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1 UNITED STATES OF AMERICA
2 NUCLEAR REGULATORY COMMISSION
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4 PUBLIC MEETING TO DISCUSS
5 THE DRAFT SUPPLEMENTAL ENVIRONMENTAL
6 IMPACT STATEMENT FOR THE LICENSE RENEWAL
7 OF OYSTER CREEK NUCLEAR GENERATING STATION

8 + + + + +
9 WEDNESDAY,
10 JULY 12, 2006

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13 The meeting convened in the Grand
14 Ballroom, Toms River Quality Inn, 815 Route 37, Toms
15 River, New Jersey, at 7:00 p.m., Chip Cameron,
16 facilitator, presiding.

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P R O C E E D I N G S

(7:00 p.m.)

MR. CAMERON: Good evening, everyone. I would like to begin with this evening's meeting.

And I think they are showing a videotape of this afternoon's meeting over there, but we need to do this meeting tonight anyway.

So good evening, everyone. My name is Chip Cameron. I'm the Special Counsel for Public Liaison at the Nuclear Regulatory Commission, and I'd like to welcome all of you to our meeting tonight, and the subject is the NRC's environmental review that's one part of the NRC evaluation of whether to grant the renewal of the license for the Oyster Creek Nuclear Power Plant.

We got an application to renew the license from AmerGen Company, and we're in the process of evaluating that tonight. And we want to talk to you about license renewal generally, but specifically about the environmental review and the NRC's environmental review is captured in a document called the Draft Environmental Impact Statement, and that's our main focus of discussion this evening.

And it's my pleasure to be your facilitator tonight, and in that role I'd like to help

1 all of you to have a productive meeting.

2 There are a few items of meeting process
3 that I'd like to go over before we get to the
4 substance of tonight's discussion. I'd like to tell
5 you a little bit about the format for the meeting.

6 Secondly, some real simple ground rules.

7 And finally, I want to introduce the
8 speakers who will be giving you some background on
9 license renewal and on the Draft Environmental Impact
10 Statement.

11 In terms of format, basically it's a two-
12 part format. First of all, we're going to give you
13 some background information on license renewal, and
14 specifically on the findings and conclusions in the
15 Draft Environmental Impact Statement, and we'll have
16 time for some questions after that.

17 And then we're going to move to the second
18 and primary part of the meeting, which is to give us
19 an opportunity to listen to your concerns, your
20 comments, your recommendations on the Draft
21 Environmental Impact Statement and on license renewal
22 generally.

23 The NRC staff is going to tell you about
24 submitting written comments on these issues, but we
25 wanted to be with you personally this evening, and

1 anything that you offer tonight will have the same
2 weight as a written comment.

3 And when we get to the comment part of the
4 meeting, I'm going to ask you to come up here and talk
5 to all of us. In terms of ground rules, when we go
6 out to you for questions, please identify yourself and
7 give your affiliation, if that's appropriate, and I
8 would ask that only one person speak at a time so that
9 we could give our attention to whomever has the
10 cordless microphone or whoever is up here talking to
11 us, and also, that will allow Toby, who is our court
12 reporter over here, to get a clean transcript. He'll
13 know who's talking at the moment.

14 And the transcript is going to be the
15 record of the proceeding tonight, and that will be
16 available to anybody who wants a copy of that.

17 I would just ask you to be brief in your
18 questions and to try to confine it to a question
19 instead of really wrapping a comment in there,
20 although I know that's sort of a natural thing to do.

21 When we get to the comment part of the
22 meeting, I'm going to ask you to follow a five-minute
23 guideline so that we can make sure that everybody has
24 a chance to speak. We may not have a whole lot of
25 speakers. So we can be flexible on the five minutes,

1 but when we're getting to the point where we have to
2 move on, I may ask you to sum up for us.

3 And the comments that you offer tonight
4 you can always elaborate on those through written
5 comments, but what it helps us do is it alerts us to
6 issues that we should be looking at and talking to you
7 about tonight after the meeting, and it also alerts
8 everybody in the audience to concerns that people
9 might have about the process.

10 And with any of these meetings, there is
11 always going to be differences of opinion expressed on
12 the various issues, and let's all just respect each
13 other's opinions and be courteous about it.

14 And with that, I would just thank you for
15 coming out to help us with this decision, and let me
16 introduce out two speakers tonight. First of all,
17 we're going to have Dr. Michael Masnik give you an
18 overview of the license renewal process, and Mike is
19 the project manager for the environmental review on
20 this Oyster Creek license renewal application, and he
21 has been the project manager on the environmental
22 review for other license renewal applications.

23 He has had a variety of senior positions
24 at the NRC. He has been with us for approximately 30
25 years, and as I mentioned to everybody this afternoon,

1 he has a particular closeness with this area and with
2 this site. His parents owned a summer home here when
3 he was growing up, and he spent many summers at, I
4 guess, Seaside Beach, Seaside Park, and he also was a
5 park ranger at the Island Beach State Park before he
6 went to graduate school.

7 And in that regard, he has a Bachelor's
8 degree from Cornell University and also a Master's and
9 a Ph.D. in Ichthyology from Virginia Polytechnic
10 Institute, Virginia Tech.

11 And after Mike gives you an introduction,
12 we're going to go to the heart of the presentations
13 with Kirk, Dr. again, Kirk LaGory, who is our team
14 leader for the team of experts that we had helping us
15 to conduct the environmental review, and Kirk is with
16 Argonne National Lab, and he's the team leader for
17 natural resources analysis at Argonne, and he's an
18 ecologist by training, and he focuses on energy
19 facilities, nuclear in this case, but also
20 hydroelectric, oil shale, natural gas, looking at the
21 environmental implications of various types of
22 facilities.

23 And he got a Bachelor's from Evergreen
24 State College and a Master's in environmental science
25 and a Ph.D. in zoology from Miami of Ohio University.

1 And, Mike, I'm just going to turn it over
2 to you now.

3 DR. MASNIK: Thank you, Chip, and thank
4 you all for taking the time to come to our meeting.

5 It's good to be back to the Jersey Shore.

6 I'd like to start off today by briefly
7 going over the agenda and the purposes of today's
8 meeting. I'll first briefly explain the NRC's license
9 renewal process for nuclear power plants, with an
10 emphasis on the environmental review.

11 Then Kirk LaGory from Argonne National
12 Laboratory will present preliminary findings of our
13 environmental review, which assesses the impacts
14 associated with extending the operating license of the
15 Oyster Creek Nuclear Generating Station for an
16 additional 20 years.

17 Then really the most important part of
18 tonight's meeting is for us to receive any comments
19 that you might have on the Draft Environmental Impact
20 Statement. We'll also give you some information about
21 the schedule for the balance of the review and let you
22 know how you can commit or that you can submit
23 comments in the future.

24 At the conclusion of the staff's
25 presentation, we'll be happy to answer questions.

1 However, I must ask you to limit your participation to
2 questions related to the environmental review and hold
3 your comments until the appropriate time during
4 tonight's meeting.

5 Before I get into a discussion of the
6 license renewal process, I'd like to take a minute to
7 talk about the NRC in terms of what we do and what our
8 mission is. The Atomic Energy Act is the legislation
9 that authorizes the NRC to issue operating licenses.
10 The Atomic Energy Act provides for a 40-year license
11 term for power reactors. This 40-year term is based
12 primarily on economic considerations and anti-trust
13 factors, not on safety limitations of the plant.

14 The Atomic Energy Act also authorizes the
15 NRC to regulate the civilian use of nuclear materials
16 in the United States. In exercising that authority,
17 the NRC's mission is threefold: to insure adequate
18 protection of public health and safety, to promote the
19 common defense and security and to protect the
20 environment.

21 Next slide.

22 As I mentioned, the Atomic Energy Act
23 provides for a 40-year license term for power
24 reactors. Our regulations also include the provision
25 for extending plant operation for up to an additional

1 20 years.

2 For Oyster Creek, the operating license
3 will expire on April 9th, 2009. Oyster Creek is owned
4 by AmerGen Energy Company, LLC. As part of the NRC's
5 review of the license renewal application, we have
6 performed an environmental review to look at the
7 impact of the additional 20 years of operation on the
8 environment.

9 We held a meeting here in November to seek
10 your input regarding the issues we needed to evaluate.
11 We indicated at that earlier scoping meeting that we
12 would return to the Oyster Creek area to present our
13 preliminary results documented in our Draft
14 Environmental Impact Statement. That's the purpose of
15 today's meeting.

16 Next slide.

17 The NRC license renewal review is similar
18 to the original licensing process for nuclear stations
19 in that it involves two parts, an environmental review
20 and a safety review. This slide gives a big picture
21 overview of the license renewal review process, which
22 involves these two parallel paths.

23 I'm going to briefly describe these two
24 review processes starting with the safety review.

25 Next slide.

1 What does the safety review consider?

2 Well, for license renewal, the safety review focuses
3 on aging management of structures, systems, and
4 components that are important to safety. The license
5 renewal safety review does not assess current
6 operational issues, such as security, emergency
7 planning, and safety performance. The NRC monitors
8 and provides regulatory oversight of these issues on
9 an ongoing basis under the current operating license.

10 Because the NRC is addressing these
11 current operating issues on a continuing basis, we
12 will not reevaluate them during license renewal.

13 Next slide.

14 As I mentioned, the license renewal safety
15 review focuses on plant aging and the programs that
16 the licensee has already implemented or will implement
17 to manage the effects of aging on plants, structures,
18 systems and components.

19 Let me introduce the safety project
20 manager, Donnie Ashley. Donnie, can you stand up?

21 He's in charge of our safety review. The
22 safety review involves the NRC staff's evaluation of
23 technical information that's contained in the License
24 Renewal Application. It is referred to as a safety
25 evaluation.

1 The NRC staff also conducts audits as part
2 of its safety review. There's a team of about 30 NRC
3 technical reviewers and contractors who are conducting
4 a safety evaluation right now.

5 The safety review also includes plant
6 inspections. The inspections are conducted by a team
7 of inspectors from both headquarters and the NRC's
8 office in King of Prussia, Pennsylvania.

9 The NRC also maintains resident inspectors
10 at each operating nuclear plant. We have Marc Ferdas
11 and Ryan Treadway. Can they stand up? Our two
12 resident inspectors for Oyster Creek.

13 The results of the license renewal
14 inspections are documented in separate inspection
15 reports. The staff documents the results of its
16 review in a safety evaluation report. That report is
17 independently reviewed by the Advisory Committee on
18 Reactor Safeguards, or the ACRS.

19 The ACRS is a group of nationally
20 recognized technical experts that serve as a
21 consulting body to the Commission. They review each
22 license renewal application and safety evaluation
23 report, form their own conclusions and recommendations
24 on the requested actions, and report these conclusions
25 and recommendations directly to the Commission.

1 Next slide.

2 The second part of the review process
3 involves the environmental review. This next slide
4 outlines the steps in which the environmental review
5 is conducted. The environmental review, which is the
6 subject of today's meeting, evaluates the impacts of
7 license renewal on a number of areas, including
8 ecology, hydrology, cultural resources, and
9 socioeconomic issues, as well as others.

10 The environmental review involves scoping
11 activities and the development of a document called
12 the Draft Supplement to the Generic Environmental
13 Impact Statement for license renewal. The Draft
14 Supplement to the Generic Environmental Impact
15 Statement provides the staff's preliminary assessment
16 of environmental impact during the renewal period.

17 The Draft Environmental Impact Statement
18 for Oyster Creek has been published for comments, and
19 copies, which look like this, are available in the
20 back of the room.

21 We're here today to discuss the results
22 and to receive your comments on our assessment. In
23 January of next year we'll be issuing a final version
24 of this Environmental Impact Statement which will
25 document how the staff addresses the comments that we

1 receive here today at this meeting or in writing.

2 Next slide.

3 Before I go any further, I'd like to give
4 you a little background information on the statute
5 that governs the environmental review. The National
6 Environmental Policy Act of 1969 requires that Federal
7 agencies follow a systematic approach in evaluating
8 potential environmental impacts associated with
9 certain actions. We're required to consider the
10 impacts of the proposed action and also any mitigation
11 for those impacts that we consider to be significant.

12 Alternatives to the proposed action,
13 including taking no action on the applicant's request
14 are also to be considered. The National Environmental
15 Policy Act and our Environmental Impact Statement for
16 license renewal are disclosure tools. They are
17 specifically structured to involve public
18 participation, and this meeting facilitates the public
19 participation in our environmental review.

20 So we're here today to collect public
21 comments on the Draft Environmental Impact Statement,
22 and these comments will be included in the Final
23 Environmental Impact Statement.

24 The NRC staff developed a Generic
25 Environmental Impact Statement that addresses a number

1 of issues that are common to all nuclear power plants.
2 The staff is supplementing that Generic Environmental
3 Impact Statement with a site-specific Environmental
4 Impact Statement that addresses issues that are
5 specific to this individual site.

6 (The) Staff also evaluates the conclusions
7 reached in the Generic Environmental Impact Statement
8 to determine if there are any new and significant
9 information that would change any of our conclusions.

10 Next slide.

11 This slide shows our decision standard for
12 the environmental review. Just take a moment and read
13 this, please.

14 Simply put, is license renewal acceptable
15 from an environmental standpoint?

16 Next slide.

17 This next slide shows important milestone
18 dates for the NRC's environmental review. The
19 highlighted dates indicate the opportunities for
20 public involvement in the environmental review.

21 We received AmerGen's application
22 requesting the license renewal for Oyster Creek on
23 July 22nd, 2005. On September 16th, 2005, we issued
24 a Federal Register Notice of Intent to prepare an
25 Environmental Impact Statement and conduct scoping.

1 A public meeting was held here on November 1st, 2005
2 as part of the scoping process. Many of you may have
3 attended that meeting and provided comments to us.

4 Comments that were given at that scoping
5 meeting and are within the scope of this review are
6 contained in Appendix A of this Draft EIS which we
7 published. Out-of-scope comments were answered in the
8 scoping summary report, copies of which are found in
9 the back of the room.

10 The scoping period ended on November 25th,
11 2005, and the scoping summary report was issued in
12 February 21st, 2006, addressing all of the comments
13 that were received from all sources during the scoping
14 process.

15 On June 9th, 2006, the NRC staff issued
16 its Draft Supplement to the Generic Environmental
17 Impact Statement [for Oyster Creek]. The document is
18 the subject of today's meeting. We are currently
19 accepting public comments on the draft until September
20 8th, 2006.

21 Today's meeting is being transcribed and
22 comments provided here carry the same weight as
23 written comments submitted to the NRC.

24 Once the comment period closes, we will
25 begin the development of the Final Environmental

1 Impact Statement, which we expect to publish in
2 January of 2007.

3 That concludes my prepared remarks on the
4 process of license renewal. Now Dr. Kirk LaGory will
5 explain our findings.

