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SEL4-02

1 UNITED STATES OF AMERICA
2 NUCLEAR REGULATORY COMMISSION

3 * * * * *

4 ATOMIC SAFETY AND LICENSING BOARD PANEL
5 LIMITED APPEARANCE COMMENT SESSION

6 * * * * *

7
8 IN THE MATTER OF:
9 PILGRIM NUCLEAR POWER
10 STATION
11

12 Thursday, July 6, 2006

13 The above-entitled matter came on for
14 hearing, in the Ballroom of the Radisson Hotel
15 Plymouth Harbor, 180 Water Street, Plymouth
16 Massachusetts, pursuant to notice, at 5:30 p.m., Ann
17 M. Young, Chair, presiding.

18 BEFORE:

19 ANN M. YOUNG Chairman
20 RICHARD F. COLE Administrative Judge
21 NICHOLAS G. TRIKOUROS Administrative Judge
22
23
24
25

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1 COMMENTERS:

2 DAVID AGNEW

3 REBECCA CHIN

4 MARY GATSLICK

5 JOYCE MCMAHON

6 BARBARA PYE

7 ARTHUR POWERS

8 RAYMOND SHADIS

9 DIANE TURCO

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C O N T E N T SCOMMENTERS:

MARY GATSLICK	4
RAYMOND SHADIS	6
DAVID AGNEW	12
REBECCA CHIN	17
DIANE TURCO	23
JOYCE MCMAHON	25
ARTHUR POWERS	28
BARBARA PYE	31

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P R O C E E D I N G S

(5:34:03 p.m.)

CHAIR YOUNG: The first person on my list is Joyce McMahon. Is she here? If she's not - I was told she might be running a little late, we can come back to her. Okay, I see a nod. The second person is Mary Gatslick.

MS. GATSLICK: Right here.

CHAIR YOUNG: Okay. We appreciate you all coming out this evening, and look forward to hearing from you.

MS. GATSLICK: Hi. My name is Mary Jo Gatslick, and I'm a resident of Plymouth, Massachusetts. I'm also a member of the Massachusetts Affordable Reliable Electricity Alliance or Mass AREA. We are a coalition of more than 50 business, labor, and community organizations, as well as independent energy experts working together to solve Massachusetts' significant electricity challenges.

First, I want to thank the Atomic Safety and Licensing Board for this hearing, and the opportunity to speak. Mass AREA supports the transparency of the license renewal process, and appreciates this and other opportunities for the

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1 public input on Pilgrim's re-licensing process.
2 Mass AREA supports re-licensing of Pilgrim Station.
3 At the May 17th NRC hearing, a number of our members
4 outlined the strong environmental, social, economic
5 benefits that this plant provides. Most notably,
6 it's helped Pilgrim mitigate sizeable amounts of
7 greenhouse gases and toxic chemical emissions that
8 would otherwise occur from fossil fuel-burning
9 plants.

10 This plant's social economic benefits
11 are quite significant. Pilgrim is an important
12 stable of the southeastern Massachusetts economy,
13 providing more than \$135 million. That's right,
14 \$135 million in annual economic activity. It has
15 more than 500 permanent employees, of which I am
16 one.

17 Additionally, the plant uses the
18 services of approximately 130 contractors. It also
19 supports many civic and charitable activities in
20 the greater Plymouth area. I personally was
21 involved with the Retired Senior Volunteer Reading
22 Program, and our cite, "Pilgrim and Diversity and
23 Inclusion Council" on a project for the reading
24 initiative.

25 Please keep these issues in mind as you

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1 do your work. We urge the ASLB to be deliberate
2 and thorough in evaluating intervenor petitions.
3 We also urge you to make sure that the re-licensing
4 process will stay focused on the issues that it's
5 supposed to be focused on; that is, the safety of
6 the plant and its environmental impact. Also,
7 please keep in mind that Pilgrim Station has NRC-
8 based inspectors at the facility, and has earned
9 the NRC's highest safety rating.

10 It is critical that the re-licensing
11 decision regarding Pilgrim be made within the 2-1/2
12 year time frame that is required. Massachusetts
13 needs this reliable power source, which provides
14 approximately 8 percent of the state's electricity
15 on a daily basis. Thank you.

16 CHAIR YOUNG: Thank you. Arthur Powers
17 is the next person, but it says he's showing up at
18 6, so unless he's here, Raymond Shadis.

