected. Because I lived in Georgia for 21  
2 years and I know the area quite well. I can't agree  
3 with the numbers part. I know you made a mistake and  
4 then you -- and then you changed it. I still can't  
5 agree with it. I worked at the SRS in the "K" area  
6 for six months, and there's a whole lot of folks over  
7 there that would be affected if something was to  
8 happen at the -- at this new -- these new places.

9           And then your mitigation plan isn't --  
10 isn't good enough. Sorry, but on Page 515 it -- it  
11 doesn't say anywhere where you'll have a meeting, how  
12 many meetings you'll have. And you ought to say,  
13 "We're actually going to have an actual evacuation.  
14 We're going to practice," to give -- to give the  
15 locals -- like in school, when we went to school we'd  
16 have fire drills where we'd leave our classroom and  
17 we'd go down to the other hall and we'd wait or  
18 whatever. We -- that's -- that ought to be part of  
19 it.

20           Back to the part about being real familiar  
21 with the Georgia and South Carolina area, there's a  
22 whole lot of two-lane roads and they would get clogged  
23 by people trying to get away. If there was a real  
24 accident and everybody was trying to get away, there'd  
25 be -- there wouldn't be -- people couldn't get away.

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1 And with Augusta there's nearly a million people. And  
2 they call it the Central Savannah River Area. There's  
3 nearly a million people there. There just -- there  
4 wouldn't be enough people to get away safely.

5 And for you Cogema employees, you people  
6 from France, I want you to know I'm very proud of your  
7 president, President Chirac. He wanted to take care  
8 of the Iraq situation with inspections and the  
9 President over here wanted to give the Turkey --  
10 Turkish people \$26 billion so that our folks could go  
11 there and our supplies could go there. \$26 billion  
12 could buy a whole lot of inspectors for a very long  
13 time, and wouldn't anybody gotten hurt like -- like  
14 they are right today, people being maimed and cut up.  
15 So the best toast in the world is French toast, and  
16 the best fries in the world are French fries. My --  
17 Mary's and my daughter is engaged to a Frenchman. I  
18 take my hat off to the French people. I can't do that  
19 for -- for the administration over here trying to beat  
20 up on everybody. Doesn't work well. It's not --  
21 people don't accept that.

22 And just like it doesn't work to -- to  
23 force all the -- all the smiling faces at the PR  
24 meetings that supposedly are going to be had in the  
25 minority communities, all those smiling faces, that

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1 ain't going to be good enough to get people away when  
2 there's a -- when there's a mess, when people got to  
3 get away. All them smiling faces, that's not going to  
4 be good enough. You need to actually have evacuations  
5 and have people try to get away so they can get used  
6 to it, what roads they should go on.

7           And -- and then there's another small  
8 comment. When people say "the environmental," well,  
9 that's almost right. It's our environment. Takes up  
10 the same amount of space in a -- in a paragraph.  
11 "Our," rather -- "our," O-U-R, is three letters, just  
12 like T-H-E. Whereas "the" implies separation, "our"  
13 implies ownership. Can't live here without clean air  
14 and clean water. We just can't do it.

15           So I thank you, everyone in the NRC, and  
16 you all have a tough job. I don't think I'd want to  
17 be there. But, so thanks for the chance to talk. And  
18 I think it'd be worthwhile to consider mixing the --  
19 the bomb grade plutonium with the other, like Mary was  
20 saying. So if you all would consider that, that'd be  
21 a good -- good option, also. There's still time.

22           MR. CAMERON: Okay, thank you. Thank you,  
23 Peter.

24           Our next speaker is -- is Gregg Jocoy.

25           MR. JOCOY: Thank you, Chip. I'll be

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1 first presenting a statement on behalf of James E.  
2 Smith, Jr., who is a member of the South Carolina  
3 State House of Representatives, minority leader  
4 representing the Democratic Party in the South  
5 Carolina State House of Representatives. It's  
6 addressed to Michael Lesar, and it says, "Dear Mr.  
7 Lesar," is that pronounced right? Lesar, Lesar  
8 (pronouncing).

9 MR. CAMERON: Lesar.

10 MR. JOCOY: Lesar. Okay.

11 "I write you today in regards to the  
12 Nuclear Regulatory Commission's draft  
13 environmental impact statement on the impact of  
14 building a new MOX plutonium fuel factory at  
15 the Savannah River Site. I understand that the  
16 NRC has held public hearings to have public  
17 input as part of the official record. I  
18 respectfully request the Nuclear Regulatory  
19 Commission hold a public meeting in Columbia,  
20 South Carolina, prior to the end of the comment  
21 period at May 14<sup>th</sup>, 2003.