6 DR. LaGORY: Thanks, Mike.

7 Good evening. I'm glad you all could make
8 it here tonight.

9 My name is Kirk LaGory. I'm an ecologist
10 at Argonne National Laboratory, and I was a project
11 team leader for the Oyster Creek EIS.

12 The NRC contracted with Argonne to
13 evaluate the impacts of the license renewal of the
14 Oyster Creek Nuclear Generating Station. The EIS team
15 consists of scientists from Argonne National
16 Laboratory, Pacific Northwest National Laboratory, as
17 well as NRC staff.

18 We have two members of the EIS team here
19 today that I would like to introduce. We have Jeff
20 Ward, stand, from Pacific Northwest National
21 Laboratory who performed the aquatic resource analysis
22 that's in the EIS.

23 And then we have Mike Lazaro from Argonne
24 who performed the air quality analysis, and these two
25 gentlemen will be here if you have any questions in

1 their particular topical areas.

2 The overall team expertise is shown in
3 this slide, and we had team members that basically had
4 expertise in these various disciplines, and this is
5 pretty much the full spectrum of environmental
6 disciplines that are of interest here. We have
7 atmospheric science, socioeconomics and environmental
8 justice, archeology and historical resources,
9 terrestrial ecology, land use, radiation protection,
10 nuclear safety, regulatory compliance, aquatic ecology
11 and hydrology.

12 Next slide.

13 This slide shows our overall analytical
14 approach that we used in performing our analysis, but
15 first I'd like to give you a little background
16 information.

17 In the mid-1990s, the NRC evaluated the
18 impacts of all operating nuclear plants across the
19 country. NRC looked at 92 separate impact areas and
20 found that for 69 issues, the impacts were the same
21 for plants with similar features. NRC called these
22 Category 1 issues, and they made the same or generic
23 determination about their impacts and concluded that
24 those impacts would be small.

25 Those results were published in the

1 Generic Environmental Impact Statement for license
2 renewal that was published in 1996.

3 The NRC was unable to make generic
4 conclusions about the remaining issues which were
5 called Category 2 issues. As a consequence, NRC
6 decided to prepare site-specific Supplemental EISes,
7 such as the Oyster Creek supplement that we're talking
8 about here today.

9 This slide shows the overall process used
10 to evaluate those Category 1 and Category 2 issues in
11 the document. Again, Category 1 issues, the Generic
12 EIS determined that the impacts would be the same at
13 all sites, but we evaluated all of those issues that
14 were relevant to Oyster Creek.

15 We specifically looked to see if there was
16 new and significant information about that Category 1
17 issue. If there was we would perform a site specific
18 analysis. If there was not new and significant
19 information available that would lead us to believe
20 that that conclusion was not correct, then we would
21 adopt the Generic EIS conclusion that the impacts were
22 small.

23 For Category 2 issues, again, the Generic
24 EIS indicated these would be analyzed at all sites.
25 So site specific analysis was performed. All of those

1 issues relevant to Oyster Creek received analysis in
2 the EIS.

3 There is also a process for identifying
4 new issues, ones that weren't considered in the
5 Generic EIS. The process, these issues are identified
6 during the scope of the evaluation. For instance,
7 during the scoping meeting if a new issue was
8 identified by the public or if a new issue was
9 identified during our EIS analysis, what we would do
10 is determine if that was, indeed, a new issue relevant
11 to the plant. If it was, then we would perform a site
12 specific assessment. If not, then that issue would
13 receive no further analysis.

14 One issue that did come up as we were
15 doing our evaluation was the topic of essential fish
16 habitat. As a consequence, this new issue, we
17 performed an essential fish habitat assessment and
18 included that in our EIS.

19 Next slide.

20 In the Generic EIS, NRC defined three
21 different impact levels: small, moderate, and large.
22 And these categories are consistent with CEQ, Council
23 on Environmental Quality, guidelines.

24 For a small impact, the effect is either
25 not detectable or is too small to destabilize or

1 noticeably alter any significant aspect of the
2 resource.

3 For a moderate effect, that impact is
4 sufficient to alter noticeably, but not destabilize
5 important attributes of the resource.

6 For a large effect, the impact is clearly
7 noticeable and is sufficient to destabilize important
8 attributes of the resource.

9 I'll use the effect of the Oyster Creek
10 cooling system on aquatic resources in Barnegat Bay to
11 illustrate how these different impact criteria would
12 be used.

13 The operation of the Oyster Creek cooling
14 system affects aquatic resources through entrainment,
15 impingement, and through thermal shock. If the loss
16 of aquatic resources is so small that it cannot be
17 detected in relation to the total population in the
18 bay, then we would call that impact small. If losses
19 resulting from the cooling system causes aquatic
20 resources to decline, in other words, we can see an
21 effect, but then the resource stabilizes at some lower
22 level, we would call that a moderate impact.

23 If, on the other hand, losses at the plant
24 are so large that they cause a decline in the resource
25 and the resource does not stabilize at some lower

1 level and continues to decline, we would call that a
2 large impact.

3 When the EIS team evaluated the impacts
4 from continued operations at Oyster Creek, we
5 considered information from a wide variety of sources,
6 and those are shown on this slide. First we looked at
7 the License Renewal Application and the Environmental
8 Report that was provided by the applicant.

9 Then we came to the site, toured the site,
10 interviewed plant personnel, and reviewed plant
11 documentation. We did that in a site audit that
12 occurred last October.

13 We also spoke with Federal, State, and
14 local officials. We talked to permitting authorities
15 in various social services, and we also gathered
16 public comments during the scoping period last year.
17 We were here in November for the scoping meeting,
18 gathered those comments, and included those as
19 information in the EIS.

20 All of this information forms the basis
21 for which we performed our analysis and drew our
22 preliminary conclusions.

23 The EIS considers the environmental
24 impacts of continued operations of the Oyster Creek
25 Nuclear Generating Station during the 20-year license

1 renewal period, that is, from 2009 to 2029. The
2 impacts of routine or normal operations were
3 considered for the topics that are shown on this slide
4 for the cooling system, the transmission line
5 associated with the plant, the radiological effects
6 for socioeconomics, groundwater use and quality,
7 threatened or endangered species, and cumulative
8 impacts.

9 In the EIS we also considered the impacts
10 of postulated accidents and severe accident mitigation
11 alternatives.

12 One of the project features that we looked
13 closely at is the cooling system at the Oyster Creek
14 plant. There are three Category 2 issues relevant to
15 the cooling system. These include entrainment,
16 impingement, and thermal shock.

17 Entrainment refers to the pulling in of
18 very small aquatic organisms into the systems, the
19 cooling system of the plant. Most of those organisms
20 are killed in the process. They're exposed to fairly
21 high heat and then they're discharged into the
22 discharge canal, but we can expect 100 percent
23 mortality of those organisms.

24 Impingement occurs when larger organisms
25 are pulled into the plant, but then they're pinned or

1 stuck to either the trash racks for larger organisms
2 or onto the traveling screens that protect the plant,
3 keep large objects from entering the cooling system.

4 Those organisms do not experience 100
5 percent mortality. The plant has a traveling screen
6 system that employs a Ristroph bucket system that
7 basically moves those organisms off into a flume
8 system and then they're discharged into the discharge
9 canal. So 100 percent mortality does not occur with
10 impinged organisms.

11 Heat shock, our third Category 2 issue
12 related to the cooling system occurs when relatively
13 warm water is released into relatively colder water.
14 Organisms who live in that colder water and are
15 adapted to that colder water, when they're exposed
16 suddenly to much warmer water, they can lose
17 equilibrium or die. That is a Category 2 issue that
18 we looked at.

19 Our review of these three issues related
20 to the plant cooling system in the studies conducted
21 on those issues suggested the potential impact in
22 these areas would be small.

23 Radiological impacts were determined in
24 the Generic EIS to be a Category 1 issue. That is,
25 the impact of radiological releases during nuclear

1 plant operations during the 20-year license renewal
2 term would be small. However, because these releases
3 are a concern to many people, I will talk about them
4 here today.

5 All nuclear plants release some
6 radiological effluents to the environment, but it
7 should be noted that since the late 1980s, it is
8 Oyster Creek operating policy to not routinely release
9 [liquid] radiological effluents to the environment.

10 During our site visit, we looked at the
11 documentation for effluent releases and the
12 radiological monitoring program, as well as the
13 State's independent monitoring program. We looked at
14 how the gaseous and liquid effluents are treated and
15 released, as well as how the solid wastes were
16 treated, packaged, and shipped. We looked at how the
17 applicant determines and demonstrates that they are in
18 compliance with the regulation for release of
19 radiological effluents.

20 We also looked at data from on-site and
21 near site locations that the applicant monitors for
22 airborne releases and direct radiation and other
23 monitoring stations beyond the site boundary,
24 including locations where water, fish, and food
25 products are sampled.

1 We found that the average and maximum
2 calculated doses for a member of the public are well
3 within about a tenth of one percent of the annual
4 limits that are considered protective of human health.
5 Since releases from the plant are not expected to
6 increase during the 20-year license renewal term and
7 since we also found no new and significant information
8 related to this issue, we adopted the Generic EIS
9 conclusion that the impacts of radiological releases
10 on human health and the environment would be small.

11 There are a number of threatened and
12 endangered species that occur in the vicinity of the
13 Oyster Creek plant, and these are under the
14 jurisdiction of the U.S. Fish and Wildlife Service and
15 the National Marine Fisheries Service. The U.S. Fish
16 and Wildlife Service determined that the bald eagle is
17 the only Federally listed species under their
18 jurisdiction that has the potential to occur in the
19 vicinity of Oyster Creek, and they concluded that
20 operations during the 20-year license renewal term
21 were unlikely to affect the species.

22 In addition, there are five species of sea
23 turtles in the vicinity that are under the
24 jurisdiction of the National Marine Fisheries
25 Services. These include the loggerhead, Kemp's

1 ridley, green, leatherback, and hawksbill sea turtles.
2 The first three, the loggerhead, Kemp's ridley and
3 green sea turtles, are sometimes impinged on the trash
4 racks at the cooling system intake structure. The
5 National Marine Fisheries Service recently issued a
6 Biological Opinion related to the effects of Oyster
7 Creek operations and established incidental take
8 limits for these species.

9 Based on these consultations and our
10 review, the staff's preliminary determination is that
11 the impact of operation of Oyster Creek during the
12 license renewal period on threatened or endangered
13 species would be small.

14 We also looked at cumulative impacts.
15 Cumulative impacts are those impacts of the proposed
16 action when taken together with other past, present,
17 or reasonably foreseeable future actions, regardless
18 of what agency or person undertakes the other actions.

19 The staff considered cumulative impacts in
20 the following areas: aquatic resources, terrestrial
21 resources, radiological impacts, socioeconomics, and
22 groundwater use and quality.

23 Cumulative impacts were evaluated to the
24 end of the 20-year license renewal term. Our
25 preliminary determination is that any cumulative

1 impacts resulting from the operation of Oyster Creek
2 during the license renewal period would be small.

3 Other environmental impact areas that we
4 looked at included the uranium fuel cycle and solid
5 waste management, as well as decommissioning at Oyster
6 Creek. In the Generic EIS, the NRC considered impact
7 areas associated with these two topics, and they
8 considered those Category 1 issues. Our team found no
9 related new and significant information related to
10 these issues and, therefore, adopted NRC's generic
11 conclusion that impacts would be small in these two
12 areas.

13 The EIS team evaluated a number of
14 alternatives to license renewal as well.
15 Specifically, we looked at the impacts of replacing
16 Oyster Creek power with power from other sources.
17 Oyster Creek has a power capacity of 640 megawatts.
18 We looked at a no-action alternative, that is not
19 granting the license or not renewing the license for
20 Oyster Creek. We looked at development of new
21 generation from either coal, natural gas or new
22 nuclear power plants.

23 We looked at the ability to purchase
24 electric power and then the impacts associated with
25 that. We looked at other alternatives, other

1 alternative power generations, including oil, wind,
2 solar and conservation.

3 And then we looked at a combination of
4 alternatives to replace that 640 megawatts. In this
5 case we looked at the impacts of a natural gas plant
6 together with conservation and purchase power to make
7 up the total of the 640 megawatts.

8 For each alternative we looked at the same
9 types of impact issues that we did when we evaluated
10 Oyster Creek. The team's preliminary conclusion in
11 evaluating these alternatives is that the
12 environmental impacts would reach moderate or large
13 significance in at least some impact categories.

14 In addition to the impacts of alternative
15 generation or of alternatives to license renewal, the
16 team assessed the impacts associated with alternatives
17 to the existing once-through cooling system at Oyster
18 Creek. We looked at two alternatives specifically,
19 one replacing the existing once-through cooling system
20 with a closed cycle system using cooling towers, and
21 secondly, we looked at modifying the existing once-
22 through system to minimize the or reduce the impacts
23 to aquatic organisms and then restoring wetlands to
24 offset the residual impacts.

25 These alternatives were considered in the

1 EIS because they are identified in the State of New
2 Jersey's draft pollutant Discharge Elimination System
3 permit for Oyster Creek that was issued in 2005.
4 Based on the State's draft permit and our discussions
5 with the State, it seems there is a reasonable
6 possibility that Oyster Creek will be required to
7 implement one of these alternatives.

8 Alternatives are intended to reduce the
9 impact of the existing system on aquatic resources.

10 The closed cycle cooling system considered
11 in our analysis is a linear hybrid mechanical-draft
12 system, which is not as tall; it's only about 80 feet.
13 It's not as tall as the natural draft towers that are
14 typically associated with nuclear plants.

15 This diagram on the right is an aerial
16 view of the portion of the site that the towers could
17 occur in. This is basically the northern portion of
18 the site. These are the two cooling towers. You can
19 see they have quite a different configuration than the
20 natural draft towers.

21 These are basically two linear systems
22 consisting of 18 cells each. This is the intake canal
23 here for orientation.

24 The hybrid system that that system employs
25 reduces the visible plume by heating the exhaust air

1 when fog would be most likely, in the winter and
2 certain parts of the spring and in the fall. Since
3 this cooling system would use salt water -- this would
4 use water basically from Barnegat Bay -- exhaust would
5 contain relatively high amounts of particulates,
6 especially salt. It's estimated that about 60 pounds
7 per hour or 261 tons per year would be released from
8 these cooling towers. This amount of release would
9 exceed State standards and could result in a moderate
10 impact.

11 We also looked, as I mentioned at
12 modifications to the existing once through system.
13 This is our second alternative. We considered newer
14 screening technologies, acoustic fish deterrent
15 systems, as well as certain operational changes that
16 could potentially reduce aquatic impacts.

17 The New Jersey Department of Environmental
18 Protection considers wetland restoration in Barnegat
19 Bay as a viable approach to offset impacts to aquatic
20 resources. A substantial amount of restoration is
21 estimated to be needed to offset the impacts of the
22 existing cooling system.