19 MR. SHADIS: Thank you, Your Honor. My
20 name is Raymond Shadis. I live in Edgecomb, Maine,
21 a mile and a half down-wind of Maine Yankee former
22 site. I am technical advisor to the New England
23 Coalition, not just your ordinary interloper. We
24 do have members in the area; and, of course, New
25 England is one of our smaller geographical units,

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1 little to separate one state from another, but
2 stonewalls. We're all neighbors. The National
3 Oceanic and Atmospheric Administration regularly
4 publishes a plume modeling for nuclear power plant
5 accidents. They publish them on a daily basis, and
6 they are available to the public the day after any
7 given day. And typically, plumes from a default
8 model accident at the Pilgrim Station blanket
9 Boston, Providence, Worcester, extend as far as
10 Vermont, and even to Seacoast, Maine, so we all
11 have a stake in whether or not the Pilgrim plant is
12 allowed to renew its license.

13 There was a great deal of discussion
14 earlier today about NUREG 17.38, and this document,
15 which is titled a "Staff Technical Study of Spent
16 Fuel Pool Accident Risk at Decommissioning Nuclear
17 Stations", is something I'm quite familiar with.
18 The study itself, if you're looking at the question
19 of whether or not it departs from previous studies,
20 the information in it, whether or not it contains
21 new and significant information should be looked at
22 in the context of its origin.

23 The Maine Yankee Atomic Power Station a
24 few years into decommissioning, under management of
25 Entergy Corporation, unilaterally decided to

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1 withdraw its outer security barriers, to downsize
2 its emergency planning, and wanted permission to
3 reduce its insurance, and it had unilaterally, as I
4 said, moved to reduce the outer barriers on its
5 security. NRC came in and ordered them to re-
6 evaluate, to reinstall some of those outer
7 barriers, and to provide new hardened stations
8 within the spent fuel pool building.

9 Maine Yankee objected that this was a
10 violation of the backfit rule, and the issue was
11 taken to NRC, and eventually to NRC technical
12 staff, to ascertain whether or not there were
13 significant hazards to be considered, starting from
14 that backfit rule question. And Maine Yankee went
15 to the first meeting on this at NRC headquarters.
16 Commissioner Betta Dikus asked where the public
17 component was in the discussion, and at that point,
18 Maine Yankee invited me to participate in the
19 construction of NUREG 17.38, to accompany them to
20 NRC headquarters and participate in all the staff
21 meetings. The NRC commissioners invited me to
22 present on NUREG 17.38, two meetings into its
23 construction, and then at the final meeting when
24 the document was presented to the Full Commission.

25 Let me tell you that this document was

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1 a document that is a composite of previous NUREGs,
2 previous spent fuel pool, and fuel studies, and
3 seismic studies, and the tables, the appendices
4 that are with this document are drawn from more
5 than a half-dozen different previous studies. In a
6 sense, the information going into it is not new.
7 The conclusions that are relevant to us as
8 concerned citizens, I think a lot of them are new.

9
10 NRC staff concluded in this document
11 that the Mark-I reactor containment would offer no
12 substantial obstacle to aircraft penetration. The
13 aircraft considered in the tables in the appendices
14 are commercial aviation aircraft maxing out at
15 about 44,000 pounds, so very light aircraft,
16 compared to the aircraft that were involved in the
17 9/11 incident. And they do admit that depending on
18 the direction of impact, there is one of the three
19 exposed walls on the spent fuel pool where there
20 might be structures that would present some
21 obstacle to aircraft impact.

22 The act of malevolence is something
23 that the staff decided they could not assign a
24 probability to. The probability of one, and the
25 study, because they were attempting to do

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1 probabilistic risk assessment, they did not include
2 any consideration of deliberate acts of
3 malevolence, or acts of terror. They did conclude,
4 in fact, within the study that a spent fuel pool
5 fire could not be precluded based on the age of the
6 fuel. In other words, no matter how old the fuel
7 was stored in the spent fuel pool, a fire could
8 still ensue.

9 They referred to earlier NUREGs for
10 consequences. As you know, risk contains the
11 elements of both probability and consequences. The
12 question of risk for us, no matter what the
13 probabilities may be, tends to gravitate toward
14 consideration of the consequences. We have been
15 told by Entergy Corporation wherever they operate
16 in Vermont, or in New York State, or here in
17 Massachusetts, that the consequences of a reactor
18 accident or spent fuel pool fire are relatively
19 insignificant; that is to say, that the extent of
20 damage would not be much beyond a few miles from
21 the reactor.

22 The appendices for 17.38 contain tables
23 which have considerations of cancer mortalities of
24 25,000 over a radius of zero to 500 miles from the
25 reactor. And whether or not these are modeling

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1 considerations or not, they are considerations that
2 NRC included in their assessment of consequences.
3 And if we are to take the agency seriously, then we
4 also need to take these kinds of considerations
5 seriously.

