UNITED STATES OF AMERICA

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NUCLEAR REGULATORY COMMISSION

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DSEIS PUBLIC MEETING

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BUILDING PUBLIC TRUST AND CONFIDENCE

WEDNESDAY

JANUARY 14, 2004

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MORRIS, ILLINOIS

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The Building Public Trust and Confidence Session met at Jennifer's Garden Banquet & Convention Center, 555 West Gore Road, Morris, Illinois at 1:32 p.m., (Chip Cameron) presiding.

PRESENT:

Chip Cameron, Facilitator
John Tappert
Johnny Eads
Duke Wheeler
~~Doug~~ Bruce McDowell
Robert Palla
Patricia Milligan

Enclosure 3

PRESENT: Members of the Public

Oscar Shirani

Benjamin Kosiek

Michael Duerr

Cynthia Sauer

Sarah Sauer

Dr. Sauer

Corey Conn

I N D E X

The NRC staff will host informal discussions one hour prior to each session. No comments on the draft EIS will be accepted during the informal discussions. To be considered, comments must be provided either at the transcribed public meetings (see agenda, above) or in writing, as described in the *Federal Register* notice.

~~Attachment 1~~

PROCEEDINGS

(1:32 P.M.)

MR. CAMERON: Good afternoon everyone. My name is Chip Cameron and I'm the special counsel for Public Liaison at the Nuclear Regulatory Commission, the NRC.

And it's my pleasure to welcome you to the NRC's public meeting this afternoon.

Our topic today is the Draft Environmental Impact Statement that the NRC has prepared to assist it in its evaluation of a request that we received from the Exelon Corporation to renew the operating licenses for the Dresden Nuclear Power Plant Units 2 and 3 at Dresden.

And I'll be serving as your facilitator for today's meeting and my role will be to try to help all of you to have a productive meeting today.

I just wanted to say a few words about the meeting process before we got into the substance of our discussions.

In terms of the format of the meeting today basically we have a two part format. And these two parts match our objectives today for this public meeting.

In the first part of the meeting we're going to try to provide you with some clear information about what the license renewal process is at the NRC. What we look at and also what the preliminary findings are in the draft environmental impact statement on the license renewal application for Dresden.

And we'll have a few NRC presentations and then we'll go on out to you for questions and answers at various times during that part of the meeting.

The second part of the meeting is to hear from you and to listen to you. And anybody who wants to will have an opportunity to give us their comments, recommendations, concerns on license renewal but specifically on the draft environmental impact statement and you may hear information today from either the NRC or from others in the audience that will stimulate you to submit a written comment to us.

We are asking for written comments on these issues. Or perhaps you'll hear information that will assist you in submitting a written comment.

But the one thing I do want to emphasize is that any comments that you give us today during the meeting will carry the same weight as a written comment.

We have Mr. Stuart Karoubas right here our stenographer. We are taking a transcript of the meeting and that will be our record of the meeting and it will be available to anybody who wants to have a copy of that transcript.

Ground rules for the meeting are pretty simple. When we're in the question and answer portion of the meeting just signal me if you have a question and I'll bring you this cordless microphone, tell us your name, your affiliation if appropriate and we'll try to answer your question as best we can.

I would also just ask that only one person speak at a time not only so that we can get a clean transcript but also so that we can give our attention to whomever has the floor at the moment.

And I would ask you to just exercise a little bit of brevity in your comments not because we don't want to hear more of what you have to say but we want to make sure that we can hear everyone who wants to talk today. So if we're concise we can achieve that goal.

When we get to the second part of the meeting and we hear formal comments from you I would just set a guideline of in the range of seven minutes to do your formal comments. It is a guideline. I think that we'll be able to use that and still complete the meeting on time.

And if you have a prepared statement we will also attach that to the transcript of the meeting if you would like.

And I just, the staff is going to tell you, give you an idea of what the agenda is but I just wanted to introduce the people who would be talking to you this afternoon.

And first of all you're going to hear from Mr. John Tappert who's right here. And John is the chief of the environmental section in our office of nuclear reactor regulation. And John and his staff are responsible for preparing all of the environmental reviews whether it's on a license renewal application or some other activity. And you'll be hearing from one of John's staff in a few minutes.

John has been with the NRC for about 13 years. He

served as a resident inspector for the NRC. These are the NRC staff who are stationed at a nuclear power plant. They live in the community and they're there to ensure that NRC regulations are met.

John came to us from the nuclear submarine program. He has a bachelors degree in aeronautical and ocean engineering from Virginia Tech. He has a masters degree in environmental engineering from Johns Hopkins University in Baltimore.

You're next going to hear from Mr. Johnny Eads who's right here. And Johnny is a project manager again in license renewal but on the safety evaluation side. And I want to make that distinction. We do a safety evaluation and we do also an environmental evaluation.

Johnny is on the safety side. He hasn't been with the NRC very long, two years, but he has 20 years plus experience with the nuclear utility operating nuclear reactors. He has a bachelor's degree in nuclear engineering from the University of Virginia.

Next you're going to hear from Mr. Duke Wheeler who's right over here. And Duke is the project manager for the environmental evaluation on the Dresden license renewal application.

And Duke is part of John's staff and he, before he came to the NRC he has been with us for 20 years, he was with Westinghouse company as a supervisor of the navy's nuclear propulsion program. He was a nuclear weapons officer with the United States Army and he has a bachelor's degree in nuclear engineering from West Point Military Academy.

Those three speakers are going to be talking about the license renewal process. We're then going to switch gears and go to what our preliminary findings are in the environmental impact statement.

And to do that for us we have Mr. Bruce McDowell who is right here. And Bruce is a team leader of the group of expert scientists who help the NRC to prepare the draft environmental impact statement.

And Bruce is with Lawrence Livermore, a national lab, in California. And he's an environmental assurance manager there. He's been with the lab for about 14 years doing various environmental review duties. But also involved in renewable energy studies.

Bruce has a master's in resource economics from the University of California Davis and a master's in business administration from the University of San Francisco.

And our final speaker is another NRC employee Mr. Bob Palla who is right here. And Bob is one of our experts in something called probabilistic risk assessment. And he's been doing that type of analysis on nuclear reactors for about 20 years for us. And he has a bachelor's and a master's in mechanical engineering from the University of Maryland.

And with that I would just thank you all for being here, being with us today. This is an important decision that the NRC has to make and we really appreciate your assistance.

And with that I'm going to turn it over to John Tappert

to welcome for you.

MR. TAPPERT: Thank you, Chip.

And good afternoon everyone and welcome.

As Chip said my name is John Tappert and on behalf of the Nuclear Regulatory Commission I'd like to thank you for taking the time out of your day and coming to participate in this process.

I hope that the information that we will share with you today will be helpful and we look forward to receiving your comments both today and in the future.

I'd like to start off by briefly going over the purposes and agenda of today's meeting.

First of all we're going to give you a brief overview of the entire license renewal process. Now this consists of both the safety review and an environmental review.

With regard to the environmental review we'll present our preliminary findings which assess the environmental impacts associated with extending the operating licenses of Dresden's Units 2 and 3 for an additional 20 years.

Then we'll give you some information about the balance of our review schedule and how you can submit comments in the future. And then finally we get to the real heart of today's meeting which is to receive any comments that you may have today.

But first I want to provide a little context to the license renewal process.

The Atomic Energy Act gives the NRC the authority to

issue operating licenses to commercial nuclear power plants for a period of 40 years.

For Dresden Units 2 and 3 those operating licenses will expire in 2009 and 2011. Our regulations also make provisions for extending those operating licenses for an additional 20 years as part of the license renewal program and Exelon has requested license renewal for both units.

As part of the NRC's review of that application we develop an environmental impact statement. We held a public meeting here last April to seek public input early in our review process.

And as we indicated at that earlier scoping meeting we returned here now today to present our preliminary findings.

And again the real purpose of today's meeting is to receive any comments that you may have on those preliminary finds today.

And with that I'll ask Johnny Eads to give us some additional information on the safety review, Johnny.

MR. EADS: Thanks John.

Again, my name is Johnny Eads. I'm in what's called a safety review project manager. I work in the NRC's license renewal section and my purpose today is just very briefly on two slides describe the license renewal process that we are using to review Dresden.

And also focus my attention on those areas that we do in the safety review side and then finally turn it over to the

environmental folks to describe their portion of the process.

Before I get started let me just say the Atomic Energy Act of 1954 is our enabling legislation which we use which did authorize the NRC to regulate the civilian use of nuclear power.

In performing that function the NRC really has a three fold mission. The first piece of that mission is ensure that there is adequate protection of public health and safety to protect the environment and then thirdly to provide for common defense and security.

Understanding those missions is important in understanding how we do the license renewal process.

As you can see from the slide the license renewal process is to find in two major areas the safety review and the environmental review. That safety review is defined in a regulation entitled 10-CFR Part 54.

It's very similar to the process that was used in the original licensing of the plant. It includes a safety review, an environmental review, onsite confirmatory inspections and an independent review by the Advisory Committee on Reactor Safeguards which I'll talk about a little more in just a minute.

One important distinction however is to understand that in promulgating this license renewal process the Commission determined that many aspects of the current licensing basis remained valid and are adequately addressed such as emergency planning and security.

These processes are address to the point that these

existing regulatory functions can carry through the entire 60 year term.

Let me get into the detail and just go to the next slide if I might.

In the slide, and I apologize for those sitting in the back there you might have difficulty reading them but perhaps we can get you up front later and you can look at it closer.

It lays out a parallel review process and it talks of the NRC safety review and the NRC environmental review. And you'll see in that safety review process there are two legs. The first I'll talk about is the onsite inspection activities.

And that's where we have teams of inspectors out of our regional office go out to the plant site and physically verify the plant design and implementation of their programs as they documented in their license renewal application.

There are three inspections that are possible in that inspection program and I should tell you that at Dresden two of those inspections have already been completed.

The third is an optional inspection for any follow up items and the Commission has decided to do a third inspection so we'll be going out to Dresden for a third inspection.

Those inspections by the way if you're interested are documented, the results of those inspections are documented in inspection reports and you can find those on the NRC website at www.nrc.web, nrc.gov through, we have a system called adams. There's

information in the back to tell you how to access that system.

On the safety review side we perform a detailed technical evaluation of the licensee's application. We have a team of about 30 people in headquarters who have spent an extensive amount of time reviewing that information.

We also perform independent audits where we come out to the offices and review the material and verify for ourselves that the information provided adequately describes, accurately describes those programs.

Our results from that safety review, that safety evaluation are documented in a document called the safety evaluation report. That SER as we call it provides the formal documentation of the site's safety review.

I guess one level of detail I should mention is the key to the staff safety review. It focuses on the applicant's proposed aging management programs. As they move into the extended period of operation the licensee may be required to add programs to manage the aging of equipment at the plant.

And these aging management programs need to be submitted to the NRC for review. That's in essence what we're reviewing as part of the safety review process.

After the safety evaluation report is issued we have an advisory committee that reviews that report. It's called the advisory committee on reactor safeguards. That is an independent body. That as part of the Commission reviews the work of the technical staff and

draws its own conclusions as to the satisfactory nature.

They provide a written letter to the Commission describing their review of the process and perform a valued independent review.

The bottom half of that chart is the environmental review and it includes scoping activities, the draft supplement to the generic environmental impact statement as well as these public meetings that you're currently involved in..

But I'm going to leave that to Duke Wheeler to discuss in more detail.

All of those process culminate in an agency decision. Now in anticipation of a question when are we expecting that decision, the process as we currently lay it out is approximately 22 months long with an application date of January 3rd we expect an agency decision on or about November of this year.

That really concludes my remarks but I will stay up here to answer any questions if there are any.

MR. CAMERON: Let's get Duke on and then we'll go to questions on process. Thank you, Johnny.

MR. WHEELER: Thank you, Chip. My name is Duke Wheeler and I'm the environmental project manager on the NRC staff and my primary responsibility as it relates to this meeting is to coordinate the efforts of the NRC staff and the national laboratories to produce the environmental impact statement that's associated with the license renewal for Dresden Units 2 and 3 that Exelon requested back on

January the 3rd of this year.