23 We determined that the impacts of such a
24 restoration program would be small for most resource
25 areas, but could result in moderate impacts in both

1 the land use area and also archeological resources,
2 and the impact magnitude would depend on where that
3 restoration would occur.

4 To summarize our preliminary conclusions,
5 for the Category 1 issues presented in the Generic EIS
6 that relate to the Oyster Creek plant we found no
7 information that was both new and significant.
8 Therefore, we have preliminarily adopted the
9 conclusion that impacts associated with these issues
10 would be small.

11 In the Oyster Creek EIS, we analyze the
12 remaining Category 2 issues pertinent to the Oyster
13 Creek plant, and we determine that the environmental
14 impacts resulting from these issues were also small.

15 Lastly, we found that the environmental
16 effects of alternatives, at least in some impact
17 categories could reach moderate or large significance.

18 Now I'm going to switch gears a bit and
19 present the findings of the accident analysis for
20 Oyster Creek. We have Bob Palla of the NRC, who is
21 responsible for this analysis, and he'll be able to
22 answer any questions that you might have on this
23 particular topic.

24 The EIS evaluated two classes of
25 accidents, design-basis accidents and severe

1 accidents. Design-basis accidents are accidents the
2 plant is designed to withstand without risk to the
3 public. The ability of the plant to withstand these
4 accidents has to be demonstrated before the plant is
5 granted a license.

6 In addition, the licensee has to
7 demonstrate acceptable plant performance for design-
8 basis accidents throughout the life of the plant.

9 The Generic EIS considered design basis
10 accidents a Category 1 impact or a Category 1 issue.
11 The second category of accidents evaluated in the EIS
12 is severe accidents. Severe accidents could result in
13 substantial damage to the reactor core.

14 The Commission found in the Generic EIS
15 that the risk of severe accidents is small for all
16 plants. Nevertheless, the Commission determined that
17 alternatives to mitigate severe accidents must be
18 considered for all plants that had not already done
19 so.

20 These alternatives are termed SAMAs,
21 severe accident mitigation alternatives. The SAMA
22 evaluation is a site-specific assessment.

23 The purpose of performing the SAMA
24 evaluation is to insure that plant changes with the
25 potential for improving severe accident safety

1 performance are identified and evaluated. The scope
2 of potential plant improvements that were considered
3 in the EIS include hardware modifications, procedural
4 changes, and training program improvements.

5 The scope includes SAMAs that would
6 prevent core damage, as well as SAMAs that improve
7 containment performance given that core damage
8 occurred.

9 Next slide.

10 The preliminary results of the Oyster
11 Creek SAMA evaluation are shown in this slide. The
12 candidate or 136 candidate improvements were
13 identified for Oyster Creek. The number of candidate
14 SAMAs was reduced to 37 based on a multi-step
15 screening process.

16 A more detailed assessment of the risk
17 reduction potential and implementation cost was then
18 performed for each of the 37 remaining SAMAs. A total
19 of 15 SAMAs were identified as potentially cost-
20 beneficial in that exercise. None of the potentially
21 cost-beneficial SAMAs relate to managing the effects
22 of plant aging during the period of extended
23 operation. Accordingly, they are not required to be
24 implemented as part of the license renewal process.

25 Regardless, in the EIS the NRC staff

1 considered that further evaluation of the potentially
2 cost-beneficial SAMAs by AmerGen would be warranted.
3 Since the Draft EIS was issued, AmerGen has indicated
4 that they are evaluating the potentially cost-
5 beneficial SAMAs for possible implementation.

6 That concludes my portion of the talk.
7 Now I'd like to turn the microphone back to Mike.

8 DR. MASNIK: Thank you, Kirk.

9 To reiterate our conclusions, we found
10 that the impacts of license renewal are small in all
11 areas. We also concluded that the alternatives to
12 license renewal, including the no-action alternative,
13 may have moderate to large environmental effects in
14 some impact categories.

15 The staff also evaluated alternatives to
16 the current cooling system and found that the
17 alternatives to the current once-through system could
18 result in moderate impacts in some resource areas.

19 Based on these results, our preliminary
20 recommendation is that the adverse environmental
21 impacts of license renewal for Oyster Creek are not so
22 great that preserving the option of license renewal
23 for energy-planning decision-makers would be
24 unreasonable.

25 Next slide.

1 This slide is a quick recap of our current
2 status. We issued the Draft Environmental Impact
3 Statement for Oyster Creek on June 9th, 2006. We are
4 currently in the middle of the public comment period,
5 which is scheduled to end in September 8th, 2006. We
6 expect to address the public comments, make any
7 necessary revisions to the Draft Environmental Impact
8 Statement, and issue a final impact statement in
9 January 2007.

10 This slide identifies me as your primary
11 point of contact with the NRC for the preparation of
12 the Environmental Impact Statement, and it also
13 identifies where documents related to our review may
14 be found in the local area. The Oyster Creek Draft
15 Environmental Impact Statement is available at the
16 Lacy Township Public Library. I was there yesterday
17 and verified that, in fact, a copy was there, and it
18 looked a little dog-eared. So hopefully some people
19 have been reading it.

20 All documents related to the review are
21 also available at the NRC's website, which is
22 www.nrc.gov.

23 In addition, as you came in you were asked
24 to fill out a registration card at our reception desk.
25 If you included your address on that card, we will

1 mail you a copy of the Final Environmental Impact
2 Statement to you. If you did not fill out a card and
3 you want a copy of the Final Environmental Impact
4 Statement for Oyster Creek, please see Evan -- Evan,
5 raise your hand in the back of the room -- after the
6 meeting, and Evan will sign you up.

7 Next slide.

8 Now, in addition to providing comments at
9 this meeting, there are other ways that you can submit
10 comments to our environmental review process. You can
11 provide written comments to the Chief of our Rules and
12 Directives Branch at the address on the screen.

13 You can also make comments in person if
14 you happen to be in Rockville, Maryland.

15 We have also established a specific E-mail
16 address at the NRC for the purpose of receiving your
17 comments on the Draft Environmental Impact Statement,
18 and the E-mail address is oystercreekEIS@nrc.gov, no
19 spaces. All of your comments will be collected and
20 considered.

21 This concludes my remarks, and thank you
22 again for taking the time to attend this meeting.

23 MR. CAMERON: Okay. Thank you, Mike.
24 Thank you, Kirk.

25 We have time for some questions about the

1 process or about the Draft Environmental Impact
2 Statement. Paul.

3 MR. GUNTER: My name is Paul Gunter, and
4 I'm with Nuclear Information and Resource Service.

5 I'm wondering if NRC can give me some
6 insight. Just briefly on June 2nd, 2006, the Ninth
7 Circuit Federal Appellate Court in California rendered
8 a decision that the environmental reviews that NRC
9 conducts with regard to all -- you know, particularly
10 the license extensions, must consider the
11 environmental consequences of a terrorist attack on a
12 nuclear facility.

13 And I know that one of the contentions
14 that was submitted on November 14th, 2005, by the
15 State of New Jersey addressed exactly this issue under
16 SAMA.

17 So my question is: what is NRC doing
18 right now to reconsider and reevaluate the impact of
19 the Ninth Circuit decision on this proceeding and
20 other proceedings?

21 MR. CAMERON: Thank you, Paul.

22 I'm going to ask Mitzi Young of our Office
23 of General Counsel to speak to that. Mitzi.

24 MS. YOUNG: Thank you, Chip.

25 Good evening, everyone. Paul, I hate to

1 disagree with your interpretation of the Court's
2 ruling, but it did not address license renewal. It
3 addressed the assessment of environmental impacts for
4 an independent spent fuel storage facility at Diablo
5 Canyon. That decision is currently being considered.
6 Whether the government will file an appeal, the time
7 for that has been extended and decisions will be made
8 on that until late August.

9 So the NRC, Department of Justice, the
10 government in general is trying to decide how best to
11 respond to that decision.

12 MR. GUNTER: Not to have a back-and-forth
13 on this, but would you agree that the Ninth Circuit
14 does have impact on NEPA proceedings? The NRC had
15 previously stated that the consequences of an act of
16 terrorism are so remote and speculative that they
17 cannot be raised under a NEPA proceeding.

18 The license renewal process is governed by
19 NEPA. So am I correct in stating that the Ninth
20 Circuit does bear on all NEPA proceedings? At least
21 it raises it as a precedent court decision.

22 MS. YOUNG: As a government attorney I'm
23 certainly not here to advise a member of the public
24 specifically, but, yes, the decision does question
25 whether the exclusion for the independent spent fuel

1 pool installation of analysis of impacts was
2 appropriate in terms of a NEPA statement, and that's
3 the extent of the ruling.

4 What the impact is for all of NRC's
5 program is still being under consideration by the
6 Commission and Department of Justice.

7 MR. CAMERON: Okay, and I guess it's a
8 watch the space to see what the Commission, and as you
9 phrased it, the Government, since the Department of
10 Justice is involved, decides to do with this, and I
11 suppose there's a whole range of possibilities that we
12 don't even want to speculate on, but it could at one
13 end of the spectrum possibly go there.

14 MS. YOUNG: I neglected to mention in
15 terms of New Jersey's concern specifically -- I'm
16 sorry -- in terms of New Jersey's concern
17 specifically, I believe there have been filings in a
18 number of cases before the NRC, including Oyster Creek
19 where the proponents of the case, Mothers for Peace.
20 Their counsel has filed with the Commission
21 specifically a statement saying, "Please consider this
22 as controlling precedent."

23 So that argument has been raised with the
24 Commission and the Commission will have to deal with
25 it.

1 MR. CAMERON: Thank you, Mitzi. Thanks,
2 Paul.

3 Other questions on the process? Yes.

4 MR. WARREN: Yes, actually I have a
5 question. I was wondering does the Environmental
6 Impact Statement that you were reviewing here today
7 cover the spent fuel pool at Oyster Creek.

8 DR. MASNIK: In what fashion? In other
9 words, the document does describe the facility and
10 state that there is a spent fuel pool.

11 MR. WARREN: I guess specifically in the
12 vulnerability of the spent fuel pool to a terrorist
13 incident or in the consequences of our problem with
14 the spent fuel pool per se, a zirconium cladding fire,
15 and the environmental impact that that would cause.

16 DR. MASNIK: No, it does not. The issue
17 of sabotage or terrorism is outside the scope of the
18 license renewal as I had stated during my talk. So
19 it's not covered from the standpoint of terrorism or
20 sabotage.

21 MR. WARREN: Okay. How about an accident
22 that might be caused, say, by a hurricane, such as
23 debris from the building being blown into the spent
24 fuel pool?

25 DR. MASNIK: Again, that is an issue that

1 is an ongoing concern, and it's covered under the
2 current operating license. So those kinds of concerns
3 are a day-to-day concern on the NRC, and it's outside
4 the scope of the license renewal.

5 MR. WARREN: I mean, so it's outside the
6 scope of the Environmental Impact Statement. Is that
7 what you're saying?

8 DR. MASNIK: That's correct, outside the
9 scope of our environmental review for that facility.

10 MR. WARREN: So the Environmental Impact
11 Statement does not include anything to do with --

12 DR. MASNIK: It does not.

13 MR. WARREN: -- possible contamination from
14 an accident from the spent fuel pool?

15 DR. MASNIK: It does not.

16 MR. WARREN: Okay. Another question I had
17 is you had mentioned that in the combination of
18 looking at the alternatives to the plant, you
19 mentioned the combination included oil, gas, coal and
20 combination. Does that mean that wind, solar, tidal
21 and conservation were excluded when you were assessing
22 the alternative to re-licensing the plant?

23 DR. MASNIK: What we did was we looked at
24 the alternatives, alternative power generation from a
25 number of different sources of generation, and we

1 recognized that one of the possible ways of replacing
2 the power would be a combination of alternatives, and
3 that's the one we talked about, a combination.

4 We also looked at solar and some of the
5 other newer technologies as well as alternatives, but
6 we did not consider them in a combination I guess to
7 answer your question.

8 MR. WARREN: Okay. So none of the non-
9 fossil fuel alternatives, none of them were considered
10 in a combination as an alternative to re-licensing the
11 plant is basically what I'm getting here. Am I
12 correct in assuming that?

13 DR. LaGORY: The combination of
14 alternatives that we looked at was a 530 megawatt
15 natural gas plant together with conservation, 40
16 megawatts conservation and 70 megawatts of purchased
17 power. That was the combination of alternatives that
18 we evaluated.

19 We looked at alternate energy sources as
20 single energy sources for full replacement. So we
21 looked at solar, and we looked at wind as a
22 replacement possibility. We did evaluate those
23 alternatives, but they weren't part of the combination
24 suite that we evaluated.

25 MR. WARREN: Is it your intention to look

1 at those in a combination in deciding alternatives to
2 re-licensing this plant?

3 DR. LaGORY: The combination, I mean, we
4 can take that as a comment. Right now our alternative
5 evaluation, we feel, is covering a broad spectrum of
6 the alternatives possible. A combination of
7 alternatives, if you will, where you actually identify
8 a combination of different power sources for
9 replacement could constitute almost an infinite
10 variety of energy sources.

11 We picked one that we thought was most
12 likely to be implementable.

13 MR. WARREN: Okay. I mean other than
14 conservation, it seems that the others that have been
15 picked have the most significant environmental
16 impacts. Obviously solar and wind would have the
17 least environmental impacts.

18 Another question I had --

19 DR. MASNIK: Just to follow up --

20 MR. WARREN: Oh, sure.

21 DR. MASNIK: -- perhaps you have a
22 recommendation of a combination of alternatives that
23 we can --

24 MR. WARREN: I certainly do. I would
25 recommend wind, solar, tidal, and conservation as a

1 specific combination group, excluding all fossil
2 fuels.

3 DR. MASNIK: Okay. All right. Thank you
4 for that comment.

5 MR. WARREN: Does this mean this will be
6 done or it's just a comment?

7 DR. MASNIK: Well, you know, we'll have to
8 go back and --

9 MR. WARREN: Am I wishful thinking here?

10 DR. MASNIK: Well, I think it's not beyond
11 the realm of possibility that we could consider that
12 for you.

13 MR. WARREN: Can I make an official
14 request?

15 DR. MASNIK: Sure, sure. You have.

16 MR. WARREN: Okay. Thank you.

17 DR. MASNIK: An on-the-record comment is
18 a request.

19 MR. WARREN: Thank you.

20 Another question I had was regarding the
21 cooling towers. You had mentioned the use of water
22 from Barnegat Bay which has a very high saline
23 content, salt content. Have alternatives to this type
24 of cooling tower that might include fresh water or
25 brackish water been considered? And if not, why?

1 DR. MASNIK: Actually the water
2 requirements for such a tower would be extremely high
3 and would probably exceed -- well, certainly would
4 exceed the flow of Forked River and Oyster Creek.
5 There's a possibility that you could remove some
6 ground water, but again, the volumes of water even for
7 the closed cycle system are extremely high, and it
8 would be questionable whether or not groundwater
9 supplies would be available.