6 CHAIR YOUNG: Let me ask you if you
7 could sort of wrap-up, and then we can move on to
8 some other people.

9 MR. SHADIS: Certainly.

10 CHAIR YOUNG: And then if we have time
11 leftover, we can come back.

12 MR. SHADIS: I would appreciate the
13 opportunity, and let me just say with respect to
14 the remote and speculative qualities, as they are
15 termed, of an act of terror, that on June 20th of
16 this year, NRC did issue an order requiring
17 compliance with key radiological protection
18 mitigation strategies to all of their operating
19 licensees, including Pilgrim. And in it, they
20 asked the licensees to provide information that
21 would continue - excuse me - the common defense and
22 security would continue to be adequately protected
23 for a scenario resulting from a large fire or
24 explosion at your site. And they are speaking
25 specifically of acts of terror, and they're looking

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1 at what the companies may or may not have in place
2 for mitigating actions, so I point to that. It's
3 available now as of yesterday on the NRC website,
4 and I point to that as some kind of evidence that
5 NRC is, at last, acknowledging this risk, and is
6 taking it seriously, and gives it credence. Thank
7 you very much. If I do get the opportunity to come
8 back and have a discussion with you, if you have
9 questions on 17.38, I'd be glad to try to answer
10 you. Thank you.

11 CHAIR YOUNG: Thank you. Is David
12 Agnew here?

13 MR. AGNEW: Yes. Greetings. My name
14 is David Agnew, and I reside at 18 Martha's Lane,
15 Harwich, Massachusetts. I have been a resident of
16 Cape Cod for 19 years, approximately 30 years from
17 the Pilgrim Nuclear Power Station. About half that
18 time I've been down-wind of the reactor's
19 emissions. I am coordinator of the citizens'
20 group, Cape Down-Winders.

21 I am here today because I am concerned
22 with the threat to public health posed by PNPS, and
23 I seek to minimize its hazard. I offer the
24 following in support of the motions brought before
25 you today by Pilgrim Watch and the Massachusetts

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1 Attorney General.

2 Some of the new information since the
3 original operating license was granted, which
4 should be considered when assessing environmental
5 impact and severe accident mitigation analysis -
6 one, in 1978, Dr. Carl Morgan stated, "There is no
7 safe level of exposure, and there is no dose of
8 radiation so low that the risk of a malignancy is
9 zero." NRC has been loathe to recognize this, but
10 it was recently confirmed by the National Academy
11 of Science's Beer-7 report. Two, the effects of
12 radiation are cumulative - the Rocketdyne Worker's
13 Study. Three, older persons have greater radiation
14 sensitivity, ORNL Follow-up Study. Evacuation
15 plans are necessary and must anticipate shadow
16 evacuation, Three-Mile Island. The population
17 within 50 miles of PNPS has increased significantly
18 with larger automobiles that cause greater traffic
19 backups. Applicant's evacuation assumptions are
20 highly optimistic. Six, a core melt can cause a
21 thyroid cancer epidemic of 100 miles away -
22 Chernobyl. Seven, Pilgrim's containment is
23 "virtually certain to fail" in the event it's
24 really needed, NRC. Eight, the retrofitted direct
25 force event system may facilitate containment

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1 failure. Nine, populations living near Pilgrim
2 suffer a high incidence of leukemia. Ten, due to
3 its vulnerable design and proximity to large
4 populations, Pilgrim is an attractive target, and
5 defense against a sophisticated terrorist attack is
6 essential - Al Qaeda's possession of nuclear
7 facility plants. Eleven, irradiated fuel will
8 accumulate on site for decades resulting in a
9 densely packed fuel pool. This pool is exceedingly
10 dangerous. National Academy of Science's Spent
11 Fuel Studies, Studies by Gordon Thompson and Jan
12 Beyae.

13 During the time I lived on the Cape,
14 there have been three or four studies of human
15 cancer incidents in the area. A study by the
16 Silent Spring Institute found that breast cancer
17 rates on some parts of Cape Cod are among the
18 world's highest. Despite the southeastern
19 Massachusetts leukemia studies finding significant
20 increases in both thyroid cancer and leukemia
21 amongst residents of the five towns surrounding
22 this BWR, none of the Cape studies have
23 investigated Pilgrim's role in our exceedingly high
24 rates of breast cancer. Absent any scientific
25 study exonerating Pilgrim's daily radionuclide

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1 releases, it is reasonable to assume that they have
2 contributed to these excess cancers.

3 Potential devastation and centuries
4 long contamination of vast portions of the
5 environment, flora, fauna, Cape Cod Bay and the
6 Atlantic Ocean with attendant pollution of
7 biospheric DNA with mutant cells requires that
8 security for a pre-deployed nuclear weapon, such as
9 Pilgrim, with the cesium potential of 11
10 Chernobyls, must guarantee the successful
11 deterrence of an attack on the reactor building,
12 its support structures, and fuel pool from the air,
13 land, and water by a dedicated, well-organized team
14 of well-equipped terrorists who do not provide
15 advance notice. High-level rad waste storage must
16 ensure no risk of fire and attendant catastrophic
17 contamination, not densely packed into a single
18 high-yield vulnerable target.