22 "Additionally, I respectfully request  
23 that my name and address be placed on all  
24 mailing lists for any further meetings and any  
25 -- and other public forums regarding a new MOX

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1 plutonium fuel factory at the Savannah River  
2 Site. Thank you for your valuable time and  
3 consideration. Should you have any questions  
4 or concerns, please do not hesitate to contact  
5 me.

6 "With kind regards, I remain,

7 "Very truly yours, James E. Smith, Jr."

8 MR. CAMERON: Gregg, can we attach that to  
9 the transcript?

10 MR. JOCOY: Please. It includes the fax  
11 cover sheet.

12 MR. CAMERON: Okay, thank you very much.

13 MR. JOCOY: I had been anticipating two to  
14 three minutes, so I trimmed my -- my presentation  
15 down. But apparently I've got more than two or three  
16 minutes, so fortunately I brought the longer version  
17 with me, too.

18 This is a...

19 MR. CAMERON: Well, don't get too -- don't  
20 get too carried away.

21 [Laughter.]

22 MR. JOCOY: Three pages versus two.

23 This is a statement of the York County  
24 South Carolina Greens. The Nuclear Regulatory  
25 Commission has issued a draft report for comment. The

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1 York County South Carolina Greens offer this comment  
2 on the environmental impact statement on the  
3 construction and operation of the mixed oxide fuel  
4 fabrication facility at the Savannah River Site.

5 The Nuclear Regulatory Commission has  
6 stated at public hearings on record that they are a  
7 regulatory agency, alone, and plays no role in the  
8 promotion of nuclear energy. Were the nuclear  
9 industry examined with a careful eye, we are certain  
10 that none of the justifications for nuclear energy  
11 would stand scrutiny.

12 The environmental impact statement  
13 addresses the question of cost versus benefits  
14 throughout. Because of this dynamic, it is impossible  
15 to believe that the Nuclear Regulatory Commission does  
16 not behave as a promoter of nuclear energy. The  
17 convergence of systems in the production of plutonium  
18 fuel and plutonium triggers for nuclear weapons lays  
19 bear the hydra nature of nuclear energy. Nuclear  
20 weapons cannot exist without nuclear power. The  
21 plutonium fuel program is nothing more than an attempt  
22 to prop up the nuclear energy industry, advance the  
23 production of new nuclear weapons which may well  
24 violate any number of international treaties the U.S.  
25 subscribes to, and line the pockets of those anytime-

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1 patriots who benefit from the promotion of war and  
2 misery. Were this an agency which had at its heart  
3 dedicated to regulating nuclear energy, it would be  
4 out of business within a few dozen years. Over that  
5 sort of time frame, almost all the difficulties we  
6 face from nuclear power will be manageable, providing  
7 that the NRC acts in the public interest and shuts  
8 down each and every operational power plant as unsafe.  
9 Instead, the NRC continues to offer a fig leaf to the  
10 nuclear industry, all the while deceiving the public  
11 as to who gets the benefits and who takes the risks.

12           The simple, naked truth is that those who  
13 benefit from plutonium fuel programs can be counted in  
14 the hundreds, while those accepting the risks number  
15 in the millions. The top shareholders who will get  
16 the financial benefit of this program and the top  
17 managers at the companies involved will get a huge  
18 windfall from this program. New multi-million dollar  
19 homes, top-of-the-line college education, and world  
20 travel will be funded by this program, all for a very  
21 few. These are the ones getting the benefit from this  
22 proposal.

23           Who takes the risks? These people and  
24 more? Perhaps. And certainly so in the case of some  
25 of the top managers of the companies in question.

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1       However, the stockholders who ownership stake (sic)  
2       entitles them to profits from the effort are unlikely  
3       to live anywhere close to the places where risks are  
4       the highest.   A stockholder who lives in France,  
5       Japan, Saudi Arabia, the Bahamas, or any other tax  
6       haven, nor one who lives in the swankiest places in  
7       the United States is at substantial risk.  In short,  
8       the rich folks will, by and large, take no direct risk  
9       to personal well-being, and millions of average people  
10      will be close enough to the action to pay the costs.  
11      The risk benefit analysis is unusable, for it assumes  
12      that benefits flowing to a tiny portion of  
13      shareholders are enough to justify the risks borne by  
14      millions of others, almost all of whom will have no  
15      chance to get a portion of the benefits.