The National Environmental Policy Act of 1969 requires that a systematic approach in evaluating the impacts of proposed major federal actions be taken.

Consideration is to be given to environmental impacts of the proposed action and any mitigation for any impacts believed to be significant.

Alternatives including taking no action on the applicant's request are also to be considered.

Our environmental impact statement is a disclosure tool and it does involve public participation. Our NRC regulations require than an environmental impact statement be prepared for license renewals.

May I have the next slide.

This is our decision standard that we use that we will culminate with when we publish the final environmental impact statement. And basically what we're going to decide is whether or not the environmental impacts of the proposed action are great enough that maintaining the license renewal option for Dresden Units 2 and 3 is unreasonable.

May I have the next slide.

Johnny Eads had a process slide at the end of his discussion the bottom line of which talked about an environmental review. This slide is just an expansion of that part of his slide. And where we are in the process right now is, well, backing up.

They submitted their application on January the 3rd. We put out a federal register notice back in the middle of March of this year. ~~They~~ That just basically let the world know of our intent to prepare an environmental impact statement.

And then we went through what's known as a scoping process where we among other things had a public meeting right here as a matter of fact to scope out the bounds if you will of what the various considerations should be for our environmental review.

We also had our team of experts from the national laboratories visit the site in March. And we do have provisions in our process for requesting additional information if we feel that the initial application did not provide us everything we needed.

We did send out a request for additional information on May the 30th. We got back all the information we needed and we developed a draft environmental impact statement that we published for public comment.

The draft environmental impact statement was published in early December.

The next step of the process is after the public comment period expires we will then take all the comments that we've received plus our own review of our own draft and we will publish a final environmental impact statement.

Our schedule provides for that final environmental impact statement to be published in July of this year.

Now that concludes my remarks at the moment. If there

are no questions I'll turn it back over to Chip.

MR. CAMERON: Okay. Let's go out and see if there are questions. We're going to get into the substance of the draft environmental impact statement in a few minutes. But are there questions on the process? What the NRC looks at before making a decision?

Yes, Oscar, please introduce yourself to us.

MR. SHIRANI: I'm Oscar Shirani. I'm the whistle blower against Exelon Nuclear Plants.

I would like to know how NRC will detect any falsification of records submitted by the licensee because once their management do the review and approval of the final product and it reaches to the hands of the NRC it could be full of falsification of records.

How the NRC ensure that they are receiving adequate documentation and not falsified cause I do have records of many falsified records that it reached the hands of NRC unless one person wants to destroy his own image and become a whistle blower and then is not going to be protected by the NRC.

What's the incentive for the utility not to cheat if only the fine is only 60 to $80,000 for a utility which earns more than 40 billion dollars. What's the incentive for them not to cheat and if they get caught they only pay minimal dimes from their pockets.

MR. CAMERON: Okay. Thank you, Oscar.

John, I think you're probably the best person to take us

through the process, the assurances that NRC has that information is submitted. It's correct information and what types of compliance, sanctions, things like that.

John Tappert.

MR. TAPPERT: Yes. When utilities or licensees submit information to the NRC there's an obligation on their part to ensure that it's complete and materially correct in all aspects.

That is true of the information that was submitted as part of the license renewal program. Additionally we verify that. We, as Duke said earlier we actually had a site audit where we sent a team of experts to the site and part of what they were doing was confirming the accuracy of that information.

As you point out there are cases when we find out that information may not be entirely complete. The agency takes that very seriously. We have an enforcement process. We have issued violations and civil penalties and ensure that the utility puts in place corrective actions to prevent recurrence.

There's a number of checks and balances to ensure that the information is complete. And I think that just about covers what we're going to say there.

MR. CAMERON: Okay. Thank you John,

Other questions on process on the NRC process before we get into the substance of the discussion? Anything unclear at all that we could make a little bit clearer about things?

All right. Let's go to the substantive aspects and if

there is something that pops into your mind, a question about process we'll be glad to go back to that.

And this is Mr. Bruce McDowell who's going to tell us about the preliminary findings in a draft environmental impact statement. Bruce.

MR. McDOWELL: Good afternoon.

As Chip said I work for the University of California at Lawrence Livermore Laboratory.

The NRC contracted with us to provide the expertise necessary to evaluate the impacts of the license renewal at Dresden.

My team consists of nine members from the Lawrence Livermore Laboratory, the Pacific Northwest Laboratory and the ~~Argon~~ Argonne National Laboratory down the road here in Illinois.

The expertise we provide for a plant re-licensing and for alternatives are shown on the slide. We have atmospheric science expertise, socioeconomic, archeology, terrestrial ecology, aquatic ecology, land use, radiation protection, nuclear safety and regulatory compliance.

In the mid 1990s the NRC was faced with the prospect of having to prepare environmental impact statements for re-licensing the majority of the operating nuclear plants in the United States.

The NRC decided to tackle this problem in two ways. First the NRC decided to evaluate impacts of all plants across the entire nation to determine if there were any impacts that were common to all plants.

The NRC looked at 92 separate issue areas and found that for 69 issues the impacts were the same for all plants with similar features.

The NRC called these Category One issues and made the same or generic determinations about their impacts and the generic environmental impact statement for license renewal the generic EIS was issued by the NRC in 1996.

Second the NRC found that they were not able to make generic conclusions about the remaining issues. For these issues which NCR called Category Two issues the NRC decided to prepare site specific supplements to the generic EIS.

The Dresden supplement is what we are here to discuss today.

Now the NRC did not rule out the possibility that their generic conclusions may not apply at any particular plant. As part of our approach my team looked at Category One issues applicable to the Dresden plant to determine if there was any new information related to the issue that might change the conclusions that the NRC reached in 1996.

If we found no new information then our approach was to adopt the conclusions of the generic EIS. If new information was identified and determined to be significant either about a Category One issue or a new issue that hadn't been looked at before then my team would perform a site specific analysis for that issue.

Now this little bit of history is important because it

lays out the approach that my team used at Dresden. For Category One issues the impacts are the same at all sites.

Is there any new and significant information? If no we adopted the generic conclusions from the generic EIS.

If yes we perform a site specific analysis. For Category Two issues we always perform a site specific analysis.

And for potential new issues we determine whether or not the new issue can be validated. If yes we perform a site specific analysis. And again this is the approach that we used at Dresden.

For each environmental issue identified an impact level is assigned. For a small impact the effect is not noticeable, not detectible or too small to destabilize or noticeably alter any important attribute of the resource.

For a moderate impact the effect is sufficient to alter noticeably but not destabilize important attributes of the resource.

And finally for an impact to be considered large the effect must be clearly noticeable and sufficient to destabilize important attributes of the resource.

Now I'm going to use the fishery in the Illinois River to illustrate how we use these three criteria.

The operation of the Dresden plant may cause the lose of adult and juvenile fish at the intake structure. If the loss of fish is so small that it cannot be detected in relation to the total population in the river then the impact would be small.

If the losses cause a population to decline and then

stabilize at a lower level then the impact would be moderate.

If the losses cause a population to continue to decline then the impact would be considered large. And these criteria are consistent with the Council on Environmental Quality Guidance.

When my team evaluated the impacts from continued operations at Dresden we considered information from a wide variety of sources.

We considered what the licensee had to say in their environmental report. We conducted a site audit which John talked about which we toured the site, interviewed plant personnel and reviewed documentation of plant operations.

And we also talked to federal, state, local officials as well as local service agencies. And lastly we considered all of the comments that we received during the public scoping meeting that was held last spring.

All these comments are listed in Appendix A along with NRC's responses.

This body of information is the basis for the analysis and preliminary conclusions in this Dresden supplement.

The central analysis in the Dresden supplement are in chapters 2, 4, 5 and 8 if you are reading through this. In chapter two we discuss the plant, its operation and the environment around the plant.

In chapter four we looked at the environmental impacts of routine operations during the 20 year license renewal term. These

include the cooling system, transmission lines, radiological impacts, socioeconomic impacts, ground water use and quality, threatened and endangered species and accidents.

Chapter five contains the assessment of accidents. At this point I'd like to make a distinction. Environmental impacts from routine day to day operation of the Dresden Plant for another 20 years are considered separately from the impacts that could result from potential accidents during the license renewal term.

I will discuss the routine impacts and Mr. Palla after me will discuss the impacts from accidents.

And finally chapter eight discusses the alternatives to the proposed license renewal and their impacts.

One of the issues we looked closely at for the Dresden Plant is the cooling system. This slide shows the cooling system and the intake and the discharge canals.

The issues that my team looked at on a site specific basis include water use conflicts, entrainment and impingement of fish and shellfish, heat shock enhancement of microbiological organisms, and enhanced of microbiological organisms.

We found that the potential impacts in these areas were small and additional mitigation measures are not warranted.

Now there are a number of Category One issues related to the cooling system. These include issues related to discharges of sanitary waste, minor chemical spills, metals and chlorine chemical spills and spills of, or releases of metals and chlorine as part of

routine operations.

And recall that as Category One issues the NRC has already determined that these, that the impacts of these in these issue areas was small.

My team evaluated all information that we had available to see if there was any information that was both new and significant to these issues. We did not find any and therefore we adopted the generic conclusions that the impact of the cooling system is small.

Radiological impacts are also a Category One issue. The NRC has made a generic determination that the impact of radiological releases during a nuclear plant operations during the 20 year license renewal period are small.

But because these issues are a concern I'll discuss them in a little bit of detail.

Nuclear plants are designed to release radiological effluents to the environment. Dresden is no different from other plants and Dresden releases radiological effluents to the environment.

During our site visit we looked at the effluent release and monitoring program documentation. We looked at how the gaseous and liquid effluents were treated and released as well as how the solid wastes were treated, packaged and shipped.

We looked at how the applicant determines and demonstrates that they are in compliance with regulations for release of radiological effluents.

We also looked at data from onsite and near site

locations that the applicant monitors for airborne releases and direct radiation and other monitoring stations beyond the site boundary including locations where water, milk, fish and food products were sampled.

We found that the maximum calculated doses from member of the public are well within the annual limits.

Now there are a number, now there is a new near unanimous consensus within the scientific community that these limits are protective of public health. Since releases from the plant are not expected to increase on a year to year basis and since there is no new and significant information related to these issues, we adopted the generic conclusion that the radiological impact of the Dresden Plant is small.

There are two terrestrial species listed as threatened or endangered that could occur in the range of the Dresden site in the transmission lines. These are the bald eagle and the Indiana bat.

During winter migration bald eagles visit open water areas caused by the plant's thermal discharges. Since these area provide forging areas when the bodies of water are frozen the plant's operation can actually be considered beneficial to eagles.

The Indiana bat could occur in the counties where the plant and the transmission lines are located. But since the licensee does not plan any refurbishment or construction as part of re-licensing. The natural areas where these species could occur would not be disturbed.

This would also be true for the threatened plants species the eastern prairie, the only threatened plant species, the eastern prairie fringed orchid.

The only federally listed aquatic species that currently occurs in the vicinity of the Dresden site is the Hines Emerald Dragonfly. One population has been documented within four kilometers of the Des Plaines upstream from the Dresden site. There are no known populations at the Dresden site.

Based on this the staff's preliminary determination is that the impact of the operation at Dresden Plant during the 20 year license renewal period on threatened and endangered species is small.

The last issue I'd like to talk about in chapter four is cumulative impacts.

These are impacts that are minor when considered individually but significant when considered with other past, present or reasonably foreseeable future actions regardless of what agency or person undertakes these actions.

The staff considered cumulative impacts resulting from the operation of the cooling water system, the operation of the transmission lines, releases of radiation and radiological material, sociological impacts, groundwater use and quality impacts and threatened and endangered species impacts.

These impacts were evaluated to the end of the 20 year license renewal term. And I'd like to note that the geographical boundary of the analysis was depended on the resource.