19 In October 2000, NRC study found that
20 half of all U.S. commercial aircraft can penetrate
21 five feet of concrete 45 percent of the time. The
22 fuel pool should be returned to its original and
23 safer design of low density wrecks. Age
24 degradation of all safety components must be
25 thoroughly inspected and certified to meet design

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1 specifications. This include the drywell container
2 and all systems that may contain radioactive water.
3 The containment must be upgraded to provide
4 reliable containment of radioactive material in the
5 event of a core melt.

6 Any study of the impact of a core melt
7 pool fire must consider the economic loss of the
8 Cape and Island's tourism, real estate, and other
9 industries for 600 years. The reactor must be held
10 to the same standard as other facilities impacting
11 aquatic ecology. Pilgrim's once-through cooling
12 systems massive thermal pollution of Cape Cod Bay
13 must be replaced by the best technology available
14 to prevent harm to marine life, cooling towers.
15 Routine radioactive releases to the environment
16 must be markedly reduced, and dose effects must be
17 recalculated based upon our specific population
18 profiles. Verification of compliance requires
19 replacing existing radiation monitors with current
20 more sensitive technology which monitor all egress
21 routes and report to the public in real time.

22 Emergency planning must be upgraded to
23 prepare for a surprise attack of significant
24 radiological consequence, which would impact an
25 area far beyond the current 10-mile radius.

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1 Updated independent studies of severe accident
2 consequences must be done. The emergency planning
3 zone should be expanded to a 50-mile radius, more
4 closely corresponding to federal studies estimating
5 the consequences of a core melt. Emergency plans
6 must be certified as having the full confidence of
7 their local governments, anticipate shadow
8 evacuation, and be realistically and regularly
9 tested.

10 Contentions that emissions of hazardous
11 levels of radionuclides will not travel over 10
12 miles are prima facie ludicrous; yet, at present,
13 there is no meaningful radiological emergency plan
14 for the Cape and Islands. This region requires a
15 thorough study of radiological shelters and
16 evacuation capabilities, local stockpiling of
17 potassium iodide, training of emergency personnel,
18 education of the public, and an emergency
19 notification system. Thank you.

20 CHAIR YOUNG: Thank you. Rebecca Chin,
21 and I think you had emailed me. Right?

22 MS. CHIN: Thank you. I'm Rebecca
23 Chin. I am the Vice Chairman of the Duxbury
24 Nuclear Advisory Committee.

25 The motions brought forward by both the

1 Massachusetts Attorney General and Pilgrim Watch
2 reflect the wishes of the citizens in the Town of
3 Duxbury, as expressed in three articles
4 overwhelmingly passed by town meeting votes;
5 Article 6 in 2003, Article 39 in 2005, and Article
6 40 in 2006.

7 Spent fuel pool fires, the AG's motion
8 was filed to ensure that the NRC does not grant the
9 license renewal before Entergy and the NRC address
10 the risk of a severe accident in the spent fuel
11 pool, and comply with federal laws for the
12 protection of public health, safety, and the
13 environment, and require Entergy to backfit
14 Pilgrim's design to eliminate or substantially
15 mitigate the risk of a pool fire.

16 The hearing request of the backfit
17 petition arise from the safety and environmental
18 risks posed by Entergy's plan to continue with
19 high-density spent fuel storage racks in the pool.
20 The Attorney General asked the Town of Duxbury and
21 Pilgrim Watch in Contention 4, recognized that our
22 community's health and safety require low-density
23 pool storage and hardened dry-cast storage for
24 reasons expressed, for example, by the Attorney
25 General's experts, Dr. Gordon Thompson and Dr. Jan

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1 Beyae.

2 In the National Academy of Science's
3 Spent Fuel Pool Vulnerability Study, Dr. Beyae's
4 attachment to the AGO's motion estimated the cost
5 and latent cancers following releases of Cesium-137
6 from Pilgrim's spent fuel pool and a fire. With a
7 10 percent release of Cesium-137, the cost in
8 billions is 105-175, and the latent cancers are
9 8,000. With 100 percent release of Cesium-137, the
10 cost in billions is 342-488, with latent cancers at
11 24,000. These are under-estimates because in
12 addition to Cesium-137, other harmful radionuclides
13 would be released with resulting health
14 consequences, in addition to cancers, birth
15 defects, reproductive disorders, and diseases such
16 as heart disease.