16                 Recently, Fred Rogers died.  During a  
17      radio appearance before he passed, he took a call from  
18      a fellow who had heard him speak at his university's  
19      graduation ceremony.  During that speech he asked the  
20      audience to think about the teachers who had brought  
21      them to the point that they could graduate from  
22      college.  He gave them one minute.  That's a long  
23      time.

24                 I ask us now to take a minute of silence  
25      to remember.  Remember the children you have raised,

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1 the parents who raised you. Think about  
2 grandchildren, born and as yet unborn. Think about  
3 your loves, your friends, your co-workers. Consider  
4 the serious nature of the risks you are considering  
5 exposing them to, and think about plutonium fuel with  
6 them in mind. Think seven generations down the road,  
7 about where we are, how we got here, and how we can  
8 get out of this mess. One minute to think.  
9 Concentrate on those we love the most, who love us the  
10 most.

11 (Momentary pause.)

12 MR. JOCOY: Thank you.

13 MR. CAMERON: Okay, thank you, Gregg.

14 We have another speaker, and someone from  
15 the Charlotte Green Party. I'm sorry I didn't, you  
16 know, have your name on the list.

17 DR. AULETTE: I wrote it down.

18 MR. CAMERON: Well, why don't you come up  
19 and introduce us.

20 DR. AULETTE: Hello. My name is Dr. Judy  
21 Aulette, and I'm a member of the Charlotte Area Green  
22 Party. I'm here to present our organizations  
23 reactions to DEIS.

24 The Charlotte Area Green Party would like  
25 to thank the NRC for this opportunity to speak about

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1 the mixed oxide fuel factory proposed for the Savannah  
2 River nuclear site. At first glance, the draft  
3 environmental impact statement appears exhaustive,  
4 even to the point of being overwhelming. However,  
5 there is no overall assessment of the risk which would  
6 accumulate from all of the processes involved in the  
7 MOX production, in its transport, and in its use as a  
8 fuel. Information is presented in such a fragmented  
9 manner that it is very difficult to see the whole  
10 picture. No average citizen can be expected to glean  
11 from the statement the information necessary for a  
12 decision on whether or not to support the plans of --  
13 of Duke Cogema Stone for a MOX factory at the Savannah  
14 River Site.

15 In addition to there being no overall  
16 assessment of risk for humans and the environment,  
17 there are several additional issues we wish to  
18 mention. First of all, there is no environmental  
19 impact information on MOX use in the specific reactors  
20 which will eventually burn this fuel. These reactors  
21 will have to be modified for MOX. The effects that  
22 these modifications may have on performance of  
23 equipment at these reactors has not been considered in  
24 this DEIS.

25 Second, there is no consideration given to

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1 the environmental impact of the lead test assembly  
2 program which will impact the Charlotte area as part  
3 of the preparation for the use of MOX. These impacts  
4 include not only the dangers of putting experimental  
5 fuel into a nuclear reactor core, but also the  
6 transport of the plutonium and fresh MOX fuel.

7 Third, there is not yet an environmental  
8 impact statement on the new plutonium pit factory in  
9 South Carolina that seems to be part of the whole  
10 deal. Such a report may not be an assigned duty of  
11 the NRC, but it is a study that is necessary for a  
12 complete assessment of risk of this ever-expanding  
13 plan.

14 Fourth, although we were glad to see that  
15 the required environmental justice policy is being  
16 implemented, we do not believe the mitigation measures  
17 suggested are sufficient to achieve environmental  
18 justice for the low income populations in the area  
19 surrounding the SRS. At least these three additional  
20 efforts should be made.

21 First, we believe there need to be warning  
22 sirens in the area of the facility; second, there  
23 should be free health care for those with health risks  
24 elevated due to the operation of the facility; three,  
25 some economic benefit should be provided for those who

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1 reside near the MOX facility to offset the economic  
2 and health disadvantages of living in the area.  
3 However, we want to be clear that these efforts do not  
4 justify exposing any population to the hazards of MOX  
5 production.

6 Fifth, there is no mention of possible  
7 security problems at the facilities manufacturing and  
8 handling MOX. There's now an undeniably higher risk  
9 of domestic terrorism than ever before, and these  
10 facilities would be prime terrorist targets. And I  
11 know a lot of other people who articulated this very  
12 well tonight, but I just thought it was worth  
13 mentioning because I think it -- it is a serious  
14 issue.