10 MR. CAMERON: Let me borrow this back and
11 let's do this quickly. Could you just repeat that and
12 tell us who you are?

13 MS. ZIPF: My name is Cindy Zipf, Clean
14 Ocean Action.

15 I just wanted for you to clarify the
16 volume. I do have a question, but you answered his
17 question saying it's a large volume. What is the
18 volume?

19 DR. MASNIK: Off the top of my head I
20 don't know the number. Kirk, do you? Can we look
21 that up in the book? Do we have that?

22 MR. CAMERON: Okay.

23 DR. MASNIK: Give us a second to check the
24 actual number. I don't want to --

25 MR. CAMERON: And could you just introduce

1 yourself to us?

2 MR. WARREN: Certainly. My name is Donald
3 Warren. I'm actually here as a representative of
4 Jersey Shore Nuclear Watch and a resident of Ship
5 Bottom, which is about 11 miles from the plant.

6 Another question I had is if dry cooling
7 has been considered and looked at and evaluated and if
8 not, why.

9 DR. MASNIK: It has not been considered
10 for this facility. What we did was we asked the
11 licensee based on comments that we received here the
12 last time we were here and based on the draft permit
13 for the NPDES permit which talked about cooling
14 towers, to provide us with a proposal.

15 The proposal that the licensee proposed
16 was a linear hybrid mechanical draft towers, and
17 that's what we evaluated.

18 MR. WARREN: Okay. Can I make an official
19 request that dry cooling be assessed as an alternative
20 in the environmental impact to be considered?

21 DR. MASNIK: Yes, you may.

22 MR. WARREN: Okay. Thank you.

23 DR. LaGORY: It's 460,000 gallons per
24 minute.

25 MR. CAMERON: Kirk, before you sit down,

1 could you just tell us what the 460,000 gallons per
2 minute refers to so that people understand this? And
3 when you do it, can you do it at the mic, please?

4 DR. LaGORY: You can find the evaluation
5 and all of these specific numbers on page 8-18.

6 What we're talking about is a water
7 circulation rate of 460,000 gallons per minute. Make-
8 up water would constitute about 14,000 gallons per
9 minute, and that's to make up the water that's lost
10 through evaporation.

11 MR. CAMERON: Okay. We're going to go to
12 Edith and then back here and we'll get to the rest of
13 you possibly, hopefully.

14 MS. GBUR: Hi. My name is Edith Gbur, and
15 I represent Jersey Shore Nuclear Watch.

16 And I have a question, and the question is
17 has the release of low-level radiation from Oyster
18 Creek been considered as a health risk in the
19 Environmental Impact Statement.

20 DR. MASNIK: I missed one of the words,
21 Edith. Has the -- can you repeat it for me again?

22 MR. CAMERON: Has the risk of low-level --
23 the release of low-level radiation from the Oyster
24 Creek facility been considered in the Environmental
25 Impact Statement?

1 Did I get that right, Edith?

2 MS. GBUR: Yes.

3 MR. CAMERON: Okay.

4 DR. MASNIK: Yes, it has. We've looked
5 at, as Kirk had mentioned in his talk, we came to the
6 site and we reviewed the historical record of releases
7 from the facility, and we made a determination that
8 the releases are a very small fraction of those that
9 are essentially allowed by our regulations.

10 The maximum exposure to a member of the
11 public last year based on the results of last year's
12 monitoring would have been .026 millirem. To put that
13 in perspective, most of us get about one to two
14 millirem per year watching TV on a conventional
15 television. So it's a small fraction of the radiation
16 that you would get from watching TV, and that's the
17 calculated dose to the maximally exposed individual.

18 MR. CAMERON: Okay. Thank you, Mike.

19 Yes, sir.

20 MR. NOSTI: Yes. My name is Jack Nosti.
21 I'm the president of the Lacy Township Republican
22 Club.

23 Now, one of the items that you just
24 brought up was of extreme interest to me. Now, if I
25 understood you correctly, you said that the cooling

1 tower requirements of 460 gallons per minute would
2 possibly exceed what was available from the Oyster
3 Creek and Forked River Creek and might have to be
4 subsidized with groundwater.

5 DR. MASNIK: The question I was asked was
6 what is you used fresh water to make up the losses
7 associated with the cooling tower evaporation, as
8 opposed to what was proposed by the licensee, and that
9 is to use Barnegat Bay water to make up the losses
10 associated by the cooling towers.

11 MR. NOSTI: But we're using Barnegat Bay
12 water now.

13 DR. MASNIK: That's correct. That's
14 correct.

15 MR. NOSTI: So this same process is going
16 to take the very same water and --

17 DR. MASNIK: Yes, but considerably less

18 MR. NOSTI: -- and use it, but not recycle
19 it back in. You're just going to take it and
20 evaporate it into the air.

21 DR. MASNIK: Yes.

22 MR. NOSTI: Okay. So you're going to be
23 taking from the same source.

24 DR. MASNIK: That's correct. Well, I
25 mean, that's the proposal that was put before us by

1 the licensee. I believe that was the proposal; that's
2 what the State of New Jersey had in mind when they
3 drafted their draft permit for the NPDES permit.

4 MR. NOSTI: Okay, because obviously if
5 additional groundwater is needed, that would have a
6 great impact on Lacy Township because any future
7 development within our town required us to get a water
8 allocation permit based upon how much groundwater is
9 available. So it's quite obvious to us that the
10 present system that is there now that has been working
11 extremely well in the past would be certainly the one
12 that we would favor the most.

13 We certainly wouldn't want to favor
14 something that might possibly at some time in the
15 future require taking groundwater because that is a
16 commodity that, you know, there's just never enough
17 of. I know we know down in the lower Cape May areas
18 we're getting, you know, salt water coming into the
19 groundwater systems, and we want to leave groundwater
20 alone as much as possible. Let's affect the
21 environment as easily as possible.

22 And I suggest that in the future that
23 possibly a meeting like this could be held without air
24 conditioning so that the people who are most concerned
25 about affecting the environment could appreciate what

1 it's like to get back to nature.

2 MR. CAMERON: Okay. Thank you, sir.

3 And, Mike, just to reemphasize so that
4 there's no misunderstanding, is that the proposal that
5 we looked at is to use the bay water.

6 DR. MASNIK: That's correct, and what
7 happened was I was asked what about using fresh water,
8 and there are really only two sources of fresh water,
9 surface water and groundwater. So --

10 MR. CAMERON: So you're just responding to
11 the question.

12 DR. MASNIK: That's correct.

13 MR. CAMERON: All right. Yes, sir.

14 MR. STROUP: Hi. My name is Ed Stroup.

15 I didn't really come thinking I was going
16 to ask you to take a look at something else. I
17 understand that you considered primarily natural gas
18 and curtailed usage for replacement power, but I heard
19 some people call tonight to look at solar, wind, and
20 things like that more and to study that, and I'd like
21 to ask you if you are going to take a look at those
22 things, I would like to ask you to consider certain
23 other factors.

24 Number one, solar doesn't work well at
25 night, and the wind doesn't always blow. Oyster Creek

1 is a base load plant. It provides power all the time.

2 I'd also like you to consider, if you
3 would be willing to do that, when you look at
4 replacement sources for Oyster Creek that you evaluate
5 the costs associated with that replacement. For
6 example, oil is at an all-time high. Gas and coal can
7 be extremely expensive compared to nuclear, and if
8 people can't afford to use it, then it's not going to
9 be a replacement power.

10 I think we also need to look at the
11 availability and the use of foreign oil and where
12 those prices are at record high and where they're
13 likely to go in the future as you look at this to keep
14 a balance.

15 And I'd just like to ask you if you are
16 going to go back and reconsider it, would you please
17 consider also some of those things.

18 Thank you.

19 DR. MASNIK: Just a quick response. We
20 actually do in our document talk about these
21 alternatives, but what the question was is if we
22 combined a number of these together would the outcome
23 be different than what we did before, and we will look
24 at that combination, but we'll also consider the
25 issues that you brought up as well.

1 MR. CAMERON: Okay. We have time for a
2 couple more questions. Yes, sir.

3 MR. deCAMP: My name is William deCamp,
4 Jr. I'm President of Save Barnegat Bay.

5 We got contributions last year from over
6 1,700 families in the Barnegat Bay watershed.

7 Is your purpose at this moment to
8 entertain questions regarding the scope and nature of
9 this hearing or are you just taking any old question?

10 MR. CAMERON: And this is just to clarify
11 it. As a meeting, "hearing", in NRC parlance means
12 something special, an adjudicatory hearing, but I take
13 it are you bothered by the fact that there are
14 questions that seem outside the scope? I'm trying to
15 figure out how we can best respond to your question.

16 What is your concern?

17 MR. deCAMP: I'm not bothered. I'm trying
18 to ask a question appropriate to the format.

19 MR. CAMERON: Okay. Go ahead.

20 MR. deCAMP: And at one point I thought I
21 heard the gentleman at the front of the room say that
22 he wanted to clarify the scope of the proceedings.

23 But if we're open for all questions, I
24 think people would like to know that also.

25 But anyway, so my question regards the

1 cooling towers, and I believe you found that they
2 would have an impact. Was it a moderate impact?

3 DR. MASNIK: Well, first of all --

4 MR. deCAMP: As an alternative.

5 DR. MASNIK: -- cooling towers is a good
6 question for this forum, and what we do is we don't
7 assign an overall assessment. What we do is we look
8 at a number of different categories or areas, for
9 example, cultural resources, and in one case for the
10 cooling towers or actually in two areas, we said that
11 the impacts could reach moderate levels under certain
12 conditions.

13 MR. deCAMP: So my question is when you
14 say they could reach moderate, is that like moderately
15 adverse? In other words, are you saying that any
16 impact is adverse?

17 DR. MASNIK: No, what we're saying is
18 moderate based on our definition of small, moderate,
19 and large that we provided during the presentation.

20 Can you put that back, the definitions
21 back up? And I think that may make it clear.

22 MR. deCAMP: And while they're looking for
23 that slide, can I ask was this moderate impact was the
24 result of salinity effects on vegetation. We said
25 those impacts would be small.

1 DR. LaGORY: We looked at the deposition
2 rates that we would expect of salt in basically
3 concentric circles around the cooling towers, and we
4 looked at what distance would you see an effect on
5 vegetation, and we found that at about three-quarters
6 of a mile there would not be any detectable effect on
7 vegetation with the calculated salt deposition rate
8 that we were finding based on the throughput of the
9 system.

10 So we considered that a small impact,
11 especially given the fact that we're in a coastal area
12 and most of these plants are tolerant of salt. So
13 about a three-quarter mile ring depending on wind
14 direction.

15 The moderate impact actually resulted from
16 exceedance of the State standard for particulate
17 emissions for a new source. That standard is 30
18 pounds per hour of particulate emission, and the
19 calculated emission rate for the two cooling towers
20 would be 60 pounds per hour.

21 MR. deCAMP: Of what?

22 DR. LaGORY: Of particulate matter, and in
23 this case it's mostly salt, not entirely. It's like
24 70 percent of the drift particles would be salt.

25 MR. deCAMP: So here comes my question.

1 In determining this moderate impact and small impact,
2 are you weighing that against the enormous improvement
3 you would have with entrainment, impingement, and
4 thermal pollution and heat shock?

5 In other words, did you take everything
6 into the balance?

7 DR. LaGORY: Well, we state what we think
8 the impacts would be. We state that we think there
9 would be a reduction in the impacts to aquatic
10 resources, for instance. We state that we're going to
11 be using about 70 percent less water, and you would
12 expect a proportional decrease in impacts to aquatic
13 resources.

14 Remember our conclusion based on the
15 studies that we had available to us was that the
16 impacts of the existing once through system would be
17 small, that the studies that have been conducted have
18 not shown an effect of Oyster Creek on the Barnegat
19 Bay system.

20 There are large numbers of organisms that
21 are pulled through the system, both entrainment and
22 impingement, but there's no indication that those are
23 actually causing effects on populations within the
24 bay.

25 There have been some very specific studies

1 examining that effect.

2 MR. CAMERON: I think that what this
3 gentleman's concern is is how does the NRC look at all
4 of the impacts identified. How are those balanced in
5 terms of using the Environmental Impact Statement in
6 NRC decision making. I think that's the question.

7 MR. deCAMP: That is my question. Why do
8 you only rate as small or moderate those impacts on
9 one side of the equation and then just not even count
10 in your rating of small or moderate or large the
11 positive impacts? That would be my question.

12 MR. CAMERON: And I'm going to let them
13 answer and then I'm going to try to get two other
14 people.

15 MR. deCAMP: I have others.

16 MR. CAMERON: Well, you can during the
17 comment period, but we need to get to that so that we
18 can make sure we get everybody on here.

19 MR. deCAMP: But I have another question
20 about the scope of the hearing.

21 MR. CAMERON: Okay. We need to address
22 these quickly.

23 DR. MASNIK: All right. Let me quickly
24 address your question here, and that is that obviously
25 in these sorts of quantitative assessments where we're

1 looking at a number of different categories and a
2 number of different options, it's often difficult to
3 come up with a scheme that will satisfy everybody.

4 Now, the National Council on Environmental
5 Quality said that this is an acceptable way of
6 comparing alternatives, and based on our assessment,
7 we've come out with the conclusion that the impacts
8 associated with impingement, entrainment, and heat
9 shock of the current system is small for the organisms
10 in the Barnegat Bay, and we've come out with a
11 moderate impact associated with the salt releases.

12 MR. deCAMP: If I could just be permitted
13 to speak because I know we don't have all night, I'm
14 not going to argue with you. I'd just like to go on
15 record as expressing my opinion that it is totally
16 preposterous with all that is known about impingement,
17 entrainment, and thermal pollution to say that it is
18 minimal impact or negligible. It is just absurd.

19 But anyway, I have another question, and
20 that is is it not the case that if Oyster Creek runs
21 for 20 more years that they will have to build another
22 facility to store high level nuclear waste?

23 MR. CAMERON: Okay. Thank you.

24 MR. deCAMP: But it's the scope of the
25 hearing.

1 MR. CAMERON: Well, you asked the
2 question, and we're going to give you an answer.

3 MR. deCAMP: And can I follow up?

4 MR. CAMERON: We really have to --

5 MR. deCAMP: I would be finished by now if
6 you weren't just --

7 MR. CAMERON: We really have to give other
8 people a chance to ask questions.

9 DR. MASNIK: We certainly can speak to you
10 after the meeting, too.

11 MR. CAMERON: And we will talk to you
12 after the meeting, okay?

13 MR. deCAMP: Right, after the meeting.

14 MR. CAMERON: That's right.

15 DR. MASNIK: To answer your question, yes,
16 there would be additional spent fuel generated based
17 on 20 additional years of operation, and that fuel
18 would be stored on site until a high level waste
19 repository is made available

20 MR. deCAMP: Okay. So if you are going to
21 store it on site --

22 MR. CAMERON: We really need to get you on
23 the record. We're going to go to this gentleman and
24 this gentleman and we will try to answer all of your
25 questions after the meeting because we have to get to

1 people who want to make comments. That's what we need
2 to do.