17 Much of the information on spent fuel
18 pool fires and the lack of availability of off-site
19 storage any time soon is new and significant
20 information; and, therefore, a site-specific
21 analysis is warranted. We recognize that a spent
22 fuel pool fire can result either from an accident
23 due to operator or mechanical failure, or to an act
24 of malice, such as a terrorist attack.

25 In the latter case, we underscore the

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1 need to address terrorism as a variable in the re-
2 licensing process based on the recent 9th Circuit
3 Federal Court decision that in essence stated,
4 "Terrorism must be part of any environmental review
5 in an NRC licensing decision." The review process
6 requires a hard look at severe accident mitigation
7 analysis. It seems obvious, therefore, that the
8 consequences of a spent fuel fire can be severe,
9 and must be considered.

10 For security, Duxbury's annual town
11 meeting voted in 2005 that one of the seven pre-
12 conditions for not opposing re-licensing was that
13 on-site security heightened to protect against an
14 air attack on the main reactor building, spent fuel
15 pool, and/or critical support structures by a large
16 or small aircraft loaded with fuel or explosives, a
17 floating explosive or underwater charge from
18 entering intake canal, and attack by water or land
19 from a force comparable in size and strength to
20 9/11. The adequacy of these security improvements
21 must be approved by a panel of experts independent
22 of the nuclear power industry.

23 The National Academy has confirmed that
24 reactors are known attractive targets, and
25 vulnerable to attack. Pilgrim is essentially

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1 vulnerable as it is located in America's hometown.
2 The spent fuel pool is in the attic of the reactor,
3 vulnerable from three sides as it faces a large
4 coastline with wooded areas on either side. Again,
5 the 9th Circuit Court provides support.

6 For health, Duxbury supports Pilgrim
7 Watch's Contention 5, concerning the need to
8 consider on a site-specific basis 20 more years of
9 operations and our community's health. Again, town
10 meetings stated that we will not approve re-
11 licensing unless reduction of allowable radioactive
12 emissions into our air and water, so that the
13 biological impact is no greater than that allowed
14 from the release of a chemical plant licensed
15 today. And verification of releases by monitors,
16 computer linked to state and local authorities at
17 all points where radiation is released from
18 Pilgrim, and at appropriate off-site locations.

19 The director's vent system installed at
20 Pilgrim's Mark-I reactor to protect the containment
21 from a total rupture is an extension of the
22 containment ventilation system. It bypasses the
23 standby gas treatment system filters normally used
24 to process releases via the containment ventilation
25 pathway. There is no radiation monitor on the pipe

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1 and valves that compromise that line. Venting a
2 release in the order of 1 percent of the core's
3 radioactive iodine and cesium would be very severe.

4
5 The purpose of the containment is to
6 provide a barrier between the lethal radiation
7 inside the reactor and the public. Under the
8 Severe Accident Mitigation Analysis, Pilgrim's
9 application stated that a filter will reduce by
10 half the amount of radiation that would be released
11 in an accident. Well, half is still a major
12 benefit for the public health and safety.

13 We want indirect venting; that is,
14 allowing air to escape only after it has passed
15 through filters. Unfiltered venting has been judged
16 unsafe by all regulatory agencies outside of the
17 United States. Mitigation should be focused on the
18 protection of public health, safety, and the
19 regional economy.

20 The town recognized, and those of us
21 who have lived here for many decades know that new
22 and significant information outlined by the
23 petitioners on health impact has been seen in the
24 past, and in our communities now.

25 Under emergency planning, the town

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1 supports Pilgrim Watch's criticism of the
2 evacuation time estimates, and evacuation delay
3 times provided by Pilgrim in their application. A
4 thorough review of the emergency planning on a
5 site-specific basis should be part of a SAMR
6 analysis. The town has stated current plans will
7 not work; hence, the consequence of an accident
8 will far exceed the applicant's estimates.
9 Included as part of the 2005 town vote not to
10 approve re-licensing unless updated emergency
11 planning for a new security environment we face
12 today to protect against an attack or other fast-
13 breaking accident resulting in major consequence
14 and accounts for the increased population density
15 in southeastern Massachusetts.

16 In March of 2006, the town voted not to
17 support the NRC policy that states, "The minimum
18 recommendation that shall be made at a general
19 emergency is to evacuate two miles around, and five
20 miles down-wind from the plant." The Town of
21 Duxbury recognizes that the impact from a nuclear
22 disaster in a general emergency is far greater than
23 two miles around and five miles down-wind; and,
24 therefore, planning should not be reduced from the
25 current ten mile emergency planning zone. Rather,

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1 it should be expanded. Further, the concept of
2 down-wind is not applicable in a coastal community
3 where wind directions are variable.

