

NUCLEAR REGULATORY COMMISSION

Title: Progress Energy Florida
Levy County Nuclear Power Plant
Limited Appearance Evening Session

Docket Number: 52-029-COL and 52-030-COL

DOCKETED
USNRC

January 20, 2012 (9:00 am)

ASLBP Number: 09-879-04-COL-BD01

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Location: Crystal River, Florida

Date: Thursday, January 12, 2012

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1 UNITED STATES OF AMERICA
2 NUCLEAR REGULATORY COMMISSION
3 ATOMIC SAFETY AND LICENSING BOARD
4 LIMITED APPEARANCE
5

6 | Docket No.
7 In the Matter of: | 52-029-COL
8 PROGRESS ENERGY FLORIDA, INC. | 52-030-COL
9 | ASLBP No.
10 (Levy County Nuclear Power | 09-879-04-COL-BD01
11 Plant, Units 1 and 2) |
12

13 Thursday, January 12, 2012

14 7:00 P.M.

15
16 The Plantation Golf Resort and Spa
17 9301 West Fort Trail
18 Conference Hall
19 Crystal River, Florida
20

21 BEFORE ADMINISTRATIVE JUDGES:

22 Alex S. Karlin, Chairman

23 Dr. Anthony Baratta

24 Dr. Randall J. Charbeneau
25

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P R O C E E D I N G S

7:00 P.M.

JUDGE KARLIN: Okay. We're going to get started, so if everyone will take their seats.

Good evening. My name is Alex Karlin and I'm one of the judges with the Atomic Safety and Licensing Board.

I want to call this meeting to order. We have a court reporter, sitting to my left, who is taping and then will transcribe this proceeding. And so for the formal record I will read in a couple things that are important to reflect in the documents and in the transcript.

We're here to conduct a Limited Appearance Statement Session in the matter of Progress Energy of Florida, Inc., a company which has applied for a combined license to construct and operate two nuclear power plants in the Greenfield's location in Levy County, Florida.

For the record the docket number in this case -- and there's two of them because there's two reactors being applied for -- is 52-029-COL and 52-030-COL. COL standing for combined operating license. It's also the Atomic Safety and Licensing Board No. 09-879-04-COL.

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1 This session is being held pursuant to a
2 notice that we issued on December 7th, 2011, and that
3 appeared in the Federal Register on December 13th.

4 Today's date is January 12th, 2012, and
5 our location is the Plantation Inn, meeting room, in
6 Crystal River, Florida.

7 So first I'd like to introduce the members
8 of this Board and then we'll sort of try to get
9 started.

10 Before I go further, please note that we
11 had a Limited Appearance Statement Session earlier in
12 the day that started at 1:00 today in this room, and
13 I see that a number of people who attended that
14 meeting are also here this evening, and that's great.
15 Welcome. So you'll have to bear with me because we're
16 going to go over some of the same ground, introductory
17 ground that I did this morning -- or this afternoon,
18 because there are new people here. And I think it's
19 important to explain who we are, what's going on, to
20 the new people who have come this evening.

21 Our normal approach, when we have these
22 things, is to try to have one during the day and one
23 in the evening, so that if somebody's working,
24 somebody's got a job and can't come during the day,
25 they can come in the evening. So we try to

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1 accommodate both sets.

2 Anyway, as an intro, to my left is Dr.
3 Anthony Baratta. He is one of the judges on the
4 Atomic Safety and Licensing Board, and in fact he is
5 the Associate Chief Judge of the Technical Session of
6 the Atomic Safety and Licensing Board. He has a Ph.D
7 in Nuclear Engineering and he was formerly a professor
8 and the chair of Nuclear Engineering at Penn State for
9 many years. Before that he was, among other things,
10 in the Naval Nuclear Engineering Program with the U.S.
11 Navy.

12 To my right is Dr. Randy Charbeneau. He
13 has a Ph.D in Civil Engineering at Stanford -- from
14 Stanford, and he is a water resource engineer and a
15 professor of engineering at the University of Texas in
16 Austin, Texas. He is a part-time judge with us. He
17 actually works as a professor at University of Texas
18 and he serves part of the year, and part of his time
19 as being a judge here on cases where we can use his
20 expertise in particular. And his expertise is in
21 water resources. He's served eight years as the
22 Director of the Center for Research and Water
23 Resources and the Associate Dean at UT, University of
24 Texas, not Tennessee. Publications include a textbook
25 on Groundwater Hydraulics and Pollutant Transport.

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1 I am Alex Karlin. My experience is a
2 lawyer. I was an environmental lawyer for 30 years,
3 and I've been a judge with the ASLBP for almost eight
4 years now.

5 And we also have with us from the Atomic
6 Safety and Licensing Board, two of your lawyers, Law
7 Clerks Matt Flyntz and Josh Kirstein, sitting at the
8 table over here, and they help us on various matters
9 and certainly help us when we do our decision making
10 and thinking about the case.

11 Ms. Sara Culler is our Administrative
12 Assistant, in the back. Sara, could you raise your
13 hand? And she has brochures and other materials, if
14 you're interested, that I will talk about in a moment.

15 We also have Mr. Ledford, Joey Ledford --
16 there he is, he's raising his hand. He is with our
17 Office of Public Affairs. So media representatives,
18 or anybody else really, he can help maybe answer
19 questions or help media people if they are interested.

20 Now, we also have -- the Citrus County
21 Sheriff's Office has generously helped us out here,
22 they have a presence. Officer Santiago and Costelli,
23 among others, Officer Phillips, are here to help us,
24 and we appreciate their presence and their help.