3 Yes, sir.

4 MR. WEINMANN: Hi. My name is Roberto
5 Weinmann. I have a house in Forked River.

6 And I presented at the last meeting when
7 the question about whether there was an impact
8 analysis of the reverse flow of the Forked River on
9 the erosion, on the wildlife section that is on the
10 bay and on the deposit of sediments all over the
11 Forked River where there are private residences that
12 don't have access to the river readily.

13 Because of the river's flow, the sediments
14 are accumulating. And I don't know, there must be
15 aerial photographs to show where there has been
16 coastal erosions and regions that are not protected by
17 these barriers that we put where we have residences.

18 DR. MASNIK: Yes, Roberto, I remember your
19 comment, and in fact, we had our hydrologist look at
20 it, and if you look in [Section] 4.7 of our document,
21 we address that concern.

22 What we did was we went back and looked at
23 our Generic Environmental Impact Statement that we did
24 in 1996, and in fact, we used the example of Oyster
25 Creek as an example to say that we recognize that

1 operation of facilities, particularly in coastal areas
2 and certainly once through plants, could result in
3 some movement of sediment, but that these effects are
4 localized and occur close to the plant.

5 The decision was made at that time that
6 this was considered a small impact. I recognize
7 that's not much help to you because you, in fact, are
8 the owner of a home and a boat that has difficulty
9 getting out into the bay.

10 We did state in there that there perhaps
11 is something you can do in talking with the licensee
12 over this issue, but we recognize it and we realize
13 that this is an occurrence that will happen.

14 MR. CAMERON: Okay. Thank you.

15 Yes.

16 MR. DILLINGHAM: My name is Tim
17 Dillingham. I'm with the American Littoral Society.
18 It's a conservation organization.

19 I have a question, I guess, about the
20 science on which you base the EIS. It's actually, I
21 guess, a question of clarification. The way I read
22 it, you went back and evaluated the studies that have
23 been done as part of the GEIS and other earlier work,
24 and the latest date I can find it is somewhere around
25 1986. Is that accurate that that's the information on

1 which this work has been developed primarily?

2 DR. MASNIK: I think you may have it a
3 little bit inaccurately in your description in that
4 what we did was we did go back. First of all, I
5 believe your concern is on the aquatic issues; is that
6 correct?

7 MR. DILLINGHAM: Primarily.

8 DR. MASNIK: What we did was we did go
9 back and look at the data that was developed back in
10 the '70s and the early '80s. We also examined the
11 record to see if there were any more recent data, and
12 certainly the majority of the sampling was done back
13 in the '70s and '80s when the licensee was in the
14 process of getting their 316(a) and 316(b)
15 demonstration studies together.

16 There has been some data that was
17 collected since that time, not a whole lot, but some
18 data.

19 In addition, the licensee, in response to
20 the EPA's Phase II regulations, has begun a study at
21 the plant that began, I guess, last September or
22 October to look at impingement, entrainment losses
23 associated with the plant.

24 That data is not published, but we are
25 aware of it, and we have discussed with the licensee

1 and their contractor what the general findings of that
2 study has been to date.

3 Based on that information and primarily a
4 study commissioned by the State, the VERSAR study that
5 was done back in the '80s, we came to the conclusion
6 that the impingement [and] entrainment losses
7 represented a small impact event.

8 MR. DILLINGHAM: Okay. So basically the
9 information in which you reached the conclusions that
10 the impacts were small is based on field data or
11 information that is at least 20 years old.

12 DR. MASNIK: Some of it, yes, yes, but not
13 entirely.

14 MR. DILLINGHAM: And there's a comment in
15 I guess it's the record from the scoping hearing. It
16 looks like a comment submitted by the U.S. Fish and
17 Wildlife Service, which asserts that that information
18 is not adequate to make a judgment about cumulative or
19 longer term impacts, and the NRC's response is sort of
20 that, "Well, we think it is sufficient".

21 If you could just give me some more
22 insight as to how you reached that idea that 20-year-
23 old data is sufficient, given all of the changes that
24 have happened in this bay and in the watersheds around
25 it in that time period.

1 DR. MASNIK: I guess my response would be
2 the same as what I just said. We looked at the data
3 back then. We looked at the very limited amount of
4 data that has been collected since then. We haven't
5 discovered anything that shows any dramatic changes in
6 the losses in the bay.

7 In looking at the data or at least in our
8 discussions with the data that has been collected at
9 the plant, the losses associated with impingement and
10 entrainment are similar to what was experienced back
11 in the '80s. So the expectation is that if
12 populations had dramatically increased or decreased in
13 certain species, those kinds of changes would
14 essentially show up at the plant just like any
15 sampling device would demonstrate it.

16 So we don't see that.

17 MR. CAMERON: Okay. Thank you all for
18 those questions. I'm sorry that we don't have time
19 right now to go to any more questions on this part of
20 the meeting because we do need to hear from all of you
21 who want to speak.

22 As I said, the staff will be here after
23 the formal part of the meeting closes for as long as
24 you want to stay to talk and try to answer any of your
25 questions, but we're going to go to our first speaker

1 at this point, and that's going to be David Most, who
2 I believe is a Lacy Township Committeeman.

3 David. And if you could come down here
4 for us.

5 And next we'll got to Paul Gunter and then
6 Don Warren, to give you an idea of who's going to be
7 up next, and this is David Most.

8 MR. MOST: Thanks.

9 How's everybody doing this evening? It's
10 nice to see everybody come out and have some dialogue
11 here. I want to thank the NRC for having this
12 meeting.

13 And I just want to thank the NRC, too, for
14 taking into consideration the different factors for
15 alternate power sources because we all recognize who
16 work in the industry that Oyster Creek is a base load
17 plant.

18 So I do favor renewable energies, but I
19 think we need to keep them in the perspective that
20 they belong in as that they are a complement to a base
21 load plant.

22 As far as looking at alternative sources,
23 I think the age we're living in is very interesting to
24 see these changes that we see in our environment in
25 the last five years that I recognized as far as global

1 warming, the quality of our air and the need to lessen
2 our dependency on foreign oil.

3 We live in a dynamic society where our
4 environment is changing constantly. Our population is
5 increasing. Our cars, the amount of vehicles we have
6 on the road in New Jersey is five million cars. The
7 fellow that was talking about conservation, we have
8 luxury military vehicles that are on the road, the
9 Humvee. I mean, does that make sense to you? It
10 doesn't make sense to me.

11 But when you talk about conservation,
12 people have all different kinds of ideas about
13 conservation, and the reality is you have your idea of
14 conservation and the fellow that owns the Humvee has
15 his idea of conservation, as far as his idea.

16 Also, I recognize as a committee person,
17 it's very encouraging to see that I have actually
18 residents coming out and asking why aren't we building
19 a standardized reactor behind Oyster Creek, and it's
20 really amazing the heightened level. They are
21 becoming more educated as far as nuclear is concerned.

22 And what I wanted to talk about is we
23 always end up returning to what are we going to do
24 with the spent fuel, and I see the different
25 alternatives that are out there right now, and again,

1 it is encouraging to see that we're working with other
2 countries. We're looking to recycle fuel possibly.
3 We're looking to start up reactors that actually
4 produce hydrogen, maybe to supply the gas, to supply
5 cars for hydrogen fuel cells. I mean, wouldn't that
6 be a great thing?

7 So all I'm saying is technology moves
8 forward. Look at where we've come in the last 50
9 years, and I have to tell you I lived in Forked River
10 most of my life, and I live three miles -- I was
11 raised across the farm on the east side in the
12 development, and Oyster Creek come on line in '69.
13 I've worked there for 25 years, and as a worker and
14 supervisor at the plant, we all believe as far as
15 minimizing the impact we have to our environment.

16 But I have to tell you from '69 to date
17 and moving forward, I truly believe that we have had
18 a minimal effect on the environment. Now, if you want
19 to compare that to a coal plant that we had there, I
20 watched a little clip on HBO Sports with Bryant Gumbel
21 and he was interviewing certain people in different
22 towns that house these coal plants, and the companies
23 were actually buying up some of the towns and
24 destroying their homes because the people couldn't
25 live in the towns anymore. The kids in the park

1 couldn't play in the parks anymore because of all of
2 the respiratory diseases.

3 So I do think it is a very important thing
4 to look at the balance because if you do deny the
5 Oyster Creek re-license, we have to look towards the
6 future and look at the impact of what that's going to
7 have in our environment.

8 But I truly agree with the NRC's
9 assessment, and I definitely believe that Oyster Creek
10 is worthy of re-license.

11 Thank you for your time.

12 (Applause.)

13 MR. CAMERON: Okay. Thank you.

14 And we're going to go to Paul Gunter now.
15 Paul.

16 MR. GUNTER: Thank you.

17 My name is Paul Gunter. I'm Director of
18 the Reactor Watchdog Project with Nuclear Information
19 and Resource Service in Takoma Park, Maryland.

20 We were the principal author of the
21 contention on the drywell corrosion at Oyster Creek,
22 and we've been joined by New Jersey Coalition and
23 Rutgers Environmental Law Clinic in a license
24 challenge, and tonight we're here to talk about the
25 Environmental Impact Statement.

1 Let me start by saying that NRC should
2 suspend all licensing proceedings under the National
3 Environmental Protection Act -- Policy Act and its
4 governance. We make this request in light of the
5 Ninth Circuit Court of Appeals decision on June 2nd,
6 which considered how NRC was handling the question of
7 environmental consequences from a successful terrorist
8 attack by a nuclear facility by providing a public
9 hearing and an environmental review under and as
10 required by NEPA.

11 NRC has repeatedly ordered that the
12 environmental consequences of a terrorist attack on
13 any nuclear facility is beyond the scope of these
14 proceedings because they say that it's so speculative
15 and remote that it cannot be considered in a site-
16 specific proceeding.

17 Well, the Federal Court found that NRC's
18 denial of the public hearing on such security
19 contentions to be unreasonable. In fact, it is our
20 concern that NRC has failed to recognize and uphold
21 its obligations to provide the public with a
22 democratic hearing process as governed by law under
23 NEPA, specifically with regard to our homeland
24 security.

25 And this is a very serious charge, and I'm

1 sure that the NRC itself is not united and unanimous
2 on the decision to withhold these public hearings from
3 the public on particularly the issue that is so close
4 to ground zero as Oyster Creek is to where we stand
5 today.

6 As such, now, this Environmental Impact
7 Statement is fatally flawed by missing the analysis of
8 the environmental consequence of terrorist attack on
9 Oyster Creek.

10 I'd like to take one more point up. I
11 know I'm running out of time, but NRC has failed to
12 fully implement the Endangered Species Act. NRC we
13 saw tonight has stated that the Draft Supplemental
14 Environmental Impact Statement on 20-year additional
15 extension of Oyster Creek and its once through cooling
16 system is small in environmental consequence.

17 Oyster Creek nuclear power station draws
18 in more than 1.5 billion gallons of water per day to
19 cool the nuclear reactor, and that superheated water
20 is discharged to Barnegat Bay. In fact, it is well
21 documented that Oyster Creek and its once-through
22 cooling system is a large marine predator where it is
23 capturing not only biota, life-supporting biota of the
24 marine environment, but it's also all [on?] the way to
25 the capture and killing of endangered sea turtles

1 first reported in 1992.

2 In fact, the heated discharge is
3 attracting sea turtles into Barnegat Bay and into the
4 reactor cooling intake system, and there they are
5 entrapped, these rare animals, on debris screens where
6 they are being injured and are routinely suffocated
7 under water when not promptly rescued and
8 resuscitated.

9 In 2004, Oyster Creek captured eight of
10 the world's most endangered species of sea turtles,
11 the Kemp's ridley. Three of these rare turtles were
12 recovered dead. The other five were recovered alive.
13 The captures, all within several months of each other,
14 were also a record breaker for the nuclear power
15 station and in violation of Oyster Creek's incidental
16 take statement, which is required under the Endangered
17 Species Act.

18 The reactor's previous limit was set in
19 2001 by a Biological Opinion established by the
20 National Marine Fisheries Service to permit no more
21 than five live captures and three lethal takes of this
22 species. Even this limit was raised from the original
23 1995 Biological Opinion which had set the limit for a
24 single Kemp's ridley.

25 Now, this is just the Kemp's that we're

1 talking about, but on September 22nd, 2005, after
2 consultation with NRC, the National Marine Fisheries
3 Service again raise Oyster Creek's incidental take
4 statement to now a total take of eight Kemp's ridley,
5 four lethal captures on the water intake screens.

6 Since Oyster Creek first started operating
7 and reporting, we've noticed that there's a pattern of
8 the operator, the Nuclear Regulatory Commission, and
9 the Marine Fisheries Service all working together to
10 revise the incidental take statements consistently
11 upward.

12 NIRS contends that this trend is not based
13 on best available scientific data as required by
14 Section 7 of the Endangered Species Act, but instead
15 rather reflects the capitulation of the NRC and the
16 National Marine Fisheries Service to the nuclear
17 industry agenda.

18 NMFS has a practice of revising the ITS
19 upwards in response to requests by NRC without
20 conducting a serious scrutiny of the total amount of
21 such taking and how it may affect sea turtle
22 populations as broadly defined by the Endangered
23 Species Act to include killing, injuring and
24 harassing, which is inconsistent with the overall
25 ability of the species to survive and recover.

1 Both NRC and NMFS have employed an overly
2 narrow definition of taking in issuing these
3 incidental take statements by focusing almost
4 exclusively on the numbers of turtles that are killed
5 by the once-through cooling system and disregarding to
6 the extent which the animals are being harassed as
7 defined in the Endangered Species Acts to encompass,
8 quote, "...any additional and negligent act or
9 omission which creates the likelihood of injury to
10 wildlife by annoying it to such an extent as to
11 significantly disrupt normal behavior patterns, which
12 include, but are limited to breeding, feeding or
13 sheltering." And that's in the Code of Federal
14 Regulation.

15 This would include attracting the
16 endangered sea turtles away from less hazardous areas
17 where the animals would otherwise engage in normal
18 feeding and sheltering, but this appear to have been
19 inadequately addressed in either the Biological
20 Opinion or this Environmental Impact Statement.

21 Let me just close by saying that Section
22 A(1) of the Endangered Species Act provides that all
23 Federal agencies, quote, "...shall in consultation with
24 and the assistance of the National Marine Fisheries
25 Service or the FWS utilize their authorities in

1 furtherance of any purpose of this chapter by carrying
2 out programs for the conservation of endangered
3 species and threatened species."