For instance the area analyzed for the transmission line was of course different than the area analyzed for the cooling water system.

Our preliminary conclusion is that the cumulative impacts resulting from the operation of the Dresden Plant during the license renewal period are small.

Our team also looked at the uranium fuel cycle and solid waste management and decommissioning. All issues for uranium fuel cycle and solid waste management as well as decommissioning are considered Category One. And for these issues we did not find any new and significant information. And therefore we adopted the conclusions of the GEIS.

In 2001 Dresden generated about 13 billion kilowatts of electricity.

My team also evaluated the potential environmental impacts associated with the Dresden Plant not continuing operation and replacing the generation with alternative power sources.

The team looked at the no action alternative which is shutting the plant down. New generation from coal fired, gas fired and new nuclear, purchased power and alternative technologies such as wind, solar, hydro power and combinations of these alternatives.

For each alternative we looked at the same type of issue. For example we looked at water use, we looked at land use, ecology, socioeconomics and these are the same issues we looked at for the continued operation of Dresden.

For two alternatives I'd like to describe the scale of the alternative that we considered because the scale is important in understanding our conclusions.

First solar. Based on the average solar energy available in Illinois and the current conversion capabilities, current conversion efficiencies of solar cells these cells would produce about 100 kilowatt hours per square meter per year.

As such about 120 million square meters or about 46 square miles of cells would be required to replace the generation from the Dresden Plant.

Regarding wind power. Wind power, wind turbines have capacity factors of between 30 and 35 percent. As such about 42 megawatts, 4200 megawatts of wind power would be needed to replace Dresden's 1800 megawatts.

And to put this in context in 2002 the total wind power capacity in the United States was 4500 megawatts. In other words the total wind power in the United States would have to double to replace Dresden's generation.

Now due to the scale of these alternatives the team's preliminary conclusion is that their environmental impacts at least in some impact areas can be considered moderate or large.

So to reiterate our approach. In 1996 the NRC reached generic conclusions for 69 issues related to operating nuclear plants for another 20 years.

For Category One issues my team looked to see if there

was any new information that was both new and significant and whether or not we could adopt the generic conclusions.

For the remaining Category Two issues and for validated new issues my team performed analysis specific to Dresden.

For the 69 Category One issues presented in the generic EIS that relate to Dresden we found no new information, no information that was both new and significant and therefore we have preliminary adopted, preliminarily adopted the conclusion that the impacts of these issues is small.

My team analyzed the remaining Category Two issues that related to Dresden in this supplement. And we found that the environmental impacts resulting from these issues is also small.

During our review the team found no new and significant, no new issues that were not already known.

And lastly we found that the environmental impacts of alternatives at least in some impact areas reached large or moderate significance.

And now I'd like to turn back to Chip.

MR. CAMERON: Okay. Thank you very much, Bruce.

You've heard the preliminary conclusions that the NRC reached in the draft environmental impact statement.

Are there questions on the analysis? Questions on the conclusion. Yes, sir.

MR. DUERR: So since --

MR. CAMERON: Let's get you on the transcript here and

just tell us your name please.

MR. DUERR: Hi, Michael Duerr. So since 1996 you found no change in global climate models that would affect the ambient temperature and water levels in the cooling system? Is that correct sir?

MR. McDOWELL: Could you state that again?

MR. DUERR: In the eight years since the, the original GEIS study and conclusions we now have more information about global climate change.

Did that factor into any of your assumptions about ambient temperature or water flow in the river that would affect the cooling system?

And I guess the other sort of generic change in the environment, the political environment eight years ago nobody was flying airplanes into targets. And did that, was that considered as well? Thank you.

MR. CAMERON: Okay. Thank you, Mr. Duerr. The issue for John Tappert right now, Bruce do you get the gist of --

MR. TAPPERT: Yes.

MR. CAMERON: -- Mr. Duerr's question on ambient? Go ahead.

MR. McDOWELL: No, we did not, these were Category One issues and we did not look at global models to see if they would cause any change in the water availability or temperature. We did not do that.

MR. CAMERON: And I think that, you know, obviously questions imply a comment and Mr. Duerr I think that we should note that perhaps the comment there is that the NRC should look at that issue to see if that constitutes new and significant information relative to the generic environmental impact statement.

So we'll put that on the record like that.

John, would you like to talk a little bit about the relationship of the security issue to license renewal?

MR. TAPPERT: Just back on the first one about the global warming issue. The generic environmental impact statement that was done in 1996 we generically assessed impacts at all the plants in the country.

Every time we do a site specific analysis we look to see if there's new or significant information to change the conclusions of that. Okay.

So there is a mechanism to check those findings. Additionally every 10 years we, we do a global reassessment of that environmental impact statement. In fact we're doing that right now to be issued in 2006.

Going to the security issue. The Commission has determined that security issues need not be considered in an environmental impact statement which is not to say that security is not important.

Obviously in the last two and a half years since September 11th a lot of things have changed in the security arena and

those things have changed particularly with regards to critical infrastructure of which nuclear power plants are among.

The agency has done a number of things to enhance the security posture of these plants. We've changed guard requirements. We've changed standoff bomb, vehicle bomb requirements and a number of other things as well.

In fact when the Attorney General and Secretary Ridge decided to change the threat warning for the country there's a number of actions which are triggered at each and every nuclear power plant.

So the point there is you're not going to see a discussion of terrorism or security in the environmental impact statement which is out there. But the agency does take that very seriously and there are a number of things that are being done to ensure these facilities are operated safely.

MR. CAMERON: The point is is that these types of security considerations are inherent in our review of operating plants generally.

MR. TAPPERT: Right. It's not triggered by them coming in and asking for renewal. Only about a third of the plants have asked for renewal at this point.

But we are concerned at security at all of the 103 facilities. So we're taking that on on a daily basis as an operating reactor issue.

MR. CAMERON: Okay. Thank you. Mr. Shirani.

MR. SHIRANI: How about if the security guards are the

terrorists?

MR. TAPPERT: And I'm far from an expert on security. We do have a number of people who are experts who ensure that they are. There are programs. There are background screens. There are various what we call fitness for duties test to make sure that they're reliable individuals who are fit to perform the function of protecting the power plants.

MR. CAMERON: And if we, if any of our staff who are in the audience do have more information about, about how that is done if we could talk to Mr. Shirani after the meeting.

Any other questions on the analysis?

Yes, sir.

MR. HENSCHELL: Herb Henschell here from Grundy County.

I see one of your categories is socioeconomic and I'm assuming that you're, did the environmental impact of continued operation. Did you also do the environmental impact of ceasing operation? In other words did you reflect about what that would do the tax base if we closed the plant down.

What that would do to the jobs, what that do to the taxes coming in for the poor education that would result. What would that do the taxes that the retirees would have to pay to make up for the shortfall?

MR. CAMERON: Okay. Thank you.

MR. McDOWELL: Yes, we did. In chapter eight one of the considerations, one of the alternatives considered was the no action

alternative which is not approving the license.

In this case the Dresden Plant would be shut down at the end of its current operating license. And we did look at the impacts that you talked about. The impacts of the loss of tax revenues throughout the community.

And that is in fact one of the, I believe one of the categories that is not a small significant conclusion. That's moderate or large depending on the, which part of the service districts you're talking about.

MR. CAMERON: Okay. Thank you. Did that answer your question, sir.

Anybody else have a question at this point before we go to listening to you comments.

All right. We're going to go to the second part of the meeting which is, pardon me? Oh, I guess we do. I'm sorry we have another part of the environmental impact statement which is the severe accident mitigation alternative which Bob Palla who's going to do that for us gently reminded me that I was going to skip that.

But, Bob.

MR. PALLA: Good afternoon. My name is Bob Palla and I'm with the probabilistic safety assessment branch of NRC.

I'll be discussing the environmental impacts of postulated accidents.

These impacts are described in Section 5 of the generic environmental impact statement which is also known as the GEIS. The

GEIS describes two classes of accidents, design basis accidents and severe accidents.

The design basis accidents are accidents that both the licensee and the NRC staff evaluate to ensure that the plant can safely respond to a broad spectrum of postulated events without risk to the public.

The postulated impacts of design basis accidents are evaluated during the initial licensing process and the ability of the plant to withstand these accidents has to be demonstrated before the plant is granted a license.

Most importantly a licensee is required to maintain an acceptable design and performance capability throughout the life of the plant including any extended life operation.

Since the licensee has to demonstrate acceptable plant performance for the design basis accidents throughout the entire life of the plant the Commission has determined that the environmental impact of design basis accidents are of small significance.

Neither the licensee nor the NRC is aware of any new and significant information on the capability of the Dresden Plant to withstand design basis accidents. Therefore the staff concludes that there are no impacts related to design basis accidents beyond those discussed in the GEIS.

With regard to severe accidents the second category of accidents these accidents are by definition more severe than design basis accidents because they result in substantial damage to the

reactor core.

The Commission found in the GEIS that the risk of a severe accident in terms of atmospheric releases, fallout onto open bodies of water, releases to groundwater, and societal impacts are small for all plants.

Nevertheless the Commission determined that alternatives to mitigate severe accidents must be considered for all plants that have not done so. We refer to these alternatives as severe accident mitigation alternatives or SAMAs for short.

The SAMA evaluation is a site specific assessment and is a Category Two issue as explained earlier. The SAMA review for Dresden is summarized in Section 5.2 of the GEIS supplement and is described in more detail in Appendix G of the supplement.

The purpose of performing the SAMA evaluation is to assure that plant changes with the potential for improving severe accident safety performance are identified and evaluated.

The scope of potential plant improvements that were considered include hardware modifications, procedure changes, training program enhancements as well as other changes. Basically a full spectrum of potential changes.

The scope includes SAMAs that would prevent core damage as well as SAMAs that would improve containment performance given that a core damage event were to occur.

The SAMA evaluation consists of a four step process as shown on this slide. The first step is to characterize overall plant

risk and leading contributors to risk. This typically involves the extensive use of the plant specific probabilistic safety assessment study which is also known as the PRA.

The PRA is a study that identifies the different combinations of system failures and human errors that would be required in order for an accident to progress to either core damage or containment failure.

The second step in the evaluation is to identify potential improvements that could further reduce risk. The information from the PRA such as the dominant accident sequences is used to help identify plant improvements that would have the greatest impact in reducing risk.

Improvements identified in other NRC and industry studies as well as SAMA analyses for other plants are also considered.

The third step in the evaluation is to quantify the risk reduction potential and the implementation costs for each improvement.

The risk reduction and implementation costs for each SAMA are typically estimated using a bounding analysis. The risk reduction is generally over estimated by assuming that the plant improvement is completely effective in eliminating the accident sequences it is intended to address.

The implementation costs are generally under estimated by neglecting certain cost factors such as maintenance costs and surveillance costs associate with the improvement.

The risk reduction and cost estimates are used in the final step to determine whether implementation of any of the improvements can be justified. In determining whether an improvement is justified the NRC staff looks at three factors.

The first is whether the improvement is cost beneficial. In other words is the estimated benefit greater than the estimated implementation cost of the SAMA.

The second factor is whether the improvement provides a significant reduction in total risk. For example does it eliminate a sequence or a containment failure mode that contributes to a large fraction of the plant risk.

The third factor is whether the risk reduction is associated with aging effects during the period of extended operation. In which case if it was we would consider implementation as part of the license renewal process.

The preliminary results of the Dresden SAMA evaluation are summarized on this next slide.

265 candidate improvements were identified for Dresden based on the review of plant specific PRA, relevant industry and NRC studies on severe accidents and SAMA analysis performed for other plants.

Exelon reduced this list to a set of 12 potential SAMAs based on a multi step screening process. Factors considered during this screening included whether the SAMA is applicable to Dresden due to design differences, whether it would involve major plant

modifications that would clearly exceed the maximum attainable benefit. And whether it could provide only minimum risk reduction based on the review of the PRA.

A more detail assessment of the conceptual design and the costs was then provided, or performed for each of the 12 remaining SAMAs. This is described in detail in Appendix G of the GEIS supplement.