25 Okay. With that kind of introduction let

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1 me just talk about what's going on. We're here to
2 conduct the Limited Appearance Statement Session.
3 That's sort of a term of art. We issued a Notice, as
4 I said, in the Federal Register. And this is a time
5 for us to listen to the public, and not really talk a
6 whole lot but more to listen.

7 Before we start, five items we want to
8 cover. Housekeeping was one; second is, who is this
9 Board, what's an Atomic Safety and Licensing Board;
10 third, is the history of this proceeding, a brief
11 history; fourth, is the purpose of a Limited
12 Appearance Statement Session; and, fifth, is the
13 procedures we'd like to follow in conducting this
14 Limited Appearance Statement Session.

15 So with that, number one, housekeeping.
16 Housekeeping. Please turn off your cell phones, take
17 conversations outside.

18 Next, media. We greatly welcome media
19 coverage. They have broader information to the
20 public. We request that they only use ambient
21 lighting and have a stationary -- you know, if they're
22 going to do photography. As I see this gentleman has
23 a media or whatever, and he's got ambient lighting.
24 That's great.

25

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1 Transcript. The transcript will be made
2 and it will be made available on NRC's website in
3 about a week or two. Some people say, I don't want to
4 say a week, sometimes it takes a little longer than
5 that, so I say a week or two.

6 And the restrooms. Ladies rooms are out
7 to the doors and to the left, and the mens room is out
8 the doors to the right. Go all the way around the
9 building and I believe it's back over in that corner.
10 Those of you who have been here before know all about
11 that stuff. So, I just wanted to say that.

12 Second, nature and role of the Atomic
13 Safety and Licensing Board; who we are, what do we do.
14 And there is a brochure out on the back table that Ms.
15 Culler has, it looks like this (indicating), that has
16 a little bit of information about what the Atomic
17 Safety and Licensing Board does. It's written in a
18 little bit of legalese, but hopefully it is of some
19 help and it will give you some websites you can also
20 access if you want to try.

21 Federal law creates the Nuclear Regulatory
22 Commission. The Commission, it's job, it's mission,
23 is to regulate uses of civilian nuclear materials in
24 the United States. The Commission is kind of broken
25 into three branches, the way I talk about it. And one

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1 is the Commissioners. The five Commissioners are
2 appointed by the President of the United States and
3 affirmed by the Senate. And they sit for five-year
4 terms and it's a staggered term, so there's always
5 sort of a lot of experience on the Commission. And,
6 so, that's the Commission -- Commissioners.

7 Then is the NRC Staff. There is a large
8 staff; hundreds and hundreds of expert technical,
9 scientific, environmental people, lawyers, all sorts
10 of staff people, who do the bulk of the work of the
11 NRC. And when applications are filed, they process
12 them, they evaluate them, they make safety analyses
13 under the Atomic Energy Act, they make environmental
14 analyses under the National Environmental Policy Act,
15 and they do a huge amount of the work of the NRC.

16 The ASLB, us, we are three judges of the
17 Atomic Safety and Licensing Board. It is a different
18 role. We are sort of the judicial function, the
19 judicial role. We only come into play pretty much
20 when someone challenges a permit or a proposed permit
21 or an action by the staff. If somebody files a
22 challenge, then they can request a hearing, and we are
23 the people who perform the hearing and make the
24 decision of whether the license -- the challenge is
25 valid and the license should be denied or the

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1 challenge is not valid and the license should be
2 granted. So we get involved in contested cases.

3 We are independent from the staff.
4 Although we sit in the same building -- there's a
5 building in Rockville, Maryland, our offices are over
6 there.

7 On any matter relating to this case,
8 Progress Energy's application, or more specifically,
9 the Challenge filed to this application, we are not
10 allowed to talk with the staff, they're not allowed to
11 talk with us, and it's prohibited by law. Same thing
12 with the Commissioners. They're in the building.
13 They sit on the 17th floor up there and we don't talk
14 with them and they don't talk with us about this case.
15 It's prohibited by law. They can't come down and tell
16 us how they want us to rule on any given thing, and we
17 don't ask them how they want us to rule or what they
18 think.

19 We take our best shot, we listen to the
20 evidence, we rule for better or for worse, and we give
21 it a straight shot. And then if somebody doesn't like
22 it, if the Applicant doesn't like it, the company,
23 Progress Energy, or the Intervenors don't like it,
24 they can appeal our decision to the Commissioners.
25 But the main point I'm trying to make is, we don't

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1 talk with the Commissions about this matter; we don't
2 talk with the NRC staff about this matter; we don't
3 talk with the Applicant about this matter, nor are
4 they allowed to talk with us. And the same thing with
5 the Intervenor.

6 The only exception, obviously, is (a) when
7 we are in court having a hearing they can make
8 presentations as lawyers always do to judges. So in
9 that sense there's a communication flow. And,
10 likewise, they file things, and they make formal
11 filings, pleadings, motions, and exhibits, and they
12 file them.

13 And right now -- I mean I've got a four-
14 foot tall -- well, it's not exactly a file, but it's
15 at least four feet of filings that they have already
16 filed.

17 But we're independent of all those parties
18 and we kind of operate in isolation, I guess you would
19 say. And there are a lot of rules around that, and
20 the rules are to keep us independent and impartial.
21 And that's kind of what we do.

22 The third point is the brief history of
23 this proceeding, this particular proceeding. We're
24 not dealing with the Crystal River nuclear plant,
25 we're dealing with the Levy County, the application by

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1 Progress Energy to build two nuclear power plants in
2 Levy County.

3 They submitted that application in July
4 2008, I guess it was. The staff reviewed the
5 applications initially, and they then issued a notice
6 in the Federal Register in December of 2008, saying,
7 anyone who has a challenge to this application speak
8 now or forever hold your peace.