4 NIRS calls into question that NRC has
5 complied with this obligation to protect endangered
6 species, particularly sea turtles with this submission
7 of the EIS, especially since there is an available
8 reasonable alternative that would demonstrably reduce
9 the documented adverse effects of power plant
10 operations on endangered species, basically going to
11 the dry cooling system.

12 To the contrary, NRC has consistently
13 chosen to protect Oyster Creek from adopting a
14 nondestructive cooling system by accommodating the
15 continued destructive operation of the current once
16 through cooling system with a license to kill more
17 Federally protected endangered species. As such,
18 given the operation of Oyster Creek once through
19 cooling system would continue to attract sea turtles
20 and kill and injure and harass endangered species over
21 the license extension period. NIRS contends that NRC
22 is not utilizing its authorities in furtherance of the
23 conservation purposes of the Endangered Species Act.

24 MR. CAMERON: Thank you, Paul.

25 (Applause.)

1 MR. CAMERON: We're going to next hear
2 from Don Warren and then Edith Gbur and then we're
3 going to go to Ed Stroup and John Rayment, and we will
4 get to you, Mr. Schilling.

5 This is Don Warren.

6 MR. WARREN: Thank you.

7 Hi. My name is Donald Warren. I am a
8 member of Jersey Shore Nuclear Watch. I am also a
9 resident of Long Beach Island. Actually I live in
10 Ship Bottom, which is only about 11 miles from the
11 plant.

12 I am also very significantly a healthcare
13 provider in this community, which means that I am
14 directly involved in the care of people who can suffer
15 consequences of environmental impacts from any
16 accident and release of radiation that can happen at
17 this plant.

18 I'm here because of my concern that this
19 plant may be re-licensed and continue to operate for
20 another 20 years, and especially because of what I
21 feel is a tremendously biased and inadequate
22 environmental impact statement that's being proposed
23 by the NRC here.

24 The NRC should be protecting us, not
25 serving Exelon and Oyster Creek. When they are

1 analyzing data for their environmental impact
2 statement, it should not be the data that's provided
3 by Oyster Creek. For a best-case scenario, my case in
4 point being the cooling towers, they stated that
5 Oyster Creek had given them the cooling tower that
6 they wanted, and they have not analyzed a dry cooling
7 tower which would not require water to be taken from
8 the environment, which I think is extremely
9 significant.

10 They also mentioned earlier that they did
11 not include as alternatives a combination of non-
12 fossil fuels, very specifically tidal, wind, solar,
13 which could be included with conservation which would
14 have a dramatically different effect on their
15 conclusions.

16 I also have a tremendous loss of feelings
17 of credibility with the NRC that relate to actually
18 coming to one of these first meetings less than a year
19 ago. At that meeting I held up a picture of the
20 reactor at Davis-Besse, which I don't know how many of
21 you can see, but it's extremely rusted and corroded.
22 The NRC was in possession of this picture, as well as
23 the operators of the plant, and yet the NRC continued
24 to allow this to operate to the point where they had
25 a corrosion hole that was the size of a football.

1 This was in the top of the reactor. Had this gone all
2 the way through, this reactor would have gone
3 critical, and they would have had a major core
4 meltdown.

5 They assured me that they had paid a lot
6 of attention to that and were looking extremely
7 closely at this plant and would not allow something
8 like this to occur again. However, I am also part of
9 the organization Jersey Shore Nuclear Watch, which
10 part of this coalition that's looking at the severe
11 corrosion in a drywell liner.

12 For months and months and months we asked
13 to look at ultrasonic test data of this drywell liner
14 from 1996. It was not given to us. We were told it
15 was proprietary information.

16 It has since come out through this public
17 meetings and through legal actions, and the conclusion
18 is that this data shows that the drywell has actually
19 grown thicker. In some miraculous feat of God defying
20 the physics that we know, the metal has actually
21 gotten thicker, and this is well beyond the margins of
22 error that could be shown in the testing, which leads
23 us to believe that obviously this data was seriously
24 flawed.

25 The NRC did not seem to notice this for

1 over ten years because this data was done in 1996 and
2 they were in possession of this since 1996. So we
3 have serious reservations that they are really
4 protecting us, which is what they are supposed to be
5 doing. They are not supposed to be trying to keep
6 this plant open no matter what.

7 Getting more specific onto the
8 environmental problems I have here, I specifically
9 asked a question about whether the spent fuel pool was
10 included in the Environmental Impact Statement because
11 this spent fuel pool is covered only by a steel
12 building. There is no concrete covering of this.

13 If you all have seen the pictures from the
14 areas in Louisiana and Alabama post-Katrina, all of
15 those same type of buildings that were warehouses
16 virtually disappeared in the hurricane. They were
17 blown down.

18 I have tremendous concern about this
19 because should any of this debris fall into the spent
20 fuel pool, it can dislodge the racks of fuel rods that
21 are in there. These fuel rods must be kept at certain
22 spacing so that they maintain temperatures because if
23 those temperatures are exceeded, they are encoated
24 with something called zirconium, and this can burn.
25 Very frequently the NRC and people from Oyster Creek

1 will tell you that a Chernobyl cannot happen here.
2 Well, a zirconium fire in the spent fuel pool is the
3 same -- I shouldn't say "the same" -- is extremely
4 similar to a fuel fire that happened to Chernobyl.
5 The only difference is the consequences would be far
6 more devastating because of the massive amounts of
7 quantity of spent fuel that are in there.

8 Chernobyl was only two years old. There
9 wasn't nearly as much radioactive material and Curies
10 at that plant.

11 I am extremely concerned because in the
12 past month and a half three small aircraft have
13 dropped out of the sky and landed within 20 miles of
14 Oyster Creek. One of them I know for a fact landed
15 about 11 miles away on Route 72 because it landed
16 about a mile away from my house.

17 There were also two banner planes that
18 have just gone down recently within a 20-mile region.
19 So there has been some concern about a terrorist
20 attack. God forbid that this should happen on the
21 spent fuel pool, but it would seem from past history
22 we don't even need that. We have planes falling out
23 of the sky here that easily any one of them could have
24 landed on this plant, had we not had some divine
25 intervention looking out for us.

1 That's my opinion, and obviously the NRC
2 and Oyster Creek are not.

3 Another problem that I have is with the
4 cooling towers. As I through up before, they are only
5 using in this study the cooling towers which is
6 personally I feel is a worst case cooling tower for
7 the plant because of the large quantities of water
8 that would still be required to be pulled out of
9 Barnegat Bay.

10 There are other types of systems. There
11 are systems that are dry that would not require any
12 water to be taken out, and when these are included in
13 an Environmental Impact Statement, they cooling towers
14 would not be moderate. In fact, they would probably
15 not even be small. They would probably be as small as
16 they could possibly be.

17 The effects of the tremendous amounts of
18 water, and I'm not going to keep continuing here
19 because obviously Mr. Gunter really covered this very
20 well, but the effects of the tremendous quantity of
21 water that is being pulled out of Barnegat Bay is
22 devastating. The amount of aquatic life that is being
23 pulled in there is horrendous.

24 The fact that they are basing this on
25 information from 1978 and not current levels, I

1 personally am aware of the oyster beds that have
2 seemed to have disappeared from Barnegat Bay. I am
3 also aware of the declining blowfish numbers in Oyster
4 Creek. I am also aware of the very recent studies
5 that have been done and work that has been done out of
6 Rutgers on actually the environmental quality of the
7 bay and the degradation that's happened to the bay.

8 And I think that this is the data that we
9 really should be looking at, current studies, and if
10 the NRC is planning on relicensing this plant for 20
11 years, then they need to go out in the bay and they
12 need to look at the bay and they need to have real
13 data, current data so that they really know exactly
14 what kind of an environmental impact Oyster Creek has
15 had on the bay and the be making a realistic
16 environmental impact statement, not making assumptions
17 from 1978. This is not good science.

18 Thank you very much.

19 (Applause.)

20 MR. CAMERON: Okay. Thank you, Don.

21 We're going to go to Edith Gbur and then
22 Ed Stroup and then Edward Schilling.

23 Edith, would you like to come up here?

24 Thank you. No, there's no mic on there. So why don't
25 you come up to the front for us? And we'll probably

1 have to adjust this for Edith. It's right over here.
2 All right, good, and he'll adjust that down for you.

3 MS. GBUR: Hi. I'm concerned about low-
4 level radiation. The NRC just reported before in
5 response to my question about the Environmental Impact
6 Statement about what that showed in the release of
7 emissions from Oyster Creek, and the answer is that it
8 was something like zero, zero, zero, zero, zero, nine,
9 four-tenths or four-whatever, and I suspect I am very
10 suspect about that data, and I believe there's a
11 possibility that the data might be flawed.

12 About three years ago Oyster Creek had
13 emitted the highest amount of radioactivity, including
14 Strontium 90, among all the nuclear plants. What
15 happened between three years ago and last year?

16 Number two, much of the data is obtained
17 by the stacks. The stacks is monitored by Oyster
18 Creek. In Illinois, the nuclear plants are monitored
19 by independent sources and for good reason, because
20 it's easy to change the data.

21 There's an epidemic of autism and cancer,
22 and that has been linked to nuclear emissions. The
23 National Academy of Sciences recently stated that no
24 amount of radiation is safe. We would like to
25 recommend that an independent study of radiation from

1 Oyster Creek be undertaken as part of the
2 Environmental Impact Statement.

3 Thank you.

4 MR. CAMERON: Okay. Thank you. Thank
5 you, Edith.

6 (Applause.)

7 MR. CAMERON: Ed and then we'll go to
8 Edward Schilling.

9 MR. STROUP: Good evening. Good evening.
10 My name is Ed Stroup, and I'm President of Local Union
11 1289, which represents 230 bargaining unit members at
12 Oyster Creek.

13 I have to tell you I'm tired of the
14 untruths, innuendos and inflammatory statements made
15 by some participants in this process. The truth and
16 the facts are ultimately important here.

17 With that in mind, I testified earlier
18 today. I'd like to make a correction to my earlier
19 testimony. Minor as it is, I stated that the
20 artificial reef that Oyster Creek installed was in the
21 bay. That's incorrect. It's in the ocean, and I'll
22 speak a little more about that later.

23 Nearly 100 years ago the IBEW was
24 originally formed because 50 percent of the workers in
25 the electrical industry were killed at work. The IBEW

1 has a long history of safety and providing safety for
2 our members and the public, and that continues today.

3 Our members are highly skilled and highly
4 trained, as is everyone at Oyster Creek; union,
5 management, and security. Each is a skilled
6 professional in their field. I can assure you they
7 all take their responsibility seriously and work hard
8 to insure the safety of the public and the environment
9 all day every day.

10 It's my belief that one of the great
11 injustices in this whole relicensing process is that
12 these dedicated professionals, along with the NRC and
13 the State Police are treated with contempt and
14 referred to basically as incompetent by some of those
15 who would like to see Oyster Creek and all nuclear
16 plants closed. I'd like to take this opportunity to
17 thank the NRC and the State Police for their hard work
18 and professionalism that they exhibit every day.

19 Our members live and work in the local
20 community. Their families live close to the plant,
21 and their children go to school here. Our lives and
22 those of our children and families, as well as the
23 public we serve, would be affected by any problem at
24 the plant. We would never compromise our principles
25 for the safety of the plant or the public.

1 Oyster Creek produces enough energy to
2 power 600,000 homes and adds \$52 million a year to the
3 local economy. We contributed \$202,000 last year to
4 the United Way and over half a million dollars to the
5 United States over the last three years.

6 We contributed \$80,000 last year to the
7 DEP Fish and Wildlife Department and \$5,000 to the
8 Audubon Society to help clean waterfowl affected by
9 the Delaware River oil spill.

10 As I said before, Oyster Creek sponsored
11 and installed an artificial reef in the ocean working
12 with the DEP, 3.1 miles out. That's a good thing, but
13 I heard some people earlier today purported to be
14 environmentalists dismissing that as not important.

15 I disagree with that. At the same time
16 Oyster Creek was undertaking these environmental
17 friendly projects, Oyster Creek produced zero carbon
18 emissions and avoided 7.5 million metric tons of
19 carbon dioxide that replacement power would have
20 produced. Oyster Creek avoids carbon emissions equal
21 to more than two million cars per year, or to put it
22 differently, an amount equal to half of all the motor
23 vehicles in New Jersey.

24 At Oyster Creek we work hard to protect
25 the environment, including Barnegat Bay. On a day-to-

1 day, hour-to-hour basis, we monitor water temperatures
2 and regularly take water samples to insure safety. We
3 coordinate any plant load reductions or shutdowns to
4 avoid any risk to marine life. This is a costly
5 practice, but it's essential for us to meet our
6 commitment to the environment.

7 I can assure you our members, as well as
8 management and security, are all highly trained,
9 highly skilled professionals who take their
10 responsibility seriously. Their first priority is to
11 protect the public and the environment. They insure
12 that Oyster Creek is a safe, clean, reliable,
13 environmentally friendly plant, all day every day.

14 For all of these reasons and others, I
15 urge you to relicense Oyster Creek.

16 Thank you very much.

17 (Applause.)

18 MR. CAMERON: Thank you, Ed.

19 We're going to go to Edward Schilling and
20 then next to David Sims and then to Jennifer Nelson,
21 and this is Edward Schilling coming up to talk to us.

22 MR. SCHILLING: I'm very happy that we who
23 live in Ocean County have a fine power source such as
24 the Oyster Creek Generating Station. However, I do
25 have a little concern because of an article that I

1 happened to read in the Wall Street Journal. That was
2 on April 9th in 2002 in an article entitled "Nuclear
3 War."

4 As reported in the Journal on that date,
5 Tuesday, April 9th, 2002, the Brookhaven National
6 Laboratory located on Long Island estimated that a
7 fire in a nuclear fuel storage pool could release
8 enough radiation to render 188 square miles
9 uninhabitable.

10 In addition, this scientific research
11 center estimated that, in quotes, tens of thousands of
12 cancer fatalities and financial losses of \$50 billion
13 would result in such an accident.

14 This, of course, is a worst-case scenario,
15 but we are at war, and we do have a very, very mean,
16 nasty enemy, and at any one time they could approach
17 that plant from three or four directions and what
18 would happen?

19 As has been stated by some of the previous
20 speakers, there would be almost cataclysmic results,
21 and I just wonder what can be done.

22 I myself think that because of the current
23 research and ongoing research into the uses of coal as
24 a source of power, of which the United States has a
25 proven reserve of over 300 years, we could substitute

1 that for the fuel used at Oyster Creek and we would be
2 free of that worry of a nuclear catastrophe.

3 I don't know what the answer is, but I do
4 know that these results that I mentioned, these
5 statistics were not pulled off a tree, that they have
6 been the result of research, and I hold out this
7 information for the benefit of all the concerned NRC
8 scientists who are present who have certainly gone to
9 great lengths in expressing the way it should be and
10 what can be, but let's not forget that we are at war
11 even though we don't have an enemy right now at our
12 shores, at our gates.