4 In addition, Duxbury's Nuclear Advisory
5 Committee supports Pilgrim Watch's Contentions 1
6 and 2 regarding fixed structural components.
7 Buried pipes and components adding to the aging
8 management program and assuring the program is
9 working, on-site monitoring wells to assure
10 radiation does not leak into the Cape Cod Bay from
11 buried pipes and components containing radioactive
12 liquids, and regular UT testing for corrosion in
13 the drywell and all embedded regions, and
14 performing root cause analysis.

15 The request for a hearing and petitions
16 to intervene submitted by Pilgrim Watch and the
17 Massachusetts Attorney General are valid concerns
18 of the Town of Duxbury, and an evidential hearing
19 should be granted to them. Thank you.

20 CHAIR YOUNG: Thank you. Diane Turco.

21 MS. TURCO: Hi. I'm Diane Turco from
22 College, Massachusetts down on the Cape, and I'm
23 with Cape Cod Down-Winders. And I've been sitting
24 here this afternoon, all day actually, listening to
25 the testimony, and it seems so prudent that the

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1 waste pool fire scenario be considered for re-
2 licensing Pilgrim, because I think when the
3 original license was given, the town of Plymouth
4 wasn't planning to be a waste dump. And what will
5 happen now with 20 more years of waste being put
6 into that pool - it was originally designed for 880
7 assemblies, and now there's over 2,800 assemblies.
8 And there have been ongoing issues here.

9 I went for a cup of coffee at the
10 break, and I spoke to the woman at the shop and I
11 said, you know, there's not many people at that
12 hearing today, I mean not hearing, but the program,
13 and she said well, people have been working for
14 years and nothing is happening, nothing is going to
15 happen. The public's voice won't be listened to.
16 But with the good work of these folks here,
17 hopefully that will happen. And on this side we
18 have the corporations fighting the people.

19 But one thing that we've been fighting
20 for on the Cape is to be included in an emergency
21 planning zone. As the crow flies, we're about 30
22 miles away, and we do know that if there was an
23 accident, the radiation plume would travel. It
24 could travel down to Cape Cod, and for over 15
25 years we've been trying to get the NRC to expand

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1 the emergency planning to Cape Cod because there's
2 two bridges, and that's all there is for people who
3 have to evacuate, so we're a population that is
4 held hostage, and we're definitely at risk. But
5 there is a 50-mile emergency planning zone, the
6 ingestion pathway zone, and the Department of
7 Public Health has a whole brochure of how to
8 protect your farm animals, to keep them in a stone
9 barn with ventilation, and there's nothing for our
10 children, so it's a very serious situation here,
11 and this needs to be considered. But it's very
12 prudent to be concerned about the nuclear waste,
13 the waste site, and a fire scenario, and I hope
14 that this panel considers it seriously in the re-
15 licensing. Thank you.

16 CHAIR YOUNG: Thank you. Has Joyce
17 McMahon gotten here yet? Good.

18 MS. McMAHON: Good evening. My name is
19 Joyce McMahon, and I am the Communications Director
20 for the Massachusetts Affordable Reliable
21 Electricity Alliance, Mass AREA, for short. First,
22 let me thank you for the opportunity to address the
23 Board. We do appreciate your time.

24 Mass AREA is a diverse statewide group
25 comprised of more than 50 labor unions, trade

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1 associations, businesses, including Entergy,
2 educators, scientists, advocates, concerned
3 citizens, and community leaders. We are committed
4 to finding clean, low-cost, and reliable
5 electricity solutions that benefit all
6 Massachusetts. This is an urgent public policy
7 challenge.

8 We came together in early January after
9 several warnings were issued by the Federal Energy
10 Regulatory Commission, and ISO New England, among
11 others, that energy supplies will be insufficient
12 to meet demand as early as 2008, and that energy
13 prices are causing hardship for the region's
14 businesses and residents, especially the most
15 vulnerable, such as the elderly and the low-income
16 populations.

17 While Mass AREA's mission is broad and
18 focused to include renewable energy, and
19 encouraging energy efficiency, Mass AREA and its
20 members fully support the re-licensing of the
21 Pilgrim Nuclear Power Plant. Given the pending
22 electricity supply problem, and since no new major
23 power plants are under development, a process that
24 typically takes five years from start to finish, we
25 must keep Pilgrim Station in operation, as on a

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1 typical day it provides 7 to 9 percent of the
2 Commonwealth's electricity. From an economic
3 standpoint, the power produced at Pilgrim is lower
4 cost than the regional average. Since
5 Massachusetts ranks third in the nation in terms of
6 highest electricity costs, it becomes even more
7 important to maintain Pilgrim's very reliable, low-
8 cost electricity.