15 Sixth, someone, whether it is DOE or the  
16 NRC, needs to do an environmental impact study of  
17 waste management in the manufacture and use of MOX.  
18 This is a particularly glaring omission of relevant  
19 facts.

20 Although the Charlotte Area Green Party  
21 appreciates the time and effort of the NRC in hosting  
22 these hearings, it is our fear that the NRC is just  
23 going through the motions of pretending to listen to  
24 public comments, when the decision to build and use  
25 the facilities is already being taken for granted by

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1 the companies involved. Why, for example, has Duke  
2 Energy already stated its commitment to the use of MOX  
3 fuel? It appears they do not intend to pay attention  
4 to the concerns of the public.

5 In closing, we would like to urge the NRC  
6 not to approve the construction of the MOX factory at  
7 the Savannah River nuclear site. The NRC's draft  
8 environmental impact statement has failed to convince  
9 us that this enterprise involves an acceptable level  
10 of risk either to humans or to the natural  
11 environment.

12 Thank you.

13 MR. CAMERON: Thank you, Doctor, for those  
14 specific recommendations, too. We appreciated that.

15 That's the last speaker that we -- we  
16 have. And I want to go out to you again to see if  
17 there's any last questions. But I thought that I'd  
18 ask Lawrence Kokajko if there's anything that he heard  
19 that he might want to clarify for us.

20 MR. KOKAJKO: Thank you very much. I  
21 appreciate you all coming out. We did hear some new  
22 comments this evening that we have not heard in the  
23 previous two meetings, and we do appreciate them. And  
24 we also hear some of the same concerns, too, that  
25 we've heard at both of the previous meetings, as well.

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1 I'd like to -- to provide a few  
2 clarifications. One is the -- to use the MOX fuel in  
3 the reactors does require license amendment. And that  
4 is handled by the Office of Nuclear Reactor  
5 Regulation. And as -- as you may know, for an  
6 amendment to the operating license there is some type  
7 of environmental assessment done, as well as an  
8 opportunity for hearing. I do not know the full  
9 status of that, but I know the licensee has to do a  
10 review, and I know we have to do a review, and we have  
11 to approve it. The project manager for that, I  
12 believe his name is Robert Martin. And if you would  
13 like to contact him to get the details on that  
14 amendment...

15 UNIDENTIFIED: I speak with him regularly.

16 MR. KOKAJKO: Okay. I -- I do not, so --  
17 but I do know that those things are done in the normal  
18 Part 50 process.

19 Also, you mentioned about EPA and NRC,  
20 about the child doses. There is a -- in the federal  
21 government, a -- something called ISCORS, Interagency  
22 Steering Committee on Radiation Safety. That is being  
23 -- that is one of the topics that they do discuss, and  
24 the NRC and the EPA are working together to come up  
25 with something in that regard. I do not know the

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1 details of that, but I do know that that committee  
2 does exist and those things are occurring.

3 MS. OLSON: NRC's participating in that?

4 MR. KOKAJKO: In ISCORS; yes, ma'am.

5 MS. OLSON: Well, I know in ISCORS, but is  
6 it...

7 MR. CAMERON: Let's -- let's make sure we  
8 get this on the record. I apologize for the  
9 awkwardness of not being able to just have a simple  
10 conversation, but we do need to get it on the record.

11 MS. OLSON: I appreciate that you're  
12 telling people about ISCORS. I am aware of ISCORS.  
13 But I was not aware that NRC was participating in a  
14 consideration of a new way to set standards that would  
15 consider children in a different way than the standard  
16 man. So this is news to me. And let me understand  
17 that you are saying that NRC is proactively seeking to  
18 participate in this?

19 MR. KOKAJKO: The -- what I can tell you  
20 is that we are aware of it and we're following the  
21 work. I cannot tell you that we have -- we have made  
22 a -- reached an agreement with the EPA or anyone else  
23 as far as what the outcome will be. But I do know  
24 that that work is -- is ongoing. That's -- that's  
25 what I'm trying to tell you.

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1           One of the things that also was brought up  
2 about Cogema, in particular. But the Duke Cogema  
3 Stone & Webster consortium would be under our  
4 oversight. If Cogema, to the extent that their  
5 involvement in this activity, once it is licensed,  
6 they would be within our regulatory reach. So Cogema  
7 does not exist as this French entity that is beyond  
8 our control. Because they've submitted themselves in  
9 this consortium, and if this activity does get  
10 licensed, that company, DCS, would be within our  
11 regulatory reach.