The cost benefit analysis shows that none of the SAMAs are cost beneficial when evaluated in accordance with NRC guidance for performing regulatory analysis.

Now this slide doesn't really tell the whole story. The staff did identify two SAMAs that could potentially become cost beneficial given a more detailed assessment of their benefits in external events, such as large fires within the plant, or when uncertainties are taken into account.

These two SAMAs involved developmental of plant procedures to use injection systems in the second unit as a backup source of water for the containment sprays, and procedures to realign the low pressure core injection system to the condensate storage tank upon loss of suppression pool cooling.

These SAMAs do not relate to adequately managing the effects of aging during the period of extended operation. Therefore they need not be implemented as part of license renewal. However given the potential risk reduction and the relatively low implementation costs of these two SAMAs the staff concludes that

1 further evaluation of these SAMAs by Exelon is warranted.
2 And this would be pursued as an operating plant issue
3 under the current operating license but not as a license renewal
4 issue.
5 To summarize the NRC staff's preliminary conclusion is
6 that additional plant improvements to further mitigate severe
7 accidents are not required at Dresden as part of license renewal.
8 And this concludes my remarks. And I can take any
9 questions you might have this time.
10 MR. CAMERON: Great. Are there questions for Bob on this
11 analysis? Mr. Shirani.
12 MR. SHIRANI: Design basis accidents and write in
13 procedure and specification is very nice and dandy but the
14 implementation is the one that we have to focus because NRC
15 inspections are definitely not accurate and not comprehensive to
16 detect these issues because I assembled a team of five with me six, we
17 went to General Electric.
18 The designer and manufacturer of the boiling waters,
19 Dresden Quad Cities and LaSalle and we looked at 54 design analysis.
20 They all failed on multiple calculations. They did not include the
21 worst load in combination. Safe shut down earthquake plus loss of
22 coolant accident. That was part of the design input under ~~UFSR~~ UFSAR
23 and ~~SER's~~ SERs of NRC on a design basis.
24 All this looks very beautiful on the paper and it's good
25 for the shelf. We found multiple finite element analysis was not

performed for the multiple components. And they were using the foreign reactors which are not under the NRC jurisdiction as a basis for enveloping those design allowables.

Core shroud repair for Dresden and Quad Cities. All they just, GE used a couple of line statement they are okay. And then we went look and further to see how they enveloped those and they compared it with the other reactors and then we went look at the other reactors they were comparing it with the South Korean reactors.

They were using multiple softwares that were producing more than 500 pages documents designed basis, design input in their reactor analysis and support of our nuclear reactors right here that we are giving them another 20 years life extension.

None of that stuff is done because NRC's inspections is review of the procedures which is on the shelf. The implementation is the basis that we don't see - no evidence that NRC's inspections are thorough enough to detect.

MR. CAMERON: Bob, is there, we have Mr. Shirani's opinion on the record on that particular issue. I mean this record right now. Is there anything in what he said and that you want to comment on relative to the SAMA evaluation here or SAMA evaluations in general?

MR. PALLA: Well, I think those issues that he's raised really are relevant to the design basis accidents and adherence to the licensing basis of the plant. That isn't something that we looked at as part of the severe accident mitigation alternative analysis.

MR. CAMERSON: Okay.

MR. PALLA: So maybe John Tappert or Johnny Eads could say something on that.

MR. CAMERON: In terms of comments that go to the design basis kind of we at least let people know how comments on that get plugged into the NRC process in any way because they are not going into the SAMA evaluation. [?]

MR. TAPPERT: Right. I don't think at some point with what Bob was saying. [?] With response, with respect to the specific allegations that you're making on those inspections I think you've previously shared that with the NRC. And there's, we have investigations and also inspector general investigations of the NRC staff in regard to the performance of those that are still ongoing.

So we can't really comment on the specifics of those. In general, your general comment about paper reviews versus inspection reviews is part of the NRC comprehensive inspection program there are observations of actual activity. So it's not just paper.

MR. CAMERON: Okay. Let me see, Oscar, before we come back to you let me see if there's any other people who have questions on anything related to SAMAs or anything else that we've been discussing.

Okay. Oscar, do you have another question?

MR. SHIRANI: Actually it is very much related to the design basis accident because all the worst ~~load in~~ loading combinations which are part of the design basis accident for the worst

accident scenarios are covered under ~~SCR~~ SER and the ~~UFSR~~ UFSAR.

So I am talking related to the subject. The point is this. That we, I identified all that stuff. Oliver Kingsley from Exelon lifted the stop work with no verification of the corrective action by Exelon. And then they relied on Exelon procedures in 2002. And they said since 1997 procedures in ComEd is not found anywhere. We have to go with the new procedures.

The new procedures will allow ComEd to lift the stop work and basic close the significant findings without verification of corrective action. This is a deliberate and a willful violation of a 10-CFR 50 Appendix B criteria 16 and 18 which is the basis for the design of our nuclear plants operations.

MR. CAMERON: Okay. Oscar, and you can, I know you're going to comment as part of the comment process and if you want to say anything more on that you can then.

But I don't think that anybody disagrees with the fact that those issues are relevant to design basis accident. So I don't think we're disagreeing with that.

All right if there's not any other questions at this point, and thank you, Bob. Thank you, John. We're going to go to the formal comment part of the meeting. And as I, oh, you want to finish up. Okay, good.

I was hoping I wouldn't do this again but.

MR. WHEELER: Thank you, Chip.

Our preliminary conclusions are that the impacts of

license renewal for all the areas that we looked are small. And the impacts of alternatives to the license renewal range anywhere from small to large.

And our preliminary recommendation at this point in the process is that from an environmental impact perspective maintaining the option of license renewal for Dresden Units 2 and 3 is not unreasonable.

May I have the next slide please.

Just a few notes on where we are in the process. As I noted before, we issued our draft environmental impact statement early in December and we're, that was about five weeks ago.

And the public comment period on that draft will end in about five weeks from now on February the 24th. And we are on schedule for issuing our final environmental impact statement on, in July of 2004.

This slide just provides information on how you may contact me. I should be the NR, your NRC staff's first point of contact for any issues, questions, other communications you may have on the development of our environmental impact statement.

Some additional information on how you can find the environmental impact statement. We did place copies in two local libraries. The Morris County Library and also the Cole City Public Library.

And we've also put the draft environmental impact statement on our website and the slide shows a link that you can use

to get to that file. It would be available via the Internet.

And that's kind of a long and drawn out link if you take a look at it. I've tried it, it does work. But if you have any problems at all call me. And we'll sit down on the phone if we need to and we'll go through it one keystroke at a time.

And if you and I get wrapped around the axle trying to get this to you we also have a help desk at the NRC that we'll bring into the conversation and they're experts at untying knots that may come up as you're trying to access this via the Internet.

May I have the next slide.

Other ways that you can provide us comments in addition to what's going on in the transcript here for this meeting is you may send comments in by mail at the address shown on the slides. And I would ask that you do send it to the chief of our rules and directives branch. Tthat will guarantee that the letter that you send in will become a matter of public record.

If you, you may also send it to me if you wish and I'll just send it over to rules and directives and they will get into the public record.

It's probably not all that practical for a plant located here in northern Illinois but there are plants closer to us. If by chance anybody happens to be in the area of our headquarters in Rockville, Maryland you're certainly quite welcome to stop by, give me a call, set up an appointment and I'll be happy to take your comments.

One thing that I would ask is that anything that you

will bring in to me I would ask that you bring it in in written form. It's important to us that all the comments we received do become a matter of public record and words just spoken in conversation tend to disappear into thin air. It's hard to document, it's more accurate if I get a piece of paper from you.

But I'm certainly there and I'll be happy to meet with you if you're in the area.

And another way that you can get comments into me is by email. I have established an email address at the NRC that's shown on your slide there. And this was established for the express purpose of providing a method by which members of the public can provide comments to the NRC staff on the draft environmental impact statement.

That just about concludes my final remarks. And if there are no questions on what I've just covered I'd like to turn the meeting back over to Chip.

MR. CAMERON: Okay. And Duke, the date again for submission?

MR. WHEELER: We have a schedule and I certainly expect to stick to it. For publication of the final environmental impact statement in July of this year.

MR. CAMERON: And comments have to be in by?

MR. WHEELER: The comment expiration date is February the 24th of this year.

MR. CAMERON: Okay. Thank you very much, Duke.

I think we're ready to move on to the speakers but I

guess I should ask did I forget any other NRC presenters? Are we done. All right.

And I would ask you to come up to the podium but if you feel more comfortable speaking from your seat I'll bring this to you.

Our first three speakers tonight first we're going to Mr. Benjamin Kosiek. And then to Cynthia Sauer and then to Oscar Shirani.

And I would ask Mr. Kosiek to come up and hopefully I've pronounced that correctly.

MR. KOSIEK: My name is Ben Kosiek. I'm the assistant business manager for Boilermakes Local No. 1 in Chicago, Illinois whose jurisdiction encompasses the Dresden Nuclear Power Plant.

I'm here to thank the NRC for the hard work that they've done in the environmental impact study that they have here. And just reiterate some of the social economical impact of the loss or denial of a re-licensing of the Dresden Nuclear Station.

Not only the primary jobs that would be lost in that denial of license but also many of the secondary losses. I represent, you know, just one of the many organizations whose workers work at the Dresden Nuclear site.

I have a number of members who are neighbors of those residents who are probably seated here in the audience. They live, they work, they send their children to schools here. I visit the same hospitals, the doctors and everyone else in this area.

A loss of those jobs would mean a great loss to them not

only as the economically but, you know, socially. And the loss of those jobs would mean that most of those people would move from the area. So we not only lose the jobs but we also lose the tax base and that structure that's there behind it.

As a member I have worked at the Dresden Nuclear site and I represent a membership that does work there on a relatively frequent basis.

In regards to security issues and in the last two and a half years the whole security scenario has been greatly enhanced at the, at all of the nuclear sites in this country.

My membership has a great deal of, spends a great deal of time maintaining records, maintaining a livelihood and a lifestyle that allows them to work in that nuclear facility because quite frankly those people that go to work there in that nuclear facility on a day to day basis you're probably safer inside that plant than you would be driving down Interstate 80.

You know, as far as safety issues go I've worked in most of the nuclear sites in the Illinois area here. I've directed work in those nuclear sites. I can attest to the safety procedures and plans that are put in place for all work that goes on. Not only the, not only the work but the inspection after the work that there is a great deal of watch and care that is taken in that.

And I'm just here to speak in favor of the re-licensing of the Dresden Plant. Thank you.

MR. CAMERON: Okay. Thank you, Ben.

Next we're going to go to Cynthia Sauer. And while Cynthia is coming up just let me remind people that there is fresh coffee back there and water if you would like some.

MS. SAUER: Good afternoon and thank you very much for the opportunity to provide public comment this afternoon.

As some of you present you are aware that I initially expressed my concerns on July 10th of 2003 at the GEIS meeting.

Since November 14th, 2003 I have been in discussion with individuals from the NRC relative, oh, sorry. I have been in discussion with individuals from the NRC and I would like to acknowledge that I have been receiving information relative to the NRC's process for responding to my issues.

I still have many unanswered questions which I hope will be resoled in the near future.

I wish to address the statement in the draft which cites my concerns. Since it is not an accurate representation I am here this afternoon to once again state my concerns.

As a private citizen of Grundy County and a concerned parent of a child with brain cancer I am alarmed by the rising cancer statistics for this county and feel that before the United States Nuclear Regulatory Commission allows the Exelon Corporation to continue to operate its Dresden plant for another 20 years it should evaluate whether radioactive emissions or radioactive by products from the plant are contributing to these trends.

The statistics I am concerned about are as follows and I

would like to note here that these statistics were obtained from the Illinois Department of Public Health and the national center for health statistics and can be obtained from their respective websites.

Infant and child health. Comparing the time periods of 1990 through '94 to 1995 through 2000 the rates of the following have risen in Grundy County at rates much higher than in the State of Illinois.