9 And so, indeed, three entities; the
10 Nuclear Information and Resource Service, the Green
11 Party of Florida, and the Ecology Party of Florida,
12 filed a petition to intervene and to challenge the
13 application. And they filed that -- I guess it was in
14 February -- in February? Yeah -- of 2009, and that
15 was at that point a couple weeks later, a week or so
16 later, this Board was created. They said, okay, you
17 guys are the three who are going to decide this case.

18 And so right after we were created in
19 April of 2009, we had a court session in the Levy
20 County Courthouse in Bronson, Florida, and we had the
21 lawyers -- and Ms. Olson is the pro se -- she's not a
22 lawyer but she understands nuclear stuff, she was
23 representing the Intervenors. We had a session in the
24 courthouse up there to hear their arguments of why
25 they wanted to challenge this and whether the petition

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1 for hearing should be granted.

2 Now, we listed to that, we read their
3 briefs, and then we issued a decision in July of 2009
4 saying, yes, the Intervenors have raised several
5 contentions, we call them, that appear to meet -- that
6 meet the criteria for granting a hearing. So we said,
7 yes. We issued an order saying, yes, you will get a
8 hearing. And that was July 2009.

9 And we haven't had the hearing yet. Why
10 haven't we had the hearing? It's almost two years
11 now. And the answer is -- I told the people this
12 afternoon -- was, because the law says that we can't
13 have the hearing, especially on an environmental
14 contention, which is what this is here, until the
15 staff -- the NRC staff is finished doing its job. And
16 its job includes issuing an Environmental Impact
17 Statement, which is a very thorough, thick, 600/700-
18 page document with another 6 or 700 pages of
19 attachments when you're all done with it, usually.

20 And the staff issued a Draft Environmental
21 Impact Statement a year or so ago. And then they went
22 out for public comments, to the public. People filed
23 comments to them, I guess, I don't know. They didn't
24 file it to me, they file it to the staff. And then
25 the staff is going to take those comments and issue a

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1 Final Environmental Impact Statement.

2 And anyway, the Final Environmental Impact
3 Statement the staff currently estimates will be issued
4 in April of 2012, you know, three months from now, you
5 know, two months from now, two, three, four months
6 from now. And so if and when that happens then we'll
7 be ready and we'll be legally able to have the
8 hearing, have the trial on the contention that Ms.
9 Olson and the environmental groups have brought.
10 That's why we waited, because we had to wait under law
11 until the FEIS, Final Environmental Impact Statement,
12 is issued before we could proceed to do the things we
13 need to do to have the hearing.

14 At this point in the proceeding there's
15 only one contention, and that's really what our
16 jurisdiction is. And if you -- there's a Federal
17 Register notice we put in the paper there in December.
18 If you want a copy, Sara Culler has a few copies left,
19 and it has a notice of this meeting that's going to
20 happen.

21 And we listed, on the right-hand column --
22 on the left--hand column I guess it is -- no, it's the
23 right-hand column, over here, the Contention starts.
24 And it's long and it's complicated, but it's
25 important. It's important to us because that's what

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1 we're here to decide and, hopefully, that's what we're
2 here to listen to you all talk about and give us
3 comments.

4 I'm not going to read the whole
5 contention, but I do want to sort of read -- I've got
6 a little summary.

7 The intervenors are alleging --they
8 haven't proven it yet -- that the Environmental
9 Report, prepared by the Applicant, and the Draft
10 Environmental Impact Statement prepared by NRC -- both
11 of those are public documents -- have failed to
12 "adequately address, and inappropriately characterizes
13 as SMALL, certain direct, indirect, and cumulative
14 impacts onsite and offsite, of constructing and
15 operating the proposed LNP facility."

16 And they focus, among other things, on
17 "Impacts to wetlands." This is what the contention
18 is. Wetlands, floodplains, special aquatic sites, and
19 other waters, and the impacts are associated with
20 dewatering at the site and salt drift and deposition.

21 So that's the contention, that's our
22 jurisdiction. We hope that you would keep your
23 comments to that sort of focus because that's all we
24 can deal with. We can't answer questions about or
25 deal with issues about global warming or Yucca

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1 Mountain necessarily. But this is the contention
2 that's before us and we are going to decide that
3 contention when we have the hearing. And as I said,
4 the hearing comes after the FEIS is issued, and the
5 FEIS is going to be issued in April.

6 Because of all the other filings that have
7 to be made, the actual evidentiary hearing we plan, at
8 the moment to conduct, is probably October of 2012.
9 It takes about five months for all the filings to get
10 in after the FEIS. And we read that stuff and we
11 think about it, and then we have the hearing. And the
12 hearing will be here, somewhere, probably in Levy
13 County. We're hoping to find a venue, either the
14 courthouse up there or some other good venue, and it's
15 going to be a public session so you all are invited
16 and encouraged to attend and just keep an eye on it.
17 And, so, we'll handle that.

18 I guess one final point. I don't want to
19 complicate this too much. But at the NRC, under the
20 law, the Atomic Energy Act, this Board is handling the
21 contested hearing. Intervenors have raised a
22 challenge. This challenge is Contention 4. That's
23 why we're here. That's what our jurisdiction is to
24 do.

25 In addition to that contested hearing, the

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1 law, the statute, the Atomic Energy Act says that any
2 case where somebody is applying to build a new nuclear
3 reactor somewhere, a new power reactor, there has to
4 be a separate hearing; they call it a mandatory one
5 because the statute mandates that there be a hearing.