12           And the final thing I want to say is that  
13 there has been no approval, tentative or otherwise,  
14 that has been made regarding the construction or  
15 operation of this facility. DCS can take no action as  
16 a result of the draft environmental impact statement  
17 or even the final environmental impact statement.  
18 That decision is based upon -- both the decision to --  
19 to construct and operate the facility can only be made  
20 after the safety evaluation is complete, the safety  
21 evaluation reports are prepared, and any conclusion of  
22 any adjudication, as a result of a hearing request,  
23 has been made. So there has been no decision reached  
24 anywhere in this process yet.

25           What we're saying in today (sic) is that

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1 there is a -- for the environmental review, the  
2 tentative conclusion is that we feel we understand the  
3 environmental impacts, and we feel we understand it  
4 enough that we wanted to come out and solicit public  
5 comments. That's why it's a draft. That's why the  
6 Congress, in its wisdom, said you will have two  
7 processes here. You're going to go out with a draft  
8 first and get -- seek other comments, and then you  
9 come out with a final. And that's why we're here this  
10 evening. So I'd like to make sure that we understand  
11 no decision has been reached on the -- the proposed  
12 MOX facility.

13 MR. CAMERON: Okay, thank you.

14 Is there anybody who has not had a chance  
15 to ask a question or anything, that you've been  
16 listening to a lot of us who's -- anybody else who  
17 wants to ask a question or say anything?

18 Let me see if there's anybody else first,  
19 and then we'll go over there. Anybody? All right.

20 MR. KEISLER: This is Bill Keisler again,  
21 in regards to environmental justice. This included  
22 this environmental impact statement, but there was a  
23 paper given or a speech given I believe in Australia  
24 July 2000 by one of the commissioners, stated that the  
25 -- being an independent agency, the NRC was not bound

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1 by executive order for the application of  
2 environmental justice standards.

3 MR. HARRIS: I was at that meeting with  
4 Commissioner Dicus, and I don't believe she made that  
5 statement. I think the point...

6 MR. KEISLER: Well, it was on the Web site  
7 (indiscernible).

8 MR. HARRIS: ...I think the point she was  
9 trying to make was that environmental justice could be  
10 viewed in a broader sense.

11 MR. KEISLER: She stated that it did not  
12 -- that they -- the NRC tried to accommodate it where  
13 they could, but was not bound by that executive order.

14 MR. CAMERON: Maybe I could...

15 MR. KOKAJKO: Let me -- let me...

16 MR. CAMERON: Go ahead, Lawrence, you --  
17 you can clarify this.

18 MR. KOKAJKO: Okay, yeah, I -- I think I  
19 know the answer to this.

20 There is -- we're under a federal system  
21 of government. Once again, the Congress, in its  
22 wisdom, when it set up the Commission, it -- we are --  
23 exist as an independent executive agency. And we do  
24 not follow under the executive branch, as say the  
25 Department of Energy or the Department of Commerce,

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1 where they have to follow the presidential orders.

2 What we do is, we evaluate them to see  
3 what may be applied to us, and then, you know, we may  
4 take it, we may not. The Securities and Exchange  
5 Commission also does the same thing. That they, as an  
6 independent agency, they can try to be independent of  
7 the executive branch as necessary.

8 The interesting thing is the NRC has said  
9 we would take the executive order on environmental  
10 justice and we would apply it. And we have, in fact,  
11 done so. Environmental justice is a very big concern.  
12 We are -- in fact, I know that our environmental  
13 review group, of which Tim and Adrienne and Stacy are  
14 involved in, take environmental justice very  
15 seriously. And, in fact, I would say that  
16 environmental justice has been one of the -- the  
17 stronger comments and themes throughout each of these  
18 meetings, particularly the first two meetings that we  
19 had on the draft environmental impact statement.

20 So the answer is we are following the  
21 environmental justice. I believe we did write -- we  
22 did write back to the executive branch and we said we  
23 would follow it to the degree that it applied to our  
24 environmental impact statements.

25 MR. CAMERON: And -- and, in fact, the NRC

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1 has internal procedures that...

2 MR. KOKAJKO: Procedures to do that.

3 MR. CAMERON: ...that dictate that we will  
4 -- we will follow the objectives and spirit of the  
5 executive order. And, as Lawrence pointed out, there  
6 -- there are many executive orders that come out where  
7 the NRC has to decide, even though it might be not  
8 bound legally by that executive order because, as  
9 Lawrence very nicely explained, we're an independent  
10 agency, we have to make a decision about whether we're  
11 going to follow that particular executive order. And  
12 in this case we -- we did.