Infant mortality or deaths under age one year increased 98 percent in Grundy County while the state showed a decrease of 11 percent.

Infant mortality is considered an excellent indicator of the health of a community.

Comparing the rate of infant mortality in the two periods showed Grundy County going from a rate that was approximately two thirds of the state rate to a rate approximately one and a half times as high.

Births under five and a half pounds increased 35 percent in Grundy versus the state's 11 percent increase. Births with congenital defects rose 13 percent in Grundy County more than double the rate of the overall state's increase of six percent.

Cancer cases in Grundy County for ages 15 years and under increased 378 percent. 30 times as compared to this 13 percent increase in the state.

Cancer deaths in adults from 1993 through '95 to 1995 through 2000 showed death rates for all cancers combined in Grundy

County adults exceeded those of Illinois with the most dramatic being the cancer deaths in the 25 through 44 age group that was up 42 percent compared to the state's decrease of eight percent.

Obviously we have a problem here in Grundy County. These statistics are frightening and cannot be ignored. Yet when I ask various state and federal agencies about these situations I am met with resistance and an unwillingness to further investigate the reason for this rising trend.

The previous studies done in the past and elsewhere cannot have the answers for this increase and are not justification for not investigating this current situation.

Who has to be the next cancer victim before something is done. Will it be your wife, husband, your brother, sister or your son or little girl?

I understand the Exelon Corporation has a significant economic impact on Grundy County but does this mean that financial gains are priority over the health and safety of the children and adults who live in this community.

Despite the evidence in this draft report the Exelon Corporation has a history of some significant problems. Exelon Corporation made a settlement agreement with the Illinois Attorney General's office for violations of the safe drinking water act dating back to 1990 and reimbursed the state for wildlife that perished as a result of one of these violations.

They procured a protective order when asked to answer

questions regarding the disposal or release of triacetated [?] water or radioactive contaminants since 1990.

The NRC itself has cited Exelon on at least two occasions for providing them with inaccurate and incomplete information.

In the general accounting office's report regarding the nuclear power plant owners who failed to set aside sufficient funding to pay for the cost of decommissioning nuclear plants after the end of their useful life Exelon was found to be one of the worst offenders thereby potentially leaving us the taxpayers to pick up the billions of dollars in clean up costs.

The list of violations go on and rather than I continue I encourage you to view them on the Nuclear Regulatory Commission's website.

It appears from these incidents that the Exelon Corporation does not have a high regard or respect for the rules and regulations of the various governing bodies over them and more importantly for the health and safety of the men, women and children who live in the area surrounding their nuclear reactors and high level waste storage pool.

As evidenced not only by the violations but in email correspondence records that I have obtained through the freedom of information act in my quest for answers to my questions. For those of you whom I have been in communication with none of what I have stated should come as a surprise.

The NRC states its role is that of protecting public health and safety and of the environment. There is something wrong here in Grundy County. Who and what are making our children sick.

I challenge each and everyone of you here this afternoon to accept your responsibility to strictly enforce and demand complete and honest adherence to the rules and regulations put forth for the protection of public health and safety as well as that of the environment despite monetary or political pressures.

At this time there's an excerpt from author Max Locato that I feel is very fitting. This is no cruise ship. We are on a battleship. We are not called to a life of leisure. We are called to a life of service. Each of us has a different task. Though different we are the same. Each can tell of a personal encounter with the captain. For each has received a personal call.

For those of you involved in the safety of nuclear energy who may have forgotten your call I feel Sara in her own words can best remind you of your call and responsibility.

MS. SARAH SAUER: Please protect the children from this awful disease and please don't put bad things in our water and air. Thank you.

MS. SAUER: Once again I thank you and I ask that you keep Sarah, my family and all the Sarahs in your prayers.

Thank you.

MR. CAMERON: Okay. Thank you, Cynthia, and thank you Sarah. And thank you for stating that data on health affects so

clearly for us and we also note the point between past studies not necessarily meaning that there should not be an new study.

And I guess in that context for information for everybody I would just ask our health physicist, Trish Milligan whether there are any other studies that we're going to be factoring in or looking to in terms of the draft environmental impact statement that people should know about? Okay.

MS. MILLIGAN: Good afternoon. My name is Patricia Milligan I'm a certified health physicist with the Nuclear Regulatory Commission. I also have a background in the medical world. I'm a pharmacist and I've spent a number of years doing nuclear pharmacy before I got into power plant health physics away from medical health physics.

The State of Illinois in response to concerns that were raised a couple of years ago by the radiation public health project did an evaluation of the pediatric cancer incidents and proximity to nuclear facilities.

They published this in a newsletter that was mailed out to a variety of folks and we've made several copies available to those who are interested in the foyer.

They looked at the studies that were presented by Mr. Mangano and others from the Radiation and Public Health Project and were unable to come up with what they, and I'll ready their words, failed to find significant and meaningful cancer incident rate differences for Illinois children residing in counties with nuclear

facilities as compared to those with comparable counties without such facilities.

They've done extensive work. I've talked recently to the agency for substance toxin, for toxic diseases and substance registry on and they will be examining some of these statistics to see if there is something that was missed in the original Illinois evaluation.

As far as the infant mortality those are certainly alarming numbers when you hear 98 percent increases in Grundy County in infant mortality when you look at the period of time.

There are several factors that go into infant mortality that are well established not only in this country but across the world. And they include risk factors such as conception, age at conception, health and nutritional status of the mother, socio economic status of the mother, education of the mother, domestic violence is an important risk factor. Some infections including reproductive tract infections as well as periodontal infections interestingly enough.

Substance abuse which includes tobacco, alcohol and other drugs both illegal as well as prescriptive drugs. Closely spaced pregnancies, inadequate prenatal care, inadequate folic acid intake and positioning babies on their stomachs at night when they go to sleep.

These are all important contributions to infant mortality. Until a study can examine the impacts of each of these

factors it's difficult to draw meaningful conclusions by simply looking at infant mortality tables.

Using the same sort of analysis going across all the counties you'd need to look at each, you'd need to look at Grundy County compared with control counties, compared with other nuclear counties as well before you could draw conclusions to say that this power plant is directly linked to infant mortality increase or decrease.

MR. CAMERON: Okay. I guess can we, and you said that we sent some information to the agency for --

MS. MILLIGAN: Yes, we did.

MR. CAMERON: And we can send a copy of the statistics as presented by --

MS. MILLIGAN: Yes, we can.

MR. CAMERON: -- Cynthia to them and I just would note again her comment that past studies do not necessary mean or do not mean there shouldn't be a new study.

Mr. Sauer, do you want to make a comment for us?

DR. SAUER: Okay. Let me --

MR. CAMERON: Okay. Why don't you come up.

DR. SAUER: I did not come here, let me introduce myself first. I am Dr. Joseph Sauer. I'm a practicing obstetrician and gynecologist in Grundy and Will County.

In addition my background I have a degree in bio medical and electrical engineering.

I did not come here intending to speak today. However I think some things need to be clarified.

First and foremost Trisha's comments relating to infant mortality are very valid, very vague and very deceptive.

In that data published in the IDPH it clearly indicated that during this time frame there was actually a reported decrease in alcohol use. A decrease use in cigarettes. In addition there was an increase in first trimester prenatal care. In other words people were seeking out care initially meaning they had ready access to it.

I am hard pressed to think of any major economic or environmental changes outside of those areas that would have dramatically changed from the early 90s to the late 90s.

In regards to the study that she's referring from from the IDPH it is a very cleverly drafted study with serious and significant flaws to it.

When you are going to design a study the results are only as good as the design of it. In that study what they did was choose counties with nuclear reactors in them and compared the overall population in that county to populations of counties that did not have a nuclear reactor.

Included were several of the nuclear reactors in this area. Including LaSalle, Dresden and Braidwood.

If you look at the population of Grundy County it is approximately 40,000 people. If you look at the county of Will County it is over 500,000. Therefore Grundy County becomes almost

insignificant in this study.

In addition most of the research relating to effects of nuclear plants have a 10 at most 15 mile radius. If you draw a 10 mile radius around the Braidwood facility which is listed in Will County you do not get to any of the population of the larger towns.

In essence 90 percent of the people in Will County which is considered in the nuclear side live in non nuclear conditions.

Braidwood is closer to Grundy County than to any of the major cities within Will County. So if you take 500,000 people and put them on the nuclear side and don't give them any effects you have completely negated the data.

Now I'm unaware of the other counties. I didn't research each and every one. But traditionally nuclear plants have been located in rural areas. Therefore the large majority of each county will not be affected by the nuclear plant.

That does not excuse any effects that are caused in those communities because smaller towns despite not having political power are important. However, it completely makes the study irrelevant when you are comparing people who have not had exposure on either side and then stating that they're not statistically different.

Thank you.

MR. CAMERON: Okay. Thank you, Dr. Sauer for completing that picture for us. And we're going to go to Mr. Shirani now. Oscar.

MR. SHIRANI: I would like to -- on the record.

MR. CAMERON: Okay. And we will put this on the record.

MR. SHIRANI: Good afternoon. Thanks for the opportunity for me to speak today.

I raised some of these questions at the July 10th, 2003, at the NRC public hearing and I did not receive any response.

I'm Oscar Shirani again. I have a PE professional engineering license. I have a master's degree from George Washington University and bachelor's from West Virginia Institute of Technology.

I have developed a lot of technical courses and I have taught courses at the American Society of Mechanical Engineering pressure vessel piping. I have taught more than 300 engineers on Commonwealth Edison. I have developed more than six to eight standards for Commonwealth Edison which saves them six to eight millions of dollars. Each one is on the record.

So I did make my contribution and I was not anti nuclear. I am anti unsafe operations of the nuclear power plants. I'm against falsification of records.

NRC has buried all my ten allegations against Exelon regarding Exelon's falsification of QA record and oversight of a design of its nuclear reactors and nuclear spent fuel dry casks by its supplier such as General Electric Nuclear Energy, Holtec International, U.S. Tool and Die in its paperwork bureaucracy.

How does NCR allow Exelon or Commonwealth Edison to continue running these plants for another 20 years. Exelon falsified my 1997 audit of a General Electric Nuclear Energy that resulted in 21

findings and shrunk it to 12 but did issue a stop work order.

Exelon willfully bypassed all the provisions of the stop work order as stated by William Betourne, Commonwealth Edison procurement manager and as testified by Kombix Salehi, former ComEd supervisor and NRC agent to prevent any potential shutdown of its reactors when its three other plants were on the watch list.

NRC refused to interview Mr. Betourne and ignored to follow his multiple complaints.

NCR stayed totally absent during the stop work order from 1997 to 2002 when they started finally looking at my investigation or my allegation more than one year after I raised. The code allows, the regulation allows that if there are technical allegations you have to resolve it within 180 days.

Exelon punished all the players of the stop work order. Myself, Kombix Salehi, Edward Netzel and Lon Waldinger.

Exelon falsified human records to show Mr. Waldinger left in September '99 versus the actual date of March 1998.

Oliver Kingsley in his first two weeks of employment at ComEd in November 1997 lifted the stop work order with a willful and deliberate violation of the code of federal regulation and avoided any verification of corrective action by GE and immediately hired the GENE's [?] general manager who was a madman at the exit meeting and was pounding on the table was upset about the stop work order.

David Helwig became the second man in command in Commonwealth Edison and punished anybody who has a fingerprint on the

stop work order. We cited GE with a 100 percent failure in the design of the reactors.

If you go on to Google.com or Yahoo.com and search for my name, Oscar Shirani, you could read all the articles with the technical arguments. And I have invited the NRC to come to the technical gurus and challenge me.

So far I have been talking to only NRC managements, no technical people. For Exelon, for the Constellation Energy and the Cooper Energy.

In December 4th, 2002 NRC wrote to Shirani, we substantiated that the stop work order issued by Exelon QA program to GE was lifted based on a vendor's promises rather than verification that an underlying problem had been correct.