6 And right now, the way the Commission has
7 got it set, the Commission itself is going to do that.
8 And they say that they plan -- well, their general
9 instructions -- or general approach is, they have
10 the mandatory hearing two months after the FEIS. So
11 if the FEIS comes out on April 30th, the Commissioners
12 will have a mandatory hearing June 30th. Meanwhile
13 we'll have the contested hearing in October, October
14 20th or something. And if all things goes according
15 to Hoyle there will be two hearings; a mandatory
16 hearing by the Commissioners and a contested hearing
17 by the Board.

18 And the Commissioners may have it here or
19 they may have it up in Rockville, I don't know. But
20 if they have it up in Rockville they'll have a webcast
21 and you can watch that too. But we'll come down here
22 for our hearing.

23 Fourth point, the purpose of the Limited
24 Appearance Statement Session, this session here
25 tonight. This is an optional thing; some boards have

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1 them, some boards don't. We thought, after reading
2 four feet of pleadings by the lawyers and by Ms. Olson
3 and her team, we would actually listen to somebody
4 else, which is the public, the members of the public
5 who wanted to come out and talk, or speak, and so
6 that's why we're here, to listen.

7 I think most of the NRC proceedings -- the
8 staff will have meetings here, annually or
9 occasionally, and as I understand most of those
10 proceed where the staff and the Applicant -- staff
11 gives a presentation, Applicant gives a presentation,
12 members of the public can come up and ask questions,
13 and the staff and the Applicant will answer those
14 questions, or try to answer those questions.

15 That's not the way we run this. This is
16 a judicial, quasi-judicial type of thing. We're just
17 going to listen. We're here to listen. We're not
18 going to answer questions. That's not the way a
19 judicial function works. We will, of course, make a
20 ruling ultimately when we have the hearing.

21 And this isn't the time for the parties to
22 talk. The Intervenors don't get to talk, the
23 Applicant doesn't get to talk, the Staff doesn't get
24 to talk. Just the public, members of the public.

25 And fifth and finally, I think, procedures

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1 for this evening. We've asked people, in our notice
2 that we sent out in December, we asked people to pre-
3 register and send in an e-mail and say they want to
4 talk. And so, indeed, a number of people pre-
5 registered and contacted Sara Culler or Matt Flyntz or
6 Josh Kirstein. And so we have a list of pre-
7 registered people and I'm going to call those people
8 in the order that they registered. First come, first
9 serve. That makes sense.

10 And then we've got -- if you want to talk
11 and you haven't pre-registered, just go back to the
12 back there and sign your name up with Ms. Culler and
13 she'll bring it up here or we'll bring it up here, and
14 then you'll get to speak also. Because we have people
15 who have registered here tonight, and again, we'll
16 call those in order and ask you all to speak.

17 We are going to limit each speaker to five
18 minutes so that we can make sure that everybody gets
19 a chance to speak. And if you don't want to make an
20 oral statement, you can submit Written Limited
21 Appearance Statements Session; submit something in
22 writing. And, again, the Federal Register notice has
23 the instructions of, like, the e-mail address that you
24 can send it to. Okay. And if you need that
25 information and you don't get a Federal Register you

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1 can ask one of our Law Clerks or Ms. Culler or
2 whatever, and we can get you that e-mail address for
3 submitting something in writing.

4 And the writing -- the written statements
5 can come in any time up to the October hearing. So
6 you don't have to be tonight or this week. The
7 deadline is really the evidentiary hearing itself.

8 I think I covered everything. Anything
9 else?

10 Okay. With that, what we'll do is I will
11 just call the people who have registered and ask you
12 to come to one of these mics, and speak for five
13 minutes.

14 Oh, Mr. Flyntz, Matt Flyntz, he will be a
15 timekeeper and he will give you a one minute warning.
16 You've got five minutes. At the four minute point
17 he'll give you a one minute warning saying, if you
18 could please try to wrap it up, we would appreciate
19 it, and then we'll go to about five minutes.

20 So with that, the first name is Mark
21 Kuthrow. Mark Kuthrow. Mr. Kuthrow. I hope I got
22 that right. I don't know.

23 MR. KLUTRO: It's Klutho, K-L-U-T-H-O.

24 JUDGE KARLIN: I'm sorry. Klutho.

25 MR. KLUTHO: And I come at this from a

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1 unique perspective, as I always say when I come here
2 to testify. Here's a Department of Army Form 3180
3 (indicating). It's a nuclear duty position screening
4 evaluation. I was on a nuclear weapons assembly team
5 when I was in the Army in 1970, probably before you
6 guys were thinking about doing anything with the
7 subject.

8 And, you know the last time I was up here
9 in the summer -- this of course was for the Crystal
10 River -- the boys from the NRC were here and they were
11 to answer questions on that issue. And there was this
12 little booklet here, the In Scope Comments. And there
13 was a comment generally not supportive and then they
14 dissed it. This was from me.

15 Well, kind of my feeling about how you
16 people will be making judgment here today, not seeing
17 anything in here that could be of value.

18 And after seeing this I quizzed two of
19 them. And neither of them knew that a 10-gauge wire
20 was bigger than a 12-gauge wire. Now, in my
21 estimation anyone involved with the NRC should know
22 this fact. The guy working at the Hammock Hardware
23 store right down the street from where I live, they
24 know that. But they're going to tell you we need
25 nuclear power.

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1 And here was this neat book that we got.
2 And in the book it has this definition: Energy
3 conservation/energy efficiency. Though often used
4 interchangeably energy conservation and energy
5 efficiency are different concepts. Energy efficiency
6 typically means deriving a similar level of service by
7 using less energy, while energy conservation simply
8 indicates a reduction in energy consumption.