13 Thank you very much, ladies and gentlemen.
14 Thank you.

15 (Applause.)

16 MR. CAMERON: Thank you, Edward.

17 David Sims.

18 MR. SIMS: Good evening. I'm Dave Sims,
19 and my company is Ecological Systems, and I install
20 solar and wind electric generators.

21 First of all, I want to mention to the guy
22 from the Electrical Workers I don't think anybody has
23 insinuated your people are anything but as competent
24 as any technicians on the face of the earth.

25 And as far as the NRC, I'm certain they're

1 doing the very best they can to square away to the
2 issues in a fair manner.

3 I think the real problem is that there
4 actually is a thing that happened over in Chernobyl
5 that's very real. Okay. Accidents happen, weird
6 things happen. Technologies advance. I think the
7 gentleman who talked about coal being a viable source
8 made an excellent point. There are better scrubbers
9 available now, and that's a technology that has much
10 room for improvement.

11 There are ways to deal with the fumes from
12 coal in a way where there's absolutely no potential of
13 completely destroying the entire economy of the
14 country, and what happened in Chernobyl pretty much
15 destroyed the Soviet Union. You can pretend you're
16 blind to that or ignore it in any way you want, but it
17 is simply ridiculous. Okay? A very real thing
18 happened over there.

19 Anybody who thinks that a nuclear plant is
20 100 percent safe is simply joking with themselves.
21 They're not 100 percent safe. They're darn near 100
22 percent safe, and worst-case scenarios are certainly
23 worst-case scenarios, and we don't want to be
24 doomsdayers (phonetic) and stuff and say the end of
25 the world is coming, but a friend of my was saying

1 just the other day, "The juice just ain't worth the
2 squeeze." Okay?

3 You're squeezing like heck to try and get
4 some one percent of extra grid power out there. Well,
5 we're doing solar and wind projects every day of the
6 week. We're doing energy conservation projects. If
7 nuclear had anything resembling the obstacles that a
8 wind project has, you could never get a nuclear plant
9 in. Okay?

10 We have to go through incredible
11 bureaucratic hassles to get a permit. I know because
12 I put in a significant portion of the wind generators
13 on shore in the last five years. It's very, very
14 difficult to get a permit to put in a wind generator
15 at your house.

16 The obstacles that the NRC is faced with
17 are nothing compared to that, and the potential
18 hassles and problems associated with nuclear plants
19 are magnitudes larger than what's associated with
20 wind. Between zoning and everything else, it's not
21 that easy to get a wind project in.

22 You know, I've heard Congressmen and
23 everybody else say, "And wind is going to do the
24 trick." Well, it's not because you can't even get a
25 permit. Okay?

1 That's going to change and maybe it will
2 change within the next five years, but what about
3 maybe licensing this plant for five years, not 20,
4 because evolution is actually occurring in this world?
5 I don't think 20 is a good number of years. It's a
6 long time, and I think that coal is a lot safer.

7 And I certainly appreciate the electrical
8 union wanting to keep their people working. I know
9 that's your job, but there's better stuff to do than
10 work at a nuclear plant. I mean, this Strontium-90
11 stuff is simply not a fantasy. It's real. Leukemia,
12 cancer, that's the plague of the 20th Century. You
13 want to make sure that people get a whole bunch of
14 that? Well, keep saying the stuff you're saying. You
15 get to say it. You've got the right. I think it's
16 wrong.

17 Thank you.

18 (Applause.)

19 MR. CAMERON: Thank you, Dave.

20 Jennifree (phonetic)? Is Jennifree still
21 here, Jennifree Nelson? Here she is.

22 MS. NELSON: Good evening, everyone. My
23 name is Jennifer Nelson. I'm an engineer at Oyster
24 Creek and a resident of Jackson Township.

25 I just want to talk to you for a few

1 minutes tonight about what I do and the things that I
2 keep in mind as I go about my duties every day.

3 My first concern and the concern of
4 everyone at the plant is to protect the public. At
5 Oyster Creek our most critical systems are not those
6 that produce power and make us money. They're the
7 safety systems that we would use to protect the public
8 in the unlikely and unfortunate event of an accident.

9 A large portion of our resources and time
10 is spent monitoring and maintaining these systems, as
11 well as making sure that we meet all regulatory
12 requirements associated with these systems.

13 My second concern is they're not
14 protecting the environment. Our goal is to have as
15 little impact on the environment as possible. Our
16 plant processes and procedures insure that we operate
17 the plant in a manner which minimizes our impact.

18 I'm most proud, however, of our efforts
19 this past winter when plant conditions forced us to
20 shut the plant down for maintenance. We recognize
21 that our shutdown would threaten the nonindigenous
22 fish species that enjoy our discharge. In order to
23 reduce any possible impact at significant time and
24 money spent, we implemented a supplemental heating
25 system in the discharge canal which maintained the

1 environment to save those fish.

2 In addition, someone talked about sea
3 turtles. We train our operators to recognize the
4 turtles that are endangered, and they go through some
5 pretty impressive efforts. They're trained to
6 resuscitate turtles. We're talking about turtle CPR.

7 My third concern is around protecting
8 plant equipment. As an engineer, I interface with
9 plant operators, maintenance personnel, chemists and
10 others to make sure that each system and significant
11 component is operating as it should. By monitoring
12 and maintaining the equipment effectively, we can
13 insure clean, safe, and reliable operation of the
14 plant.

15 Oyster Creek is run by a team of dedicated
16 and talented professionals who are just as committed
17 as I am to protect the public, protect the
18 environment, and protect the plant. We're looking
19 forward to continue to operate and provide clean,
20 safe, and reliable power to New Jersey until 2029.

21 Thank you.

22 (Applause.)

23 MR. CAMERON: Thank you, Jennifer.

24 We're going to go to Jack, Jack Nosti, and
25 then to Wayne Romberg, to Roberto Weinmann, and to

1 Cindy Zipf.

2 And this is Jack Nosti.

3 MR. NOSTI: Good evening. My name is Jack
4 Nosti. I'm the President of the Lacy Township
5 Republican Club.

6 I would just like to reiterate some of the
7 remarks I made earlier, that the Oyster Creek Nuclear
8 Generating Station has been an extremely friendly and
9 great neighbor to the residents of Lacy Township, and
10 for this reason this is why those of us that have
11 chosen to live and raise our children and
12 grandchildren in Lacy Township very strongly support
13 and endorse the clean and safe continued operation of
14 Oyster Creek.

15 There's no way that we would do this with
16 our families there if this wasn't what we believed
17 actually is the case. And we ask the NRC to continue
18 your studies as you've done. It looks like the
19 operation as it is appears to be the best way to go.
20 We feel it's the best way to go.

21 There's been extremely little impact on
22 our environment with Oyster Creek. We hear constantly
23 from people that say the sky is falling. What if this
24 happens? What if that happens? I could have got
25 killed on the parkway, you know, here tonight, but

1 yet, you know, I got up, a long day, tired, you know,
2 extended day, and came here because I feel it's
3 important.

4 We can't worry about the naysayers. We
5 have to take our best look at what we feel is best for
6 the community and go with that, and I ask you to
7 continue to do what you're doing. I think you're
8 doing a great job.

9 Thank you.

10 MR. CAMERON: Okay. Thank you, Jack.

11 And Wayne.

12 MR. ROMBERG: Thank you.

13 My name is Wayne Romberg. I live in
14 Forked River. Actually I live on Forked River about
15 a mile from the plant. I'm on the intake.

16 And we moved here about five years ago.

17 I could have chose to live anywhere I wanted to. I

18 came with the company that bought the plant, and I

19 chose about a mile from the river, not far from where

20 this gentleman lives, and we have some common

21 interests. He's trying to get his boat out, and I

22 just bought a new sailboat. So I've got to get it

23 out, too. So we're interested in all of the things

24 that have to do with the river.

25 I also enjoy fish, a fisherman. I enjoy

1 eating fish from Barnegat Bay. We have got some great
2 fishing here, and I really like this area. I'm
3 delighted.

4 I've been in this business 37 years. I've
5 seen lots of things. I've worked for lots of
6 utilities. I'm impressed with the people here at
7 Oyster Creek. They try to do the right thing all of
8 the time. It's a good, little plant. It's robust, a
9 good design. It's simple, a great little unit. I'm
10 really pleased with it.

11 You know, I wouldn't have chose to live so
12 close to it if I had any concerns about it.

13 And about walking the talk, you know, we
14 talk about environmental consciousness. Well, I was
15 the project manager that worked on keeping the fish
16 warm last winter, and I spent a couple hundred
17 thousand dollars of our company's money keeping those
18 fish warm. I know everybody thinks that the fish kill
19 is about heating them up. No, it's not. The fish
20 kill is all of these tropical fish that stick around
21 in the wintertime. They should have gone south, but
22 they didn't, but they stick around because we have
23 this warm water, and if we need to shut down for
24 maintenance in the wintertime, we've got a big
25 problem, you know. The water on our discharge cools

1 down to the same temperature as Barnegat Bay, and a
2 good number of these species can't live at that
3 temperature.

4 So if we don't do some way to provide
5 supplemental heat, they ain't going to make it. So
6 anyway, I was the project manager. I had a lot of fun
7 with that, a lot of sleepless nights and days making
8 sure that that went okay, but I was real pleased with
9 the support that the company provided around that.

10 A couple of other things that just got
11 stuck in my craw. I'm a private pilot, too. I keep
12 my plane over here. My wife support all of my
13 expensive hobbies, but I have a plane over here at the
14 R.J. Miller about 11 miles from the plant, and I'm
15 always incensed when people talk about little planes
16 as being a danger to nuclear power plants. They are
17 not. We don't have enough mass or fuel or anything on
18 board to damage a robust structure like a nuclear
19 power plant, and I don't care what part of it you hit.

20 You know, we could shut it down by getting
21 tangled up in the power lines, but that's about it.
22 So I always bristle a little when somebody makes the
23 false accusations about us little guys flying our
24 little airplanes around causing great fear and danger
25 to everybody.

1 Anyway, I've rambled long enough. I want
2 to applaud the NRC for the work they're doing. As a
3 very close resident to the plant, I'm very interested
4 in it getting done right and being thorough about how
5 you do it because my friends, neighbors, wife and
6 family, we want to continue to feel safe being close
7 to the plant.

8 Thank you.

9 (Applause.)

10 MR. CAMERON: Thank you, Wayne.

11 And now we're going to go to Roberto.

12 MR. WEINMANN: Well, thank you, everyone,
13 for staying so long.

14 I just wanted to make a comment. I work
15 in cancer research, and I develop drugs to fight
16 cancer, and I would have the slightest idea that the
17 plant or radiation would be the cause for any increase
18 in leukemia or whatever, I wouldn't have come here.
19 There is absolutely no evidence from the New Jersey
20 Cancer Commission that there is an increase in rates
21 in this area due to the plant. So I think you really
22 have to look at the information and the data that is
23 present. The same about autism.

24 I think a lot of hearsay is published and
25 then read, and I think health concerns if they are not

1 extinguishing our animal populations that are in the
2 water that comes out of the plant, they're much less
3 affecting us.

4 That's all. Thank you.

5 (Applause.)

6 MR. CAMERON: Thank you, Roberto.

7 Next we're going to go to Cindy, Cindy
8 Zipf with Clean Ocean Action.

9 MS. ZIPF: Thank you.

10 I wasn't planning on saying anything
11 tonight, but I couldn't resist. One of the questions
12 that I wanted to ask during the question and answer
13 period but there wasn't enough time was the process on
14 how we were notified about the hearing.

15 Clean Ocean Actions staff scientists are
16 Ph.D. in Marine Toxicology and also our attorney spent
17 a great deal of time working and evaluating the Oyster
18 Creek cooling water permit application to the
19 Department of Environmental Protection, and we have
20 been submitting comments and actually submitted
21 comments during the scoping process here as well.

22 However, we learned about the hearing from
23 the Asbury Park Press and the article that they wrote
24 about the other hearing that occurred the other day on
25 the safety issues.

1 So we are a coalition of 160-plus
2 organizations that are concerned about marine water
3 quality in the area, and when we're notified about
4 these hearings, which is part of what the coalition is
5 about, we distribute that to all the organizations.

6 So there wasn't any time for us to engage
7 that coalition, make them aware of the hearing. So
8 I'm very concerned about the process.

9 I'm also concerned about the quality of
10 the process because in the comments that we submitted
11 during the scoping period, we raised some very
12 serious, significant issues. Some of them were raised
13 today and considered small. We categorically disagree
14 and will be submitting our comments in full during the
15 process.

16 But one curiosity is that in the EIS that
17 we've all been given copies of, in the discussion of
18 radiological impacts of normal operations, the NRC
19 failed to include the radionuclide impacts to the
20 marine environment. We submitted substantial comments
21 on that and specifically identified the fact that
22 radionuclides have increased in the Barnegat Bay in
23 the bottom sediments and the estuarine biota, and that
24 the reactor-released nuclides have been detected in
25 the water, bottom sediments, benthic marine algae,

1 seagrass, blue crabs, clams, bunker, winter flounder,
2 summer founder, bluefish, and several other fish.

3 The organisms collected near Oyster Creek
4 had the highest level of radionuclides, but detectable
5 levels were found throughout the bay. Recent
6 sediments collected near the discharge canal contained
7 levels of Cobalt-60 that were 63 times higher than
8 sediments collected at other locations within the
9 Barnegat Bay.

10 Now, this issue did not even appear in
11 this EIS that I could find. It wasn't in the section
12 called "Radiological Impacts of Normal Operations".
13 It wasn't listed in any of the other sections. So I'm
14 concerned that when we submitted to your office
15 comments raising this as a concern, and if you wanted
16 to blow off Clean Ocean Action's comments, that's one
17 thing, but the studies that we obtained this
18 information from were the same studies that you
19 reference. So the information was available that this
20 was an ecological risk, and if you wanted to sort of
21 discuss it and label it small, okay, but you know,
22 I'm concerned that we go to the trouble, a significant
23 amount of trouble, to submit comments, to review these
24 issues carefully, to review them scientifically,
25 legally, and we want to make sure that the process

1 will address our concerns and be fair.

2 So with that, we will be submitting our
3 comments by the September 8th deadline and we trust,
4 I guess, as best we can that they'll be considered.

5 (Applause.)

6 MR. CAMERON: Okay. Thank you, Cindy.

7 Let me just say that I'm sorry that you
8 didn't get notice. It should have happened routinely
9 because of your past participation, and we'll find out
10 what happened and make sure it doesn't happen in the
11 future. So thank you for calling that to our
12 attention and also reiterating your comment.

13 I don't think that I introduced the senior
14 NRC manager here earlier, Mr. Frank Gillespie, who is
15 the Director of the Division of License Renewal at the
16 Nuclear Regulatory Commission, and we've heard from
17 all of the speakers tonight, and I was going to ask
18 Frank to say some words to you before we adjourned and
19 get together with you informally, and this is Frank
20 Gillespie.