We reviewed this concern to determine what corrective actions if any the licensee was required to implement. We determined due to the age of the concern for 1997 is too old. We limited our review to the current program requirements 2002. Since any problems would be resolved to the current requirements.

I wrote the issues in 1997. They cannot find the procedures they go with the new procedures of ComEd. The current procedures do not require verification that the corrective action has been implemented prior to lifting of the stop work order. How absurd.

This is NRC's blessing of the Exelon's willful violation of the code of federal regulation and you could read 10-CFR-50 Appendix B criteria 16 and 18.

It says ~~collective~~ corrective action has to be promptly taken and a verification shall be performed to verify the corrective action has been implemented to prevent occurrence.

Here the GE has been cited for 100 percent failure of the design but they lift the stop work order and NRC does not have any problem with that.

This is the way that I can, I am refusing to accept the NRC's response that NRC is looking at this case.

Senator Reed has requested from the NRC and I met OIG assistant general in March 20th with David Lockbaum, Paul Gaunthier, Kevin Camps from office of Ralph Nader and everybody else and I also met them on 21st and 22nd of July, 2003.

OIG has clearly told me that they are not technical people neither. And they are still waiting to see how they can verify the NRC's investigation on my case.

Regarding the spent nuclear dry cask issues that I raised with the NRC last week I will get a phone call from two reporters from New York. Lauren Miura, reporter from the Greenwire E&E Daily Land Letter on January 9, 2004 wrote, one NRC official said that the agency has not substantiated, remember the letter that it says we substantiated, it says has not substantiated any issue on his claims.

Our inspector general office is looking at this and so far I don't think they have uncovered anything said Steve O'Connor a senior project manager at NRC spent fuel project office. As far as we know these casks are just as safe as when we approved them.

The above NRC's statements contradicts the NRC's correspondence to Shirani on July 10th, 2002 regarding my allegation about Holtec and U.S. Tool and ~~Deie~~ Die, Inc. by stating, based on review of the information provided by you and on the results of an NRC inspection conducted in response to your allegation, the staff determined that your concerns were substantiated, so we don't even know where the NRC stands.

One of them say not substantiated that the records says were substantiated but they said there was not a result in safety regulatory concerns requiring further NRC action. [?] I have a problem with that.

How did NRC substantiate my allegation and made such a conclusion? Welding flaws are contributing to the already existing design flaws discovered at Holtec and U.S. Tool and Die manufacturing processes and the QA program.

I'm not talking about the weld that the welder from ComED came two weeks ago, three weeks ago at Clinton and said we don't have any problem in the welding at the station. I'm not talking about non safety related welds.

I'm talking about the components, safety related components and the weld flaws of the manufacturing and the designers that Exelon does have no control over.

My allegation revealed that Holtec and U.S. Tool and Die QA program were not and still are not in compliance with the code of federal regulations and NRC's accepted standards.

Dry casks were and still are built to the same Holtec's QA program which is not in compliance with applicable codes as cited by my repeated audits and Tony Frazier's Quality Controlled inspection.

My repeated audits and Tony Frazier's Quality Control Inspection at U.S. Tool and Die revealed the loss of design change control process for hundreds of nonconforming conditions that were dispositioned by U.S. Tool and Die and Holtec as Us-As-Is and Repair.

If you refer to the codes of federal regulation and ASME NQA-1 Supplement 3S where it says that Use-As-Is and Repair is a design change and they were just blessing it off with no design control process.

Hundreds of weld flaws nonconforming conditions were accepted as Use-As-Is and was not subject to the design control process applicable by the codes.

MR. CAMERON: Oscar, I'm going to have to ask you if you could state your conclusions for us at this point and also if you can draw any broad conclusion between what you're saying and license renewal, please feel free to do that.

MR. SHIRANI: Okay. License renewal is the, the guarantee that NRC has to provide to the public, public safety that since we trust Commonwealth Edison for the last 40 years then we should give them another 20 years.

If you look at my records on the website and all my allegation it tells you that NRC should not rely on Exelon. Exelon

has a history of falsification of records.

Exelon cannot be trusted. I have documentation that Exelon officers the ones that I have mentioned falsified records. They should be prosecuted according to the 10-CFR-50.7 and the 10-CFR-50.5. Rules and regulations are there. Who is going to enforce it. I expect NRC to enforce it. But unfortunately there is a flaws in the system.

MR. CAMERON: Okay.

MR. SHIRANI: You could read the rest of my on the record.

MR. CAMERON: Let me note that we have Oscar's entire written statement that will be attached to the transcript of this meeting.

And, Oscar, thank you.

MR. SHIRANI: Thank you very much.

MR. CAMERON: Very much. And I would just note what John Tappert said earlier is that there is an NRC investigation of Mr. Shirani's allegations that has not been closed yet.

And there is also an inspector general investigation of how the NRC staff performed that analysis that is ongoing. And so there will be, there are still some things to happen in the future before the NRC can present a clear picture of what its findings are.

But thank you, Mr. Shirani.

And now we're going to go to Mr. Corey Conn from the Nuclear Energy Information Service and then to Michael Duerr.

Corey.

MR. CONN: Good afternoon, my name is Corey Conn. I am here representing the Nuclear Energy Information Service out of Evanston, Illinois.

And for the benefit of many of the Exelon employees who are here today and who have begun to hear perhaps for the first time some of the concerns about quality assurance failure at ComEd and at several principal suppliers of casks and engineering services for the first time, I thought I would point out a couple things to you quickly that Mr. Shirini was 10 years at Stone and Webster and 11 years with ComEd and Exelon. He knows where of he speaks.

Just very, you know, when the ASME held its pressure vessel piping conference in July of 2001 Oscar was in fact the man you submitted your papers to for review on issues such as reliability, quality assurance, quality control, inspection, in-service inspection, failure date of regulatory and code compliance, quality testing operability qualification, valves, the design and analysis, the design of internals, pumps, design and analysis, etc., piping dynamic effects, pipe whips, seismic analysis.

He has a very impressive career. He has told me that he had never really wanted to go into quality assurance because he suspected that at his best he would be everybody's enemy. But I contend that at his best he has been everybody's friend.

I am in a moment going to employ, implore the other engineers and current employees of Exelon who have information to come

forward because there is a large and growing support network for Mr. Shirani and other whistle blowers at NRC licensees and at DOE facilities and the principal engineering labs as well.

And these people are well motivated. They've come from inside and we would rather have them come out before a large amount of fission products come out of a facility.

So again we're trying to prevent and mitigate serious accidents, all of us are, we believe that.

Mr. Shirani mentioned that using the search ~~teams~~ terms Oscar and Shirani in Google it does in fact produce a growing number of pages of hits. I just thought I'd point out that the, some of the interested parties are out at the Las Vegas Sun and the Salt Lake City Tribune. You can imagine why.

Public Citizen, the Utme [?] Reader, the engineering folks at the University of Michigan, the U.S. Department of Labor if you'd like to follow this case. And I see that it has been recently translated into Spanish on a website in the Netherlands.

At this time I would like on behalf of ~~any IS~~ NEIS to endorse a December 1, 2003 letter from the union of concern to scientists where they have written to the reactor inspection section chief, Doug ~~Coo~~ Coe, and to the Division of Inspection Program Management, excuse me, to the agency allegations advisor at NRR, Lisa Marie Geriel, with a subject request for public meeting regarding NRC's handling of allegations and as quality assurance inspection process.

I have been following the dialogue between Mr. Shirani

and the NRC staff and the OIG and I'm really disappointed in NRC. I say that to you in all honesty I don't think we're playing on the same team any more.

I have wanted to believe that we were but what I will say is that this is really an essential meeting now to determine that NRC understands the fundamental concerns that Mr. Shiarni has raised to find out what in fact the NRC's resolutions are, what they have offered and to remedy any misunderstandings and to enumerate now the unresolved concerns that we have in the safe energy advocate community.

Let me quote from one paragraph from the bottom of page of this letter from the Union of Concerned scientist who the NRC with respect to NRC's inspections of quality assurance Mr. Shirani's experience auditing areas shortly before or shortly after NRC inspections of the same areas makes him and the Union of Concerned Scientists question the ~~advocacy~~ efficacy[?] of NRC's inspections.

The disparate results from nearly simultaneous examinations with NRC's results always being significantly less critical strongly suggests a serious flaw in the NRC inspection regime.

How many folks are familiar with this form, notice to employees, NRC Form 3. Could I ask a show of hands if you've actually seen this before. Okay. Thank you. There are a few folks there who appear to be employees of licensees or have been in workplaces where those are displayed prominently.

I will say that I point that document out to you because employee, 10-CFR-50.7 on employee protection. What we are seeing is

that the, the promise of employee protection is really rather vacant. It's hollow and it is empty and that in cases where whistle blowers have come forward with very valid concerns and have even have won their many sequential cases and appeals and have won that it sometimes unfolds over an entire decade.

The concern that Mr. Shirani has raised however bear directly on an issue called deliberate misconduct of others. In a particular 50.5 2A deliberately submitting to the NRC information that the person submitting the information knows to be incomplete or inaccurate.

We have on websites some of the very documents that are in question. The documents which as you look at them they're patently untrue. The statements are not consistent within themselves on the same document.

And I invite you to examine the wealth of materials that's out there. It's unfolding now and I have faith that it's going to resolve in favor of truth and in favor of the protection of the public safety and the environment.

And finally I would like to incorporate by reference a letter sent September 15 to Chairman Diaz and Commissioners McGaffigin and Maryfield by a large sign on list.

The document is, contains 15 primary factors which are essentially the basis for a vote of no confidence in the NRC. I see that in the list there are a number of engineers, former employees and a variety of very well qualified individuals. Qualified in that they

have had a lot of interaction with NRC over the years.

The subject, votes of no confidence in Nuclear Regulatory Commission. I'll just highlight one of the 15 for the moment. The safety culture within NRC is deplorable as evidenced by recent surveys that report nearly half of NRC's work force is reluctant to raise safety concerns and a third of those who voice safety concerns feel they have been retaliated against for it.

The public cannot trust NRC management when so many workers do not.

I think Mr. Shirani's record speaks for itself. We are working to publicize that record and we want to assure folks who avail themselves of NRC's dispute resolution tools and allegation mechanisms that beyond the NRC there's a wide body of organizations who have some resources and are very eager to help you.

We find in NRC and in NASA if, a disturbing parallel in that it appears there is in the background a number of engineers who raise safety concerns and are ignored or retaliated against for doing so.

It is our hope that by escalating the tension around whistle blower protection and the importance of it particularly with regard to design control failures by General Electric whose Mark I machine is about to be stretched for another two decades that it's, it's not rational to consider moving to license extension while so much evidence abounds that NRC has not regulated or enforced effectively on safety issues.

Thank you.

MR. CAMERON: Okay. Thank you, Corey. And I think we'll put the September 15th no confidence letter on the transcript as well as there is a ~~rely~~ reply too from the agency to that that we should also put, attach to the transcript.

And we're going to go to Michael, Michael Duerr.

MR. DUERR: Thank you. Well, a lot has been said about the management of this particular reactor so I'm not going to beat a dead horse there. But I think, you know, one good measure of a management team or an installation is its record. And I think we should look at the capacity and utilization of these units and factor that in to our decision of whether this is a good plant and whether it should be renewed.

I mean we're talking about a unit in 1997. 54 percent availability. This is, these are not good reactors. Not only is it a dishonest and perhaps inept management team but they have not achieved good results. We're talking about a pair of reactors they've spent more than seven and a half years on NRC's close watch list back when you guys maintained a close watch list.

I think that's very germane to license extension. You know, particularly, I mean when a pressure vessel was new or newer anyway and less embrittled, you know, and when the welds were newer they couldn't get these things to work.

So now, you know, we're going to let the ravages of time continue and we expect better performance. That boggles my mind. I don't see any logical reason that we should assume that.

I also wanted to address the comments that Ben and the other gentlemen from the county made and I think those are very salient points that employment is important and that there are jobs at stake if we close these reactors.