9 Now, it doesn't "typically" mean that, it
10 always means that. Now, the point I want to make here
11 is that on the very next page they contradict
12 themselves.

13 Now, the point here is, these are only a
14 couple of examples. I have been, I would estimate --
15 Emily could probably tell you -- I have been to maybe
16 eight hearings between Crystal River and Levy. I've
17 testified two or three times before the PSC. And
18 these people -- when you're talking about not even
19 knowing a 10-gauge wire is bigger than a 12, and then
20 here, telling you a definition, what energy efficiency
21 is and what conservation is, and then in this book
22 contradicting this the very next page?

23 MR. FLYNTZ: One minute.

24 MR. KLUTHO: When we come to this -- these
25 points here, I can't trust the judgment from the NRC.

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1 This is way above you people, way way above.

2 Now, when I look at the tritium coming out
3 of the pipes from a plant where they said there
4 weren't underground pipes; when there was that plant -
5 - I think it was Besse -- where that metal had gone
6 down to, what, 3/16th of an inch. I mean there are
7 just too many examples. And, you know, this shirt
8 here, I supported 93 million miles away. Well, this
9 is the shirt here that really says it.

10 MR. FLYNTZ: Time.

11 MR. KLUTHO: This is a farce. An absolute
12 farce.

13 JUDGE KARLIN: Thank you.

14 Mr. Lenny Flank is next.

15 MR. FLANK: Hi. My name's Lenny and I'm
16 here from Occupy St. Pete. We're opposed to the Levy
17 County nuclear plants as we are opposed to all nuclear
18 power plants in Florida. Specifically because of
19 Florida's policy of nuclear cost recovery. It's an
20 issue that illustrates perfectly why the Occupy Wall
21 Street movement exists. It's a perfect example of a
22 rich Fortune 500 corporation which gets whatever it
23 wants because it owns most of the Florida legislature
24 as well as the state regulatory body that's supposed
25 to oversee it.

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1 The electric industry in Florida has more
2 money than God, and throws that money around in
3 Florida elections where it can buy whatever favors it
4 wants, and one of the favors that it bought from the
5 Florida legislature was cost recovery. And what that
6 means is, if you're an electric company in Florida and
7 you want to build a nuclear power plant, you can go to
8 the Public Service Commission and ask them to allow
9 you to raise your rates so that your customers get to
10 pay for the cost of constructing a nuclear plant, and
11 you don't have to. And if, for whatever reason, that
12 plant is never built you don't have to pay a dime of
13 that money back, it all goes straight in your pocket.

14 Florida consumers have already paid over
15 \$1 billion towards two nuclear power plants in
16 Florida, even though those nukes have not received any
17 Federal permits and may never even be built.

18 We in the Occupy movement view this as yet
19 another example of corporate welfare and corporate
20 greed, where a big, rich corporation is using its
21 political influence to force the 99 percent to pay to
22 subsidize the 1 percent. The electric industry wants
23 taxpayers to assume their insurance liability; it
24 wants ratepayers to assume nuclear construction costs;
25 it wants tax credit so it doesn't have to pay its fair

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1 share of anything; and, they want us to pay for it.
2 The electric companies don't even try to argue that
3 they can't afford to pay for this, they just don't
4 want to pay for it.

5 They're motivated by greed. Nothing more,
6 nothing less, nothing else. Progress Energy is
7 practicing an odd form of socialism for the rich,
8 where the majority of the people, the people in
9 Florida, get to pay all the costs, but a very small
10 minority, Progress Energy stockholders, get to keep
11 all the profits.

12 Progress Energy is a privately owned for-
13 profit Fortune 500 corporation with a state sanctioned
14 monopoly. Our view is that if the people of Florida
15 are asked to assume all the costs and to take all the
16 risks and to take all the liability, we should be able
17 to get all the profits too.

18 So we ask that the Nuclear Regulatory
19 Commission deny any and all permits for any nuclear
20 power plant anywhere in Florida until the electric
21 industry is willing to pay for the cost of its own
22 nuclear power plants itself instead of pushing those
23 costs onto all of us.

24 Thank you very much.

25 JUDGE KARLIN: Thank you, Mr. Flank.

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1 Next signed up is Beth Foley. Ms. Foley.

2 MS. FOLEY: May I submit any information
3 in addition tonight, or you don't want that?

4 JUDGE KARLIN: Oh, yes. If anyone has
5 some written or additional remarks you want to go in
6 to the record, please give them to you. You can
7 either submit them tonight or later by e-mail or
8 whatever.

9 MS. FOLEY: Okay. Well, tonight I've got
10 some.

11 JUDGE KARLIN: Okay.

12 MS. FOLEY: Fraud, deceit, trickery,
13 breach of confidence perpetrated for profit or to gain
14 some unfair or dishonest advantage. Progress Energy
15 claims that the environmental impact salt drift from
16 Levy 1 and 2 will be small, citing as their evidence
17 the environmental impact of salt drift at the Crystal
18 River plant.

19 When the two Levy reactors are online each
20 day miscontaining 31 pounds of salt in about 4,000
21 gallons of water, it will drift over adjacent
22 conservation lands and the fresh water wetland area
23 proposed for the area of Levy 1 and 2, and who knows
24 where else it will flow depending on the wind.

25 This is an area where our drinking water

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1 source, that's lower than the aquifer, is accessible
2 at ground level or within inches of the surface of the
3 ground.