21 MR. GILLESPIE: Thank you, Chip.

22 I did make some notes, and I want to
23 thank, truly thank two people in particular -- good,
24 Paul is not leaving on me -- and that NIRS and
25 Grammys, the State of New Jersey and Brick Township,

1 and I guess no one from Brick Township was here
2 tonight.

3 Could someone get the word back that I
4 thanked them?

5 What am I thanking them for? I'm thanking
6 them for actually participating, not just coming and
7 giving us comments, but Brick Township actually joined
8 with Westchester County and basically for us
9 beneficially stayed in process and submitted a
10 petition for rulemaking. They consciously decided
11 they didn't like our rules, and I think it takes a lot
12 of initiative for a town to step up and say, "Okay.
13 I'm going to try to take action to change the NRC's
14 rules."

15 Independent of how it comes out, and it's
16 due to be decided upon by the agency, I think, in
17 September and that gives Westchester County and Brick
18 Township then the opportunity to actually take us to
19 court. I mean, that's part of the system once you've
20 used up all of your administrative remedies.

21 And we actually appreciate when people
22 stay in process, and also NIRS and the Grammys and
23 people on the liner. One of the ways we know an issue
24 is kind of real significance and interest to a group
25 is when they actually give us contentions and

1 participate in the system. The contentions come in
2 early. There's a requirement that they come in within
3 60 days of us putting out a letter saying, "Okay.
4 We're starting our review."

5 And that actually is one way we can try to
6 get everything on the table. I would like to explain
7 because a lot of discussion goes on that a contention
8 is not a hearing, and people shouldn't be disappointed
9 on that. Normally a hearing won't take place with the
10 Atomic Safety and Licensing Board until after the
11 staff has completed its review, and I think Paul will
12 smile at me a little bit here in that the staff
13 sometimes has the same concern as the person who puts
14 in a contention, and it becomes somewhat of a moving
15 target while the staff is doing a review and going
16 through a certain routine interface between us and our
17 applicants' and licensees' requests for additional
18 information.

19 And I know in the liner case it has been
20 kind of a moving target, but I think the submissions
21 and the public meetings and the things that we've had
22 at least on that particular safety issue, I think, are
23 coming to a very good place in safety space.

24 Now, if the attempt is just to have a
25 hearing for having a hearing, okay. That's a

1 different issue, but if it's to get the safety issue
2 cleared up, I actually think that the tri-party of the
3 people, NIRS putting in the contention, us with the
4 applicant, and the applicant responding to us, is
5 actually addressing at least this one particular
6 safety issue, I think, very well.

7 It's still ongoing. It's not done, but
8 it's evolving and actually the Asbury Press did a very
9 nice article following our last meeting on it. So I'd
10 recommend reading one of those more current articles.

11 So I do like to thank people with a study
12 in process. It let us follow procedures. It lets us
13 get back to people officially. It's tedious. Maybe
14 it's a rule we're supposed to be tedious, but when you
15 participate in those processes, it does tend to be
16 thorough.

17 The other thing I want to cover is a
18 couple of points. We're here to listen to you and so
19 when people come up and say, "I want the NRC to
20 respond to this question," we likely will not respond
21 on the spot. We're here to hear your concern. We
22 will take the question back as a concern, but we're
23 not here to try to be argumentative in any way. We
24 really do want to hear from you.

25 There are certain restrictions. There are

1 certain things that NEPA causes us to do, and I want
2 to touch just a couple of points that were made.

3 One, I don't want anyone leaving thinking
4 that there's not a normal, run of the mill hurricane,
5 but nuclear plants actually in the spent fuel pool
6 building actually have a design basis external event
7 list of tornados, hurricanes, rain storms, wind
8 storms, earthquakes that are considered in their
9 design. And the reason we don't reconsider that is
10 these people on the environmental side have to come up
11 with a new hurricane to be new and significant
12 information.

13 And it's interesting. In environmental
14 space new and significant means more negative. If
15 it's getting better for some reason, it has to be
16 negative to change a finding, and so better
17 information is never used. It's not new and
18 significant, only negative.

19 So our team basically did not find an
20 earthquake worse than the plant was already designed
21 for. They did not find a hurricane worse than the
22 coast and this plant was already designed for or
23 tornado or wind storm.

24 So it's not that it's not considered.
25 It's that it already has been considered and no new

1 and significant information was found that would cause
2 the staff to change its mind. And I didn't want
3 people leaving thinking, you know, the Weather
4 Services says we're going to have one of the worst
5 hurricane seasons, we're going to have a tragedy here.

6 This plant is actually designed as part of
7 its design so as to sustain that.

8 The other comment was on the spent fuel
9 pool, and I think Mike said it's not considered.
10 Well, actually it is considered. It's a Category 1
11 issue, and I think when we go back, if you look going
12 back to Kirk's diagram, Category 1 issue has been
13 dealt with generically.

14 Now, you can agree or disagree with how
15 the agency dealt with it, but a Category 1 issue for
16 spent fuel is actually dealt under the waste
17 confidence rulemaking proceeding, and the waste
18 confidence rulemaking proceeding, the way it exists
19 now was done actually in 1990. It was relooked at in
20 about 1995 and might have been relooked at -- lawyers
21 can help me -- in 2000, 2005, and that has two phases
22 to it.

23 One is what you did here, is that we're
24 confident that the government, the Department of
25 Energy, will and it says words like "in the first

1 quarter of this century", that they'll have an
2 ultimate repository. Currently scheduled, if you read
3 the press, for 2018. So we have no new information
4 that says that won't happen.

5 There's a second important element to the
6 waste confidence proceeding that actually deals with
7 spent fuel pools and independent spent fuel storage or
8 dry fuel storage, which many plants are going to for
9 part of their inventory, and it basically says in the
10 supporting information for the waste confidence
11 proceeding, it says something to the effect that it's
12 expected that you could keep the fuel safely stored in
13 spent fuel storage for up to 30 years beyond basically
14 the life of the plant plus what we call safe store,
15 which allows time for the plant to be decommissioned.

16 That is you do the arithmetic comes out in
17 the terms of that the technology should be safe for 90
18 to 100 years. And that's an element of the waste
19 confidence proceeding which is often lost because
20 everyone focused on the Yucca Mountain piece.

21 So, in fact, in finding high level waste
22 storage, a Category 1 issue, we have in fact
23 considered it, and the Commission at this point has no
24 new and significant information, again, which would
25 cause us to change that rule which is what the

1 Category 1 basis is based on.

2 You can agree with it; you can disagree
3 with it, but there is a basis. It's not that it's not
4 addressed, and there are studies and a lot of
5 information behind that which were based or which the
6 Commission based that finding on.

7 I would like to thank everyone, and I am
8 sorry for the one gentleman who kind of got mad at us
9 because we really would have liked him to take his
10 five minutes later, and I think everyone saw we let
11 you have ten minutes if you wanted it. Chip's very
12 liberal because we do want to hear from you.

13 And I do appreciate everyone else staying
14 in turn and taking their turn and listening
15 attentively while everyone else was speaking.

16 Yes?

17 PARTICIPANT: (Speaking from an unmiked
18 location.)

19 MR. GILLESPIE: Yeah, we need to get you
20 up so they can hear you.

21 While she's coming up, let me touch one
22 other point, and it kind of came out in the give-and-
23 take. It's what is NEPA, and what is NEPA intended to
24 do.

25 National Environmental Policy Act is a

1 full disclosure act. It's not a decisional act, and
2 a question I might have asked the gentleman who was
3 kind of upset with us, he was talking in terms of,
4 gee, if you use some other cooling method or cooling
5 towers, that would be better because you wouldn't draw
6 any water in.

7 And the staff responded and said, "But our
8 report documents that the flow would be 70 percent
9 less. So the entrainment should be 70 percent less."

10 And the real question in our report: has
11 it fairly presented the facts which means that if you
12 have 70 percent less flow, you'll have 70 percent less
13 impact on the environment and in this case the species
14 in the water?

15 NEPA is not a decision. An Environmental
16 Impact Statement is a statement of the impact on the
17 environment. Did we accurately state the impact on
18 the environment? It's not necessarily a judgment
19 document.

20 And the other idea is that we actually use
21 State law and the violation of State law to say if
22 something was moderate. Well, do we have anyone from
23 DEP? Dennis was here.

24 Why don't you change the State law? These
25 guys will change their mind, and so there is certain

1 systems and thought processes, and I just bring that
2 up to say it would be -- I mean, the Federal
3 government was actually using state laws adopted by
4 the citizens and the representatives of the citizens
5 of the State of New Jersey as its measurement point.
6 I think that personally is reasonable, but you need to
7 understand what the reasonableness of that was.

8 The other element is, and I think I got
9 from the comments, and Mike and I have talked about
10 this on another plant we worked together on up in
11 Connecticut, sometimes we make findings and on certain
12 issues an extra page or so to give you some
13 understanding of what was behind that finding would be
14 very helpful.

15 And I got from some of the comments
16 tonight, particularly on the cooling tower thing,
17 there are alternatives to cooling towers, but if that
18 alternative -- for example, dry towers were mentioned
19 and dry towers have been mentioned in other places --
20 significantly affects the efficiency of the plant, the
21 electric output or input of thermal power.

22 The plant made some decisions in working
23 with the State on evaluating the salt water cooling
24 towers which had a lot of inputs into their thinking,
25 and I'm sure one of their thinkings was if you make my

1 plant so inefficient that I really can't afford to run
2 it, then that's a null set.

3 And so you really have to look at the
4 overall impacts of, yes, a dry cooling tower means
5 you're not using any water, but it also could have the
6 financial or the economic impact that there's no plant
7 either.

8 Other impacts are technology. The coal
9 technology may not be here yet, and someone may not be
10 willing to invest in it. State of New Jersey, are you
11 aware of what's going on with FERC and some power
12 people in New Jersey? They wanted to bring electric
13 power from West Virginia to New Jersey, and to get
14 from West Virginia to New Jersey under a special part
15 of the new Energy Act you have to go through
16 Pennsylvania.

17 And so Pennsylvania said, "What's in it
18 for us? You're going to put transmission lines
19 through the middle of my state and you're going to put
20 a coal power plant in West Virginia, and I have to
21 breathe all of that gas?"

22 And Pennsylvania said, "Now, wait a
23 minute. This doesn't sound right just to get power to
24 New Jersey."

25 So power distribution is a very complex

1 question. There's multiple jurisdictions involved,
2 and if we haven't explained some of that complexity
3 well in our document, then I think we might have to go
4 back and give some more information of what the
5 underlying thought processes are because sometimes
6 it's not really as simple as you may think it is.

7 And when you read the list and what's
8 there, you say well, that makes sense when I see the
9 list, and if you're not reading those kind of lists
10 every day, it doesn't necessarily make sense.

11 And so I do take away from this that we
12 might have to do just a little more writing in the
13 book to more fully disclose what the support of our
14 findings are in some of the key areas. And it's not
15 the whole book, but I think in certain key areas a
16 little more explanation might be helpful for
17 everybody.

18 And now you're up here. Feel free.

19 MS. GUERRAZZI: Well, thank you. Thank
20 you very much.

21 My name is Ms. Guerrazzi, and I just had
22 a couple of questions that were not addressed this
23 evening.

24 One of them goes to the fact that the
25 nuclear plant sits on the Cohansee Aquifer, which

1 supplies us with our drinking water, and in light of
2 the fact that Toms River has some radiation in their
3 wells, I wondered if the NRC considered the fact that
4 the nuclear plant could potentially be polluting with
5 radiation, invisible radiation our drinking water.
6 And of course, that is of major concern.

7 And the second comment that I had is that
8 I would like to see the NRC consider in their impact
9 statement the combination of alternate fuels or
10 alternate energy sources, that being the combination
11 of natural gas, solar power, wind power, and
12 conservation.

13 I think that in the area of conservation
14 were given to people in the sense of a bonus, an
15 energy bonus, for example, if people were seen as
16 being cooperative with lowering their bills
17 voluntarily, then maybe instead of penalizing people
18 or not giving them any type of reinforcement for that,
19 you could give them a bonus, like five bucks a month
20 or two bucks or whatever it may work out to be, kind
21 of like when you spend on your Discover card. You get
22 a bonus back.

23 So I think that to just have negative
24 ideas about the fact that we can't conserve, I think
25 that when we as a nation come together like we did

1 post 9/11 with the little flags and everybody getting
2 together in support of each other in this great
3 country of ours, I think that conservation may be more
4 positive as one of the combination alternates as you
5 can get.

6 But back to my original question. How is
7 it that the nuclear plant can sit on the Cohansee
8 Aquifer which gives us our drinking water? And I
9 don't know if you can address that this evening, but
10 certainly in your impact statement I would like to see
11 that being addressed because I think that's a major,
12 major point that was not brought up. I don't know.
13 I haven't been to all of the meetings, but I think
14 it's very crucial because obviously we as human being
15 -- we're human beings before we're workers or before
16 we're anything, and we need clean water that doesn't
17 have radiation.

18 MR. GILLESPIE: I think that kind of was
19 brought up, and I think Mike kind of committed to look
20 at that, and it was brought up, but not in terms of
21 the aquifer. That's a spinoff actually, I think, of
22 effluents and sediment.

23 Is it in there? Okay. Page 24. Let Mike
24 get together --

25 MS. GUERRAZZI: Okay.

1 MR. GILLESPIE: -- and you can see what's
2 in there.

3 Central New Jersey, as I understand it,
4 has kind of a unique thing, and you've got radioactive
5 water, and it's not from nuclear power. There's very
6 high radon rates in many of the wells around here, and
7 as I understand it, in fact, some of the water systems
8 actually have to have holding tanks to allow the radon
9 decay and decay products in New Jersey.

10 Yes.

11 PARTICIPANT: (Speaking from unmiked
12 location.)

13 MR. GILLESPIE: Is that northern New
14 Jersey?

15 PARTICIPANT: Yes.

16 MR. GILLESPIE: Okay.

17 PARTICIPANT: (Speaking from unmiked
18 location.)

19 MR. GILLESPIE: Oh, that's okay. I'm
20 going to get him and he's going to invite you up.

21 I'm just using that as an example, and I
22 think Mike did respond to that, and he's got it in the
23 book, and he'll get with you after and show you what
24 we have written, and actually this is a comment period
25 that's open for us to accept written comments also,

1 and he did put up a slide, and he'll take them by E-
2 mail, phone, mail or any other way.

3 With that I'm getting in trouble because
4 I'm not allowed to be a facilitator. That's Chip's
5 job. So again, thank you very much for coming out.
6 I appreciate your patience, and please get us written
7 comments, amplify them if you'd like. We do want them,
8 and thank you very much. Thank you.

9 (Whereupon, at 9:40 p.m., the public
10 meeting in the above-entitled matter was concluded.)

11