13 And let me see if there's any final  
14 questions before we -- we adjourn.

15 Mary?

16 MS. OLSON: This is Mary Olson, and I  
17 think I'm on slow roll, because I want to just make  
18 one little comment about what Lawrence said about  
19 license amendments.

20 I clearly understand that a license  
21 amendment involves an environmental assessment. But  
22 what I wanted the NRC staff to hear is that you  
23 wouldn't do an environmental impact statement if it  
24 wasn't more detailed than an environmental assessment.

25 And so, in terms of disclosure of

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1 information, development of issues, and participation  
2 by the public, the difference between an EA and a  
3 FONSI, to use the verbiage of DC, which is an  
4 environmental assessment and a finding of no  
5 significant impact. And then a license amendment  
6 challenged by intervention puts the full burden of  
7 development on the intervener.

8 And I just think that this program is  
9 unique, it is experimental, it's never been done  
10 before, it's a departure from all our previous  
11 policies. And to let it go forward with EAs and  
12 FONSI's on the reactor site, after we were promised  
13 again and again that the analysis would be done, and  
14 now there's virtually no insurance at all that any  
15 further analysis will be done without intervention,  
16 which is a very high bar for the public to meet. So  
17 I'm really laying it out there tonight. You guys have  
18 at least the option of making the decision,  
19 proactively, that a full EIS will be done on MOX use.

20 MR. CAMERON: And that will be  
21 communicated to the people in the Office of Nuclear  
22 Reactor Regulation, too, Mary.

23 MS. OLSON: Thank you.

24 MR. CAMERON: Okay.

25 Lawrence, do you want to close us out as

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1 the senior official on this.

2 MR. KOKAJKO: Oh, thank you.

3 First of all, I'd like to thank everyone  
4 for coming out this evening. I -- though I didn't  
5 think I would say this, I have enjoyed each of these  
6 three meetings. They've been a little bit tiring at  
7 times, but I have enjoyed the interaction with people.  
8 And I find that it -- it has been rewarding. And I'm  
9 glad to see so many people that are interested in this  
10 project come out.

11 Once again, I'd like to -- to thank  
12 Adrienne Lester. These meetings would not have  
13 happened if it wasn't for her. She does deserve a --  
14 a round of applause, by the way.

15 [Applause.]

16 MR. KOKAJKO: She did the lion's share of  
17 work to help get this together, and I do appreciate  
18 her.

19 I would like to offer one more chance for  
20 questions or comments.

21 Yes? Please.

22 MS. ODOM: I can talk loud enough. I  
23 don't normally talk loud.

24 MR. KOKAJKO: Well, come up here and talk  
25 in here. We'll talk together.

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1 MS. ODOM: No, I just...

2 MR. CAMERON: Well, let's -- let's -- let  
3 me make -- take this out; okay?

4 MR. KOKAJKO: Okay.

5 MR. CAMERON: And we'll have Linda just  
6 talk right in -- into it; okay?

7 MS. ODOM: Okay, to Mary's question. I  
8 understand that the NRC is involved with the  
9 environmental dose reconstruction project report that  
10 is being revised the year 2003. And I was just  
11 wondering if you knew about it. It's supposed to  
12 calculate the ingestion of chemicals that are being  
13 released or could possibly be released into our  
14 environment due to the MOX project. And if you know  
15 about it, where can I get it?

16 MR. KOKAJKO: I don't -- I just looked at  
17 Tim, and he -- he shook his head. He's not aware of  
18 anything and...

19 MS. ODOM: Have you heard about it? Do  
20 you know what I'm talking about? The environmental  
21 dose reconstruction project. That's DOE?

22 MR. CAMERON: Yeah, it's DOE, and I think  
23 that that's (indiscernible).

24 MS. Odom: I know SRS (indiscernible).  
25 Can I give you the name of somebody who's on that

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1 committee?

2 MR. KOKAJKO: If that's DOE, I -- that,  
3 I'm not aware of, so...

4 MR. CAMERON: Okay.

5 MR. KOKAJKO: So, with that in mind...

6 MR. CAMERON: Thank you.

7 MR. KOKAJKO: Thank you. This meeting's  
8 adjourned.

9 (Whereupon, the hearing was concluded at  
10 10:00 p.m.)

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