4 My attempt to find a comparable nuclear
5 site in the U.S. failed. All nuclear plants using
6 salt water were located next to natural salt water
7 sources. It appears that the freshwater wetland
8 location of Levy 1 and 2, with its proposed use of
9 salt water pumped from the defunct Cross Barge Canal,
10 is unique. Appropriate scientific investigation to
11 the impact of 680,000 pounds of salt sprinkled down
12 into an environment where it does not belong, should
13 be required of Progress Energy. That's 680,000 pounds
14 of salt and that's over the life of the plants.

15 In Governor Scott's State of the State
16 Address earlier this week he mentioned seeking to
17 eliminate fraud and stated: It is the consumers in
18 our state that we must protect. I suggest that
19 Progress Energy is committing fraud by stating that
20 the environmental impact of salt drift will be small
21 with no more evidence to back up this statement than
22 citing the impact of salt drift at the Crystal River
23 plant, which is located adjacent to the obviously
24 salty Gulf of Mexico.

25 Here's three copies.

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1 JUDGE KARLIN: Thank you, Ms. Foley.

2 Okay. Next signed up is Ms. Winnie
3 Foster. I believe it's Fossier? Ms. Foster, are you
4 here?

5 (No response.)

6 JUDGE KARLIN: Okay. Well, I'll circle
7 that and if she comes in a little bit late we'll
8 circle back and try to see if we can give her a short.

9 The next signed up is Mr. Dixie Hollins.
10 Is Mr. Hollins here?

11 (No response.)

12 JUDGE KARLIN: Mr. Hollins spoke this
13 afternoon, so it may be that he decided he didn't need
14 to say it again. I don't see him here. Again, I'll
15 circle that just in case he does come in.

16 Cathy Harrelson. Ms. Harrelson. Ms.
17 Harrelson, are you here?

18 (No response.)

19 JUDGE KARLIN: All right. Well, I'll
20 circle that one.

21 The next person signed up is Barbara
22 Sieling.

23 MS. SIELING: You got it right twice.

24 JUDGE KARLIN: Boy, lucked out.

25 MS. SIELING: I had so much fun last time

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1 I thought I'd come back.

2 JUDGE KARLIN: Well, sure, no problem.

3 MS. SIELING: Most of my statement was
4 finishing someone else's statement, so.

5 JUDGE KARLIN: Right, right.

6 MS. SIELING: As I was saying, I've lived
7 in Florida all my life. In the '70s water dried up in
8 the Pinellas County to where if you were at the end of
9 the beach in St. Pete Beach, you'd be lucky when you
10 turned on at certain times that you would have water.
11 Because of that they now get the water from SWFWMD,
12 which is parked right underneath, management water for
13 where the nuclear power plant will be.

14 As I mentioned earlier, if you drive back
15 around through some of the smaller roads instead of
16 the interstate, you'll see a whole lot of dried up
17 ponds and lakes where the docks are here and the
18 water's there (indicating). Because we've had no rain
19 our water's depleted. We can't afford to have them
20 withdrawing as many as -- I think the numbers I've
21 heard, 32 million gallons.

22 They're so concerned about the water in
23 Florida because of the bottling companies like
24 Zephyrhills and some of the other bottling companies.
25 I know right now it's in the legislature making them

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1 pay a per gallon fee to withdraw the water from
2 Florida because there's beginning to be a shortage
3 now. And, to allow a corporation that is only in it
4 for the money, because I've been here for enough --
5 the only positives I've heard from anybody has been,
6 it's about the money.

7 It's not going to help the environment.
8 People come to Florida. Florida is a tourist state.
9 They come because of the pristine land, they come
10 because of the beaches. How much economy will be lost
11 in this area if the springs become polluted? How much
12 -- and the manatees die and all the other endangered
13 animals. They're going to be using it for -- I guess
14 it's the attrition -- for some of the wetlands.
15 They're going to be allowed to allow the water, which
16 will, I guess, include the salt water, to drain into
17 part of Goethe State Park. And they're using that as
18 part of their runoff, which to me seems it shouldn't
19 be legal anyway.

20 And if we don't do something to protect
21 our water now, with the possibilities of -- you're
22 putting nuclear waste because nobody wants it in their
23 back yard, they're going to make us keep it here, over
24 the waters, over our aquifers, which is the lifeline.
25 Water is the only thing that we can't live without.

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1 They've tried desalinizations down in
2 Tampa Bay area that, last I heard, none of them were
3 working yet. I could be wrong. They have problems
4 with design.

5 So what are we going to do, even if we
6 don't have a nuclear radiation issue in our water?
7 What are we going to do if all our fresh water turns
8 to salt?

9 For some reason in Florida we've been
10 unable to get a desalinization processor -- or
11 processing that seems to work and won't have too many
12 barnacles and can live up through the salt water and
13 continue online.

14 I ask that they do not allow this here.
15 You know, if they want to deal with salt water, put it
16 where it was. They have the right to choose to not
17 put it there. And it seems to me that the people
18 should have a right to choose where they want it. If
19 they were so happy with where it was in Crystal River,
20 they should rebuild it. If they're going to build
21 one, leave it there. Don't put it on our water.

22 And another thing. A person earlier today
23 had said something about how they re-minnowed and
24 brought out baby fish because of the hot water, the
25 degrees in temperature on the Gulf of Mexico. But the

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1 bottom line is, if they hadn't screwed it up in the
2 first place they wouldn't have had to. Thank you.

3 JUDGE KARLIN: Okay. Thank you, Ms.
4 Sieling.

5 MS. SIELING: You had it right the first
6 two times.

7 JUDGE KARLIN: Norman Hopkins.

8 MR. HOPKINS: Gentlemen, good afternoon.
9 My name is Norman Hopkins. I am Director of the Amy
10 Remley Foundation which researches into environmental
11 science and teaches it using a website.