9 While the region has just adopted a new
10 electric market structure, it is quite important
11 that we keep the supply we have in order to
12 maintain system reliability. Therefore, it is
13 imperative that the re-licensing process progresses
14 in a timely manner, and does not get sidetracked by
15 or taken in with dealing with issues that are
16 extraneous to the normal re-licensing process.

17 Mass AREA encourages the ASLB to stay
18 focused on your charge, the safety and
19 environmental impact of the plant, while evaluating
20 and determining intervenor petitions. Thank you
21 again for the opportunity to speak here this
22 evening. Mass AREA looks forward to contributing
23 to the process over the next 18 to 24 months.

24 CHAIR YOUNG: Thank you. Mr. Arthur
25 Powers.

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1 MR. POWERS: Good evening. My name is
2 Arthur Powers. My wife and I have been residents of
3 the Town of Plymouth for over 30 years. Like many
4 people in the region which experience cold winter
5 and hot summers, we are very concerned about the
6 high price of power, which mean has made staying
7 cool in the summer, warm in the winter very, very
8 expensive, as we all know. I also don't think
9 prices will go down any time soon. In fact, we all
10 know they're going to rise.

11 This is why I came to speak at this
12 meeting, in addition to some others. With little
13 research, one would find out that nuclear power is
14 one of the cheapest powers to generate, and it
15 means the cost to people like yourself and myself,
16 and my family, and my friends is to consumers least
17 expensive. This is because nuclear power plants,
18 like Plymouth, make power without buying expensive
19 gas and oil, much of which comes from other parts
20 of the world, some places which have less than
21 favorable views of the United States of America.

22 Everyone is talking about independence
23 for energy, to lower the energy cost. We have a
24 great example how that independence is possible
25 right here in Plymouth. We just heard the speaker

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1 before me saying that the cost to generate the 7 to
2 10 percent electricity is the cheapest around.
3 I've been listening today, and the last meeting I
4 was at they were talking about the safety problems
5 and things of this nature.

6 I know that they're working on it,
7 because I have associates that work at the plant.
8 I read the papers. I also know what will happen if
9 there's a nuclear explosion. I was in Japan in
10 1946, so I know what it looks like. I also know
11 what Buzzard's Bay looked like last year when
12 90,000 gallons of oil landed up in Fair Haven and
13 on the shores. Haven't seen that over here in
14 Plymouth. I also know what it looked like up in
15 Chelsea a few months ago when Exxon had an oil
16 spill, when one of their discharge pipes let go. I
17 was also at a meeting here when the Town of Duxbury
18 spoke, saying how great their shellfish is doing.
19 Shellfish was there, the plant is here, so they're
20 doing okay. So I can see the concern, and when you
21 people look at all the options here, you have to
22 look and say okay, what has Plymouth done for the
23 town, what has it done for the Commonwealth, what
24 has it done for the country?

25 This is what we're after. We're

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1 looking at something that's going to benefit the
2 people. Yes, we have a problem with a catastrophe,
3 but we also had a problem in 1978. There was
4 nowhere to go because the ways the streets and
5 highways of the Commonwealth are built, it's rather
6 difficult to get around with the masses of people
7 that we have. That's just one problem. It wasn't
8 created by the problem with power plants. They had
9 nothing to do with it. It's something that has to
10 be addressed separately. How do we get all these
11 people out of here? And yes, the wind does blow in
12 different directions, I agree with that
13 wholeheartedly. But yet, if precautions are taken
14 and people are aware of this factor, it could be
15 remedied.

16 I also have seen catastrophes down in
17 Florida, where people could not get out, just by
18 sheer volume of people, because there was no
19 prepared relationship from one town to another.
20 Plymouth, and Duxbury, and Kingston set the
21 greatest plan going to get people out of here, but
22 once they get up to Boston and say okay, we're
23 going to come up 128, for example, and the traffic
24 is going to be northbound in two lanes, these are
25 the things that have to be addressed. And I don't

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1 think that we have to worry about that right at
2 this stage in this thing. The main concern is
3 let's re-license the plant, because (a) it's going
4 to employ the people; (b) the taxes that the town
5 will generate and the surrounding towns as a result
6 of it being here will be offset. Everybody's
7 worried about the plant going away and losing the
8 tax dollars. The Town of Plymouth is deciding to
9 get \$200 million for the schools we badly need by
10 re-licensing the plants. The tax money will be
11 there.

12 And in conclusion, cheap power made
13 right here in the United States seems to me, and a
14 lot of other people, a great solution to much of
15 our energy problems locally by using a nuclear
16 plant to keep my bills, your bills, and nationally
17 easing our dependence on oil, and I hope you keep
18 this in mind. Thank you.

19 CHAIR YOUNG: Thank you. Is there
20 anyone else here who has not signed up who'd like
21 to speak? Okay. You want to just read off?