I also noted that the, there were I forget your terminology, a medium or large impacts. In going with alternative sources of energy and part of the methodology for determining what those impacts were was cost benefit analysis.

If you stop and decode all that vocabulary what that all comes down to is we have to spend more money and create more jobs for pipe fitters, more jobs for boilermakers, more jobs for welders, more jobs for masons and general contractors. If we used other types of power, if we created more and less centralized and safer plants.

So, you know, in view of jobs, you know, Ben, I think you need switch camps here. I think your own interest are best served in shutting down this particular plant.

Thank you.

MR. CAMERON: Okay. Thank you, Michael.

Is there anybody else who wanted to make a comment to us?

All right, pardon me. Okay. Bruce McDowell is just going to add some facts for us here.

MR. McDOWELL: I wanted to make just two comments in response to the previous speaker.

The environmental impact statement does not look at cost benefit analysis when looking at alternatives. We just, our task is to

describe what the alternatives are and then to assess what the impacts are of those alternatives.

The environmental impact statement just lays out those environmental impacts. It doesn't try to qualify them at all by, by a cost benefit analysis. That was really all.

MR. CAMERON: Okay. Well, thank you, Bruce, for clarifying that. I think Mr. Duerr's point came through. Regardless.

If there are no other comments I would just thank you all from facilitators perspective for following the guidelines and for your courtesy and your comments. And I would, we have many NRC staff here who will be here after the meeting from various offices if you want to talk to them.

But I always like to introduce our staff that are in the community, our resident inspectors and our senior resident is Desiree Smith. And Mina Sheikh is with us who is a new resident there and I guess Desiree will be with us tonight. All right.

John, do you want say any final words for us?

MR. TAPPERT: I'd just like to thank everyone for coming out again today. I mean this is an important part of our process and just to reiterate what we're doing.

If you have comments on the draft environmental impact statement we're accepting those comments to February 24th and Duke is the principal point of contact.

If you have concerns about safety violations at any nuclear power plant we have an allegations process to follow up on

those. And probably your best means of submitting those comments is through our website at the NRC.gov address.

We also have an office of inspector general which investigates assertions of employee misconduct. So if you have concerns about NRC performance that would be your best avenue for that.

So just to put all those difference processes in context. And again thanks for coming out again today.

We have NRC staff that will be staying after the meeting if you have any additional questions. And thanks again.

(Whereupon, the meeting was adjourned at 3:37 p.m.)

Enclosure to the Transcript

NRC Staff Public Meeting on the Draft Supplemental Environmental Impact Statement for the Proposed License Renewal for Dresden Nuclear Power Station, Units 2 and 3

January 14, 2004, 1:30 P.M.
Morris, Illinois

Two Documents Incorporated by Reference by Meeting Participant Mr. Corey J. Conn, Nuclear Energy Information Service and NRC Responses

1. September 15, 2003, letter to the NRC co-signed by Mr. D. Eichelberger, et al, and the NRC response dated October 20, 2003

2. December 1, 2003, letter to the NRC staff from UCS, and the NRC staff response dated XXXX

September 15, 2003

Chairman Nils J. Diaz
Commissioner Edward McGaffigan, Jr.
Commissioner Jeffrey S. Merrifield

SUBJECT: VOTES OF NO CONFIDENCE IN NUCLEAR REGULATORY COMMISSION

Dear Chairman and Commissioners:

The Nuclear Regulatory Commission (NRC) lists "improving public confidence" as one of its four strategic goals. Yet, Mrs. Patricia G. Norry, Deputy Executive Director for Management Services at the NRC, conceded to a group of us at the July 22nd meeting on public interfaces that the agency does not measure its progress against this goal, despite the goal having been established several years ago. The purpose of this letter is to make our views on this goal crystal clear to you:

WE LACK CONFIDENCE IN THE NUCLEAR REGULATORY COMMISSION.

The primary factors, in no particular order, for our votes of no confidence are:

- The Commission has held more "closed" meetings per the Sunshine Act regulation in the past three years than in the prior 15 years combined. The Commission cannot gain our confidence by hiding from us.

- The safety culture within the NRC is deplorable, as evidenced by recent surveys that report nearly half the NRC's work force is reluctant to raise safety concerns and a third of those who voice safety concerns feel they have been retaliated against for it. The public cannot trust NRC management when so many NRC workers do not.

- The NRC recently revised its public meeting process to provide expanded opportunities for public attendees to ask questions or express concerns. But the agency has not backed up this initiative with ways for its staff to provide meaningful responses to public input. Public confidence is not improved when the NRC simply makes it easier for us to provide input that is then ignored.

- For most US nuclear power plants, the NRC makes but one appearance each year to meet with the public. The agenda for these "public" appearances is determined by the NRC *and the plant owner*. Members of the public cannot suggest items for the agenda and the NRC staff often refuses to discuss issues raised by the public that are not on the NRC/plant owner's agenda. The NRC must engage us on safety matters of concern to us to warrant our confidence.

- During an NRC-sponsored workshop on public communications in December 1997, every public stakeholder in attendance, including several of the signatories to this letter, praised the agency for its Public Document Rooms (PDRs) and website. The NRC responded to that praise by stopping the flow of information to local PDRs, inflicting ADAMS on the world, and re-designing its website to make it virtually useless. The NRC cannot gain our confidence by using our praise for the agency to plan its next attacks on public participation.

- The public petition process, 10 CFR 2.206, continues to be a mockery of a meaningful way for the public to engage the agency regarding possible enforcement actions against the agency's licensees. This mockery will continue as long as the public lacks a formal appeal process, either within the NRC or outside it, for Director's Decisions. To have confidence in the NRC, we need the basic right of appeal decisions we feel are wrong, just as the nuclear industry currently has the right to appeal NRC decisions it feel is wrong..

- The NRC prepared an order to shut down the Davis-Besse nuclear plant for safety inspections, then shelved it. Documents obtained under the Freedom of Information Act clearly indicate that the NRC knew at the time that it was violating four of the five criteria it had established for such safety decisions. The NRC cannot deliberately violate its own safety principles and gain our confidence.

- Following the tragic events of 09/11, the NRC revised security measures for nuclear facilities through a series of closed-door meetings with plant owners and trade group representatives. The NRC rebuffed every attempt by public stakeholders to engage in these important policy discussions, even to the point where the agency refused to listen to our concerns. The NRC cannot ignore us and gain our confidence at the same time.

- Following the tragic events of 09/11, the NRC removed considerable material from the public arena. Some of this material returned to the public arena after review, but much material remains in limbo awaiting the agency's final decision on where to draw the line on publicly available information. The reaction is understandable, but the NRC continues to proceed with 'business as usual' on licensing matters even though the public's ability to participate has been severely impaired. The NRC should have suspended all but emergency licensing actions until it finalized the post-09/11 line and returned material on the right side of the redrawn line to the public arena. The NRC could restore our confidence by distributing the 09/11 burden more equitably between us and its licensees instead of placing the majority of the 09/11 burden on *our* shoulders.

- In licensing proceedings since 09/11, intervenors, including several signatories to this letter, have contended that existing or proposed nuclear facilities lack proper protection against sabotage and acts of malice. The NRC has steadfastly dismissed these contentions on the grounds that such assertions are incredible. At the same time, the NRC restricts access to information and policy discussions based on the very real threat of sabotage and acts of malice. The NRC cannot gain our confidence by taking contradictory stances as needed to prevent public participation.

- Since June 1998 when the US Senate threatened to slash the agency's budget, the NRC put its primary focus on the business objectives of the nuclear industry instead of on public health and safety. The Davis-Besse debacle can be traced to this lost focus, given that the agency failed to ensure resident inspector staffing at Davis-Besse that conformed to even its lowered staffing requirements. The improper focus also delayed resolution of long-standing safety issues including steam generator tube integrity, fire protection, and pressurized water reactor containment sump reliability. **The NRC cannot gain our confidence when its priority is financial safety instead of reactor safety.**

- In July 1998, an NRC senior manager cancelled the agency's force-on-force testing program of nuclear power plant security even though the program had not yet examined every plant site and the testing to date had revealed serious deficiencies. The ensuing public outcry forced the agency to reinstate the testing program. The same NRC senior manager then zeroed out the budget for the NRC security tests, even though a plan to replace it with an industry self-assessment program had not been piloted. Very shortly after 09/11, the same NRC senior manager recommended that the Commission relax its security measures – even as the nation's commercial air fleet was grounded – because they were costing nuclear plant owners too much money.* This NRC senior manager suffers from more than a security blind spot. After an NRC inspection at the D C Cook nuclear plant in Michigan revealed problems so serious that both reactors had to be immediately shut down in September 1997 for repairs, this senior manager went to the NRC manager responsible for the inspection program and the NRC staffer leading the D C Cook inspection team – not to congratulate them for their fine job of protecting public health and safety but to chastise them. Later, this NRC senior manager ordered the NRC staff, in writing, not to bother plant owners with more than a single set of questions about reactor safety issues. When Indian Point 2's owner provided inadequate answers to questions about steam generators in 1999, this edict prevented the NRC staff from following up to ascertain the true facts. They allowed the plant to operate past a December 31, 1999, deadline without the required steam generator inspections. Less than 60 days later, the plant experienced an accident involving the steam generators. This NRC senior manager was also primarily responsible for the aforementioned flawed decision regarding Davis-Besse. The NRC cannot gain our confidence when led by senior managers who repeatedly demonstrate bad judgment.

- Several nuclear reactors have been relicensed by the NRC for 20 more years of operations and many others are planning to seek relicensing. The NRC's license renewal rule depends on a determination by the agency that the applicant has an adequate aging management program for important systems, structures, and components. Adequate aging management means that the condition of equipment is monitored and it is repaired or replaced before it fails. Indian Point's broken steam generator tube (2000), Summer's leaking hot leg pipe (2000), Oconee's broken control rod drive mechanism nozzles (2001), Quad Cities' broken jet pump (2002), and Davis-Besse's broken reactor vessel head are but a sampling of growing evidence that aging management programs aren't working. The NRC cannot gain our confidence by ignoring evidence that its basis for granting license extensions is fundamentally flawed.

- The NRC's responses to allegations we have submitted, whether based on our own concerns or based on concerns brought to us by plant workers, have gotten worse over the past two years, declining to the point where many of us believe the NRC's allegation process is not viable. Many of the responses simply fail to address the issues raised. The NRC cannot gain our confidence solely by giving lip service to safety allegations we submit.

- The NRC is moving towards risk-informed regulation. Yet, the agency has neither established nor endorsed quality standards for the risk assessments that provide input for risk-informed regulatory decisions. The NRC cannot gain our confidence with "garbage in, garbage out" as a regulatory precept.

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*The NRC's Inspector General determined that this NRC senior manager is solely responsible for the fact that the NRC Chairman issued false information to the public related to this matter.

We respectfully ask you to direct your staff to develop an action plan for addressing these factors. The action plan must include assignments for tasks within the plan and target deadlines for completion of the tasks. To help ensure that these tasks are completed in a timely manner, we ask that you direct your staff to provide you, and the public, status reports on the action plan every six months until the final task is completed. You must realize that failure of the agency to properly respond to these identified issues will only serve to reinforce our current lack of confidence.

Sincerely,

The Undersigned (sign-ons on file)

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NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

CHAIRMAN

October 20, 2003

Mr. David Lochbaum
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Dear Mr. Lochbaum:

On behalf of the Nuclear Regulatory Commission (NRC), I am responding to the September 15, 2003, letter, from you and a number of individuals and organizations. It is obvious that you and your colleagues have concerns with the NRC's actions on a number of issues. Clearly, there may be areas in which we can improve our practices and policies and we are constantly seeking to raise our performance to a higher level.

We are disappointed, though, that you chose this approach to express such broad dissatisfaction with the NRC. My colleagues and I have gone to extraordinary lengths in terms of our open door policy with you and others and we believe we have been very responsive to a number of your concerns over the past several years. We have also maintained a productive and ongoing dialogue with various representatives of other non-governmental organizations. Having said that, we recognize that some of the points you raise warrant attention and, in fact, we already have certain initiatives in place to enhance our public communication efforts. On other issues, we must agree to disagree.