12 In the time available I am going to
13 address two points and then I will follow up
14 afterwards with a written information concerning the
15 list of water issues that are mentioned in the Federal
16 document.

17 JUDGE KARLIN: All right.

18 MR. HOPKINS: The first point concerns --
19 the Environmental Impact Statement fails to comply
20 with CFR Part 51 because it fails to specifically and
21 adequately address, and inappropriately characterizes
22 as small. This is essentially a process problem which
23 I have pursued within NRC staff in this room
24 previously and also in correspondence.

25 The process, which will always deliver a

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1 small impact, is because whenever any document is
2 submitted or any statements are made of a
3 comprehensive nature, those statements are dissected
4 into sentences and paragraphs. And the paragraphs or
5 the sentences are given to a staff member of the NRC
6 and they have all of the references of a minor nature
7 because they've dissected something which is complex
8 and interrelated into the component parts. So when
9 they evaluate all of the component parts, which by
10 definition, each is of a small impact, they will
11 always conclude that the impact is small.

12 And that is something which requires the
13 attention of the Nuclear Regulatory Commission, with
14 your leadership, to change that function. But really,
15 insofar as this application is concerned for the two
16 COLs for the Levy plant, it's probably too late
17 because the Environmental Impact Statements that have
18 been issued are based upon that fallacy of a process.
19 Now, I'll say no more about that.

20 The other thing I want to refer to is the
21 effect of the release of tritium. Tritium is the
22 third isotope of hydrogen, it's radioactive, and it
23 combines readily with oxygen, like other atoms of
24 hydrogen, to form water. And so we end up with water
25 molecules which are radioactive for an extensive

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1 period of time. The half life of tritium may be 12.43
2 years, but it emits the beta particles for over 120
3 years.

4 So when we're considering, for example,
5 the release of water either in to the atmosphere or
6 into the Gulf of Mexico, we should consider the
7 quantum of tritium released over the life of the plan.
8 Now, let's just consider the pumping of 60 million
9 gallons a day into the Gulf of Mexico via the Crystal
10 River energy complex. If you add that up over the
11 life of the plant it comes to a volume of water which
12 is 3.3 million acre feet in quantity --

13 MR. FLYNTZ: One minute.

14 MR. HOPKINS: -- which is a very
15 significant amount of water. Bearing in mind that the
16 effect of the molecules are cumulative.

17 And the thing about the water molecules is
18 that most living matter, including human beings, need
19 water for their life. And so, we have a situation
20 where it's released into water either via the
21 atmosphere going into ground water, or released
22 directly into the ocean water, the Gulf of Mexico.
23 It's taken up by the plant life, it's taken up by the
24 animal life, the fish life, and people who consume
25 that. And so, there's a unique pathway.

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1 The beta particles themselves may not
2 penetrate the skin --

3 MR. FLYNTZ: Time.

4 MR. HOPKINS: -- but -- did you say "time"
5 or one minute?

6 MR. FLYNTZ: Time.

7 JUDGE KARLIN: Go ahead, sir. Just wrap
8 it up.

9 MR. HOPKINS: Okay. I'll just wrap it up
10 very quickly.

11 The pathway is unique because although the
12 beta particles do not penetrate the skin when they're
13 released into air, but with water they're consumed and
14 can attack the soft tissue of the organs. And they
15 are a registered carcinogen and they will affect
16 everything that grows, including plants, animals that
17 feed on the plants like the manatees we have here, but
18 also on human beings. And this is a very dangerous
19 situation to perpetuate from the two nuclear plants
20 that are proposed for Levy County.

21 And I will write on the other water
22 issues, which is the forte of the Foundation. It's
23 been studying that for the last 10 or 12 years in this
24 area, and that will be a comprehensive document.

25 JUDGE KARLIN: Okay.

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1 MR. HOPKINS: Thank you so much.

2 JUDGE KARLIN: Thank you, Mr. Hopkins.
3 And we'll look forward to your written submission.

4 MR. HOPKINS: Thank you.

5 JUDGE KARLIN: Mr. Brad Thorpe. Mr.
6 Thorpe.

7 MR. THORPE: Thank you, gentlemen. I am
8 the current County Manager for Citrus County, Florida.
9 I thought it was important for me to be here and I
10 think previous speakers earlier in the day were
11 commissioners from Citrus County. I also have another
12 commissioner here that's going to speak.

13 I'd like to say that the issue is
14 environmental concerns over these plants, and I can
15 only tell you by example that Progress Energy and
16 their plant currently in Citrus County has been a
17 very, very friendly and environmentally important
18 aspect of Citrus County. They have been a good
19 steward of the environment in the years that I've been
20 here; I've been here 18 years as a county employee.

21 And I can only tell you by example, from
22 just going to their plant, they have done extensive
23 work to make sure that environmental concerns are
24 addressed. I can lead to a couple examples of the
25 pollution control equipment that's been added, the

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1 millions and millions of dollars that have been spent
2 for that.

3 I will also tell you that the marine
4 agriculture center there, I've seen it. They are
5 heavily involved in producing fish species and making
6 sure that that population is adequately addressed.

7 I can tell you from being the
8 administrator and working with the Public Works
9 Director, which I have here, Ken Frank, the State of
10 Florida has a very, very complex environmental
11 protection agency that makes sure that we are good
12 stewards of our environment. The projects that we
13 currently do in Citrus County go through a lengthy
14 environmental regulatory process to make sure that all
15 of the issues that you are currently reviewing are
16 addressed.

17 And for that reason I can tell you that
18 whatever is done in Levy County, all of these issues
19 will be -- I trust you -- will be gone over
20 thoroughly, because I, personally -- with the jobs
21 that we in Citrus County have done, we are heavily
22 involved in environmental permitting for all the work
23 that we do.