22 MS. PYE: Barbara Pye.

23 CHAIR YOUNG: Hi.

24 MS. PYE: Hi. My name is Barbara Pye.
25 I'm a resident of Duxbury, Massachusetts, and I'm

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1 just here to - I don't have a prepared statement -
2 just to say that I'm opposed to the re-licensing of
3 the plant. People here are saying that they're
4 concerned about it, it's a great business. They
5 have money to give the Town of Plymouth if
6 something happens at the plant. It doesn't matter.
7 People won't have a job, because there will be no
8 place to live. I'm opposed to it for all the same
9 reasons that that gentleman was saying, emergency
10 evacuation. The plans will not work. I mean, in
11 Duxbury, you can't get out of town on the 4th of
12 July, and so that's one of the problems. I'm
13 opposed to it because of the spent fuel pool, a
14 fire that might occur there. And a possible
15 terrorist attack. And to me, it just seems like
16 it's unconscionable that people have to come up
17 with new information to the NRC to oppose re-
18 licensing. I mean, look what happened September 11th
19 - nobody thought it was going to happen. To think
20 that something will possibly happen to say oh, my
21 God - we should have done something about it. I
22 think that you don't have to have new information.
23 All the information that's been provided by the
24 people, the Attorney General and Pilgrim Watch I
25 think is sufficient enough to oppose the re-

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1 licensing. And any of my extra time I'd like to
2 give to the people that are more knowledgeable
3 about it. Thank you.

4 CHAIR YOUNG: Thank you. Is there
5 anyone else? Does anyone know of anyone else who
6 is planning to come to the meeting? We'll wait a
7 little while longer. Mr. Shadis, if you'd like to
8 speak just a few more minutes - I don't know that
9 we have any questions, but if you want to just
10 briefly finish up your remarks.

11 MR. SHADIS: Thank you, Your Honor. I
12 appreciate that. Just briefly, in terms of
13 questions of qualifying contentions and the
14 requirement of new information - I'd just like to
15 observe, there are many ways to define that. Is it
16 information newly developed, or information newly
17 available to the public - two different things.
18 And I can't think of the exact case cite, but the
19 Yankee Row case, and I believe it was their license
20 termination plan case, there was an ASLB decision
21 that it was not so much counting or looking at the
22 dates on documents as information became available,
23 but that the panel might take a cumulative look at
24 the information; that is to say, that the panel
25 might consider how that information gathered

1 together in a timely way led interveners to the
2 conclusions or to the assessments that they had.
3 And certainly, with respect to the issues of spent
4 fuel pool accident risk, and with issues regarding
5 terrorism, it's a moving target, it's an evolving
6 field. Information is constantly coming forward.
7 The NUREG 17.38 was the, according to Commissioner
8 McGaffigan, their least favored NUREG. And it was,
9 in essence, the question was sent packing. They
10 went out looking for consultants to review some of
11 the material, some of the questions raised wound up
12 going through Congressional Committee and back to
13 the National Academy of Sciences, because they did
14 not like the conclusions.

15 The staff, NRC staff, was asked to re-
16 evaluate some of that, and we've never gotten
17 through the process, so that information is still
18 coming forward, still evolving, and I believe that
19 you have the discretion available to you to take it
20 into consideration. A brief reading of the
21 regulations and our understanding of it is that an
22 Atomic Safety and Licensing Board panel has the
23 discretion to take up any safety or health issue
24 that might come to its attention during these
25 proceedings, and to pursue it either sui sponte or

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1 through elicitation of further information from the
2 participants. And it is only the good judgment,
3 the discretion, and the volition that is needed to
4 pursue these issues, so you have this particular
5 issue. And it broadly has been laid at your feet, .
6 so to speak, and whether or not the particular
7 requirements of NEPA or of Commission practice have
8 been fully met or not does not determine whether or
9 not this is a valid issue. In other words, legal
10 decisions do not determine physics, so I would beg
11 you to consider that in your deliberations.

12 CHAIR YOUNG: Thank you.

13
14 MR. SHADIS: Thank you.

15 CHAIR YOUNG: Is there anyone else here
16 who would like to speak? Well, I guess we can wait
17 a little to just make sure there's no latecomers.
18 We appreciate everyone coming out who did, and
19 offering your input, and thoughts, and time, and
20 being good public citizens. Thank you.

21 (Whereupon, the proceedings went off
22 the record at 6:20:57 p.m.)
23
24
25

CERTIFICATE

This is to certify that the attached proceedings
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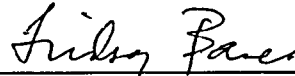
Name of Proceeding: Entergy Nuclear Vermont
Yankee, LLC and Entergy
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Limited Appearances

Docket Number: 50-293-LR and
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Location: Plymouth, MA

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