Your letter incorrectly states that the NRC violated its own safety principles regarding Davis-Besse and that we focused on the business objectives of the nuclear industry instead of on public health and safety. This is patently untrue. The NRC staff allowed the Davis-Besse reactor to continue to operate only after knowledgeable staff and management reached agreement that there was no significant safety concern relating to nozzle cracks that would preclude the brief period of operation beyond December 31, 2001. Recall that boric acid corrosion of the reactor pressure vessel head was not recognized as a potential significant safety concern at that time. Ensuring public health and safety is our highest priority, not the financial health of the licensee. As a separate matter, a lessons-learned task force spent more than 7000 hours reviewing the processes and activities associated with the staff's review of the Davis-Besse issues, and recommended improvements, some of which have been implemented, and some of which we are addressing.

In addition, you state that we've held a series of closed-door meetings with plant owners and trade group representatives, and removed information from the public web site, effectively undermining public participation in our processes. As you know, we have always been one of the most open federal agencies in terms of the scope and volume of information we make publicly available. We are proud of the transparency of our operations, and of the progress we have made in offering the public a chance to be involved in our meetings through our recently revised public meeting policy. However, in our efforts to ensure we do our part to protect our nation from the risk of terrorism, a small fraction of that information has, for what should be obvious and prudent reasons, been restricted. Following the terrorist attacks, the number of closed meetings involving security-sensitive discussions regarding threat assessments, Orders to licensees, and other protected information increased. We must admit that the overwhelming

focus of our efforts was on strengthening the defenses of our licensed facilities. Where threats to the nation's infrastructure are concerned, open communication and public participation cannot continue without some thoughtful caution on our part. For obvious reasons, we simply cannot publicly disseminate the details of our efforts to develop defensive strategies. We will continue our efforts to develop a means for the public to participate in some limited security discussions.

As a separate matter, although we did close the local public document rooms because of resource constraints, we believe electronic access to our documents is better than ever. Web-based ADAMS has greatly eased the access process, and although in your view our web page is "virtually useless," other stakeholders both within and outside government have singled it out as one of the most factually rich and easily navigable web sites they have encountered. We continue to respond to stakeholder feedback and improve our web page.

There are a number of initiatives we are planning in the upcoming months that we believe will improve our responsiveness to the public. In addition, we are considering recommendations made by the staff as a result of the Office of Inspector General's 2002 Survey on NRC's Safety Culture and Climate. It is our hope that by institutionalizing these improvements we will both enhance the lines of communication within our own organization as well as communicate better with those outside NRC. Our goal is to sustain a working environment that fosters innovation between the NRC staff and creates an atmosphere where employees can feel free to speak about any issue. In addition, we are reinforcing to the staff the need to be more responsive to public input, questions and comments. We will be emphasizing this in training courses, in messages to the staff, and in written guidance.

The NRC has been actively engaging the public, particularly local residents, at an early stage, in order to involve them in the full spectrum of our activities. For example, we have been holding meetings in local communities before early site permit applications for nuclear plants are received to inform residents of the agency's licensing process and safety role. We have also conducted numerous meetings with a variety of stakeholders in the Yucca Mountain, Nevada, area for several years in anticipation of the upcoming application for a high-level waste repository. We will continue to host open houses, schedule training workshops for tribal governments and attend local officials' meetings on this issue.

I and my fellow Commissioners continue to be proud of our record in regulating public health and safety and of our policies of openness and public participation. Please continue to contact us with your concerns.

Sincerely,

Nils J. Diaz

cc: State individuals/organizations that
undersigned the September 15, 2003 letter

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Margaret, Eric, Elida, and Arnold Gundersen
139 Killarney Drive
Burlington, VT 05401

Vermont (continued)

Judy Davidson
Nuclear Free Vermont in 2012
Wende Claire Mueller
53 N. Belden Hill Dr.
Guilford, VT 05301

April Nowicki
Halifax, VT

Gary Sachs
Brattleboro, VT 05302

Walter F. and Janet W. Schwarz
850 Meadowbrook Road
Brattleboro, VT 05301-2594

Timothy Stevenson
Athens, Vermont

Clay Turnbull
1799 Simpson Brook Road
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Derrik Jordan
Vermont Citizens Awareness Network
Putney, VT

Jeff Unsicker, Ph.D., Professor
School for International Training
Dummerston, Vermont

Ruth Unsicker, Educator
Dummerston, Vermont

Union of Concerned Scientists

Citizens and Scientists for Environmental Solutions

December 1, 2003

Mr. Doug Coe, Section Chief
Reactor Inspection Section
Inspection Program Branch
Division of Inspection Program Management
Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
Earth

Ms. Lisamarie M. Jarriel, Agency Allegations Advisor
Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

SUBJECT: REQUEST FOR PUBLIC MEETING REGARDING NRC'S HANDLING OF ALLEGATIONS AND ITS QUALITY ASSURANCE INSPECTION PROCESS

Dear Ms. Jarriel and Mr. Coe:

I am writing to you to request a public meeting be held at your Rockville, Maryland, headquarters offices regarding the NRC's handling of allegations made by Mr. Oscar Shirani and the related topic of NRC's inspections of quality assurance programs by licensees and their contractors. Our objective for this public meeting would be for the NRC staff to leave the meeting with a better, if not nearly complete, understanding of Mr. Shirani's concerns and for Mr. Shirani to come away with a better understanding of the NRC's plans and processes for handling his concerns. It is not our expectation that any of Mr. Shirani's concerns be resolved at the meeting, although we'd strive not to prevent it from occurring.

With respect to allegations, Mr. Shirani made formal allegations to Region III about his findings while working at Exelon that he believes triggered his departure. Likewise, Mr. Shirani has made allegations about his activities at Calvert Cliffs that also resulted in his being terminated. For the responses received to date from the NRC staff to these allegations, Mr. Shirani feels that his fundamental concerns have not been addressed in the staff's response. UCS believes that a meeting would be productive in answering the following questions:

1. Did the NRC staff understand the fundamental concerns in Mr. Shirani's allegations?
2. Did Mr. Shirani understand the NRC staff's resolutions?
3. Assuming any misunderstandings are remedied, are there any unresolved concerns?

Again, the objective of the requested meeting is not to resolve any concerns at that time, but rather to identify and eliminate any communication barriers and to ascertain whether there are any concerns previously considered to be resolved by the NRC staff requiring another look.

With respect to NRC's inspections of quality assurance, Mr. Shirani's experience auditing areas shortly before or shortly after NRC inspections of the same areas makes him, and UCS, question the efficacy of the NRC's inspections. The disparate results from nearly simultaneous examinations with NRC's results always being significantly less critical strongly suggests a serious flaw in the NRC's inspection regime.

Washington Office: 1707 H Street NW Suite 600 • Washington DC 20006-3919 • 202-223-6133 • FAX: 202-223-6162
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California Office: 2397 Shattuck Avenue Suite 203 • Berkeley CA 94704-1567 • 510-843-1872 • FAX: 510-843-3785

Again, the objective of this requested meeting is not to prove or disprove the notion that the NRC's inspections are flawed, but rather for the NRC staff to understand Mr. Shirani's concerns about this important subject. Hopefully, the NRC staff will followup on the requested meeting with information on revisions to the inspection processes to address Mr. Shirani's concerns or with information on why they believe the existing processes are sufficient.

We propose that the requested meeting be scheduled for at least a three-hour duration: one hour for Mr. Shirani to cover each of his two areas of concerns (allegations and inspections) and one hour for the NRC staff to ask clarifying questions. Because Mr. Shirani's concerns are overlapping, we think the NRC staff attending this meeting participate throughout the entire meeting, rather than attempt to have Mr. Coe's people or Ms. Jarriel's people pop in for just their slice of the meeting. But we leave the attendance at the meeting to the discretion of the NRC.

As has probably already been surmised, UCS is very interested in this matter and plans on attending the public meeting in support of Mr. Shirani. Along with representatives from other public interest groups, we have participated in prior meetings between Mr. Shirani and U.S. Senate staff and the NRC Inspector General's office. Please contact me to schedule the time and date of the meeting. I will interface with Mr. Shirani and the other public interest groups to ensure that all can attend on the proposed date.

Thank you in advance for your consideration of this matter and UCS looks forward to the requested meeting.

Sincerely,

<ORIGINAL SIGNED BY>

David Lochbaum
Nuclear Safety Engineer
Union of Concerned Scientists
1707 H Street NW, Suite 600
Washington, DC 20006
(202) 223-6133
(202) 223-6162, fax

cc: Oscar Shirani
Jim Riccio, Greenpeace
Paul Gunter, NIRS
Dave Ritter, Public Citizen

From: "Dave Lochbaum" <dlochbaum@ucsusa.org>
To: "Dave Lochbaum" <dlochbaum@ucsusa.org>
Date: 9/15/03 11:18AM
Subject: Votes of NO CONFIDENCE in NRC

Good Day:

Attached is an electronic copy of a letter mailed to NRC today expressing no confidence in the agency by literally dozens of individuals from the Atlantic coast to the Pacific coast and points in between.

The NRC claims it has a goal of "improving public confidence," but freely admits that it does not measure itself against that alleged goal. Thus, our votes of no confidence stand unchallenged.

We also requested that the Commission direct its staff to develop an action plan to remedy the factors detailed in the letter as the basis for our lost confidence. We'll be watching closely to see if they do so or continue the charade of having a goal that don't measure themselves against.

Thanks,

Dave Lochbaum
Nuclear Safety Engineer
Union of Concerned Scientists
1707 H Street NW Suite 600
Washington, DC 20006-3962
(202) 223-6133 x113
(202) 223-6162 fax

CC: <JIZ@nrc.gov>, <wdt@nrc.gov>

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, DC 20555 - 0001

March 15, 2004

David A. Lochbaum
Union of Concerned Scientists
1707 H Street NW, Suite 600
Washington, D.C. 20006-3919

Dear Mr. Lochbaum:

Thank you for your interest in maintaining healthy communications as indicated in your December 1, 2003, letter regarding the U.S. Nuclear Regulatory Commission's (NRC) handling of a certain individual's allegations and inspection of licensee quality assurance processes. Your letter suggested that the NRC staff may not have a complete understanding of the individual's concerns and that the individual may not have a full understanding of the staff's responses. To address these issues you requested a public meeting with the involvement of third parties.

It is not our policy, nor would it be appropriate, to conduct a public meeting to discuss individual allegations. As outlined in the NRC's Management Directive 8.8, "Management of Allegations," specifically Section A.3, "Protecting an Alleger's Identity," it is the NRC's practice to neither confirm nor deny that an individual has come to the NRC with an allegation. This not only protects the individual in question, it also protects the integrity of the NRC's Allegation Program as a safe alternative avenue to raise safety concerns for those not wishing to advertise their identities. Furthermore, the meeting you are requesting does not meet the criteria for public participation as outlined in NRC's Management Directive 3.5, "Attendance at NRC Staff Sponsored Meetings," Section 1.B in that it could result in the inappropriate disclosure and dissemination of preliminary, predecisional, or unverified information.

Nevertheless, the NRC does believe that there is a need to ensure healthy communications with concerned individuals. Upon receiving any allegation, our first priority and objective is always to attain a full understanding of the concern. This ensures, among other things, that our inspection activities are appropriately focused. We offer all allegers the option of providing either written input and/or meeting opportunities for discussion, and find it to be most effective when we communicate directly with the alleger having first-hand knowledge of the facts surrounding the concern. We do not believe public meetings and the involvement of third parties will assist us in better understanding the concerns. However, should an alleger desire a meeting with NRC staff or management to bring forward new information or further clarify his or her concerns, we continue to invite such input. We would make ourselves available to facilitate such a meeting.

Thank you again for your continuing interest in improving communications and safety.

Sincerely,

Lisamarie L. Jarriel
Agency Allegations Advisor