24 So with that said I have Mr. Frank here,
25 our Public Works Director, and he's the one that has

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1 to address those issues when we do projects in Citrus
2 County. And I want you to know that I think he can
3 explain to you what we have to go through to address
4 some of the concerns that people have brought to you
5 today.

6 JUDGE KARLIN: Okay. Thank you. Thank
7 you, Mr. Thorpe.

8 And as it happens, Mr. Frank, Ken Frank is
9 the next person signed up, so.

10 MR. FRANK: Thank you, Board members. And
11 I hope you're enjoying beautiful Citrus County.

12 JUDGE KARLIN: Thank you.

13 MR. FRANK: Spend lots of money here.

14 Again, as Mr. Thorpe had mentioned I am
15 currently employed at the Board of County
16 Commissioners, I'm the Director of Public Works. But
17 prior to coming to the county I spent quite a bit of
18 my years, professional years, as a professional
19 engineer, licensed professional engineer on the
20 consultant side.

21 Many, many of my project that I encounter
22 went through the Department of Environmental
23 Protection. And it's my understanding that the
24 reliance on the findings and conditions of that
25 department are being questioned.

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1 I'm here to tell you that department is
2 alive and well. I'm going to probably regret saying
3 this because I still have to get permits through them.

4 It's probably the most difficult
5 permitting agency that we come across. They're
6 extremely thorough. If we built a lift station I'm
7 surprised if we don't get less than 15 comments. And
8 I'm sure on a nuclear power plant they're not going to
9 issue a permit without a complete and thorough look
10 because they don't want to be questioned on it.

11 So I would urge this Board to continue to
12 rely on that permit application through the DEP.

13 The other thing that I seen is, you've
14 been asked to look at what's taken in Fukushima,
15 Japan, and to learn from those experiences. And I
16 would urge you to learn from those experiences and try
17 not to put this nuclear power plant in a fault zone or
18 zone that's going to be impacted by tsunamis. And I
19 think you've got a very good location that it won't
20 have those attributes up in Levy County.

21 So, thank you very much.

22 JUDGE KARLIN: Thank you, Mr. Frank.

23 Next person signed is Carol Thomas. Ms.
24 Thomas?

25 MS. THOMAS: Thank you. I am a citizen of

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1 Alachua County, Gainesville, Florida. I am a mother,
2 a grandmother, and soon to be great-grandmother. And
3 I watched over the years at the environmental
4 degradation that's gone on around us, and I am deeply
5 concerned about the fact that the water table all over
6 this county is falling.

7 Our water supply comes from Georgia.
8 Georgia's water supply, at least from Atlanta's
9 situation, has been very very low, and sometimes
10 critically missing. And it impacts on the water that
11 comes into north Florida and into the Gulf.

12 At the same time closer to home, within
13 White Springs, Florida, the water in those springs is
14 gone, and in the last 20 years it's gone. With the
15 demands on the water supply in the St. John's Water
16 Management District, our water supply is being put to
17 a severe test.

18 The fact that in southern Florida the land
19 there has been so developed that there was an
20 association put together to try and get people in the
21 communities in north Florida to agree to share the
22 water supply up there, where I live, with the people
23 in southern Florida because they don't have enough
24 water.

25 The fact is that the company -- or the

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1 mechanism for the development for this project, for
2 the Levy County plants, is in the hands of a company
3 whose first goal is the goal to satisfy the profit and
4 their investors, the return investment to their
5 investors. It's not about the public welfare at all.
6 And I think that -- I don't know how they can be
7 trusted to do the kinds of things that they're going
8 to do in depleting the water supply in the development
9 of these power plants.

10 So I urge you not to go along with this
11 project, because there's too much at stake in this
12 world. Thank you.

13 JUDGE KARLIN: Thank you. Thank you, Ms.
14 Thomas.

15 Connie Canney is the next person signed
16 up. Ms. Canney.

17 MS. CANNEY: Good evening. I'm a citizen
18 of Alachua, Florida. And I'm really thankful that
19 I've been able to be here tonight and to listen to the
20 comments that have been being made.

21 I feel that I have a duty, really, a
22 responsibility to speak on behalf of my grandchildren
23 and my great-grandchildren in regards to what kind of
24 world they're going to inherit, that they have already
25 inherited, and those who come after them.

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1 I'd like for them to be able to look
2 forward to having a clean environment, one that is
3 safe, one where they can drink the water, they can eat
4 the food, and they don't have to worry about the air
5 that they breathe.

6 In 1977, April 30th and May 1st, the
7 Clamshell Alliance in New Hampshire had an occupation
8 at Seabrook site for the nuclear plant there, and I
9 participated. I was 1 of the over 2,000 protestors
10 who said, we don't want this plant here.

11 We did get the plant regardless, but I
12 think that it started a consciousness-raising movement
13 that spread across the country, and in some areas kept
14 them from getting nuclear plants built there.

15 And, I am 82. I am still protesting. I
16 still don't think that there should be any nuclear
17 plants built anywhere anymore in this country or in
18 the world for that matter. And I don't believe that
19 any of these old plants should be re-licensed. And I
20 will protest as long as I'm able to stand on my feet
21 and get out with a sign.

22 And I hope that my grandchildren don't
23 find that they're in the same boat when they get to be
24 my age, because, you know, I think there's an awful
25 lot of information available to prove otherwise when

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1 you say that, you know, there's very little impact or
2 it's not going to harm any of the water. It already
3 has.

4 I visited -- on the west coast I have a relative
5 who lives near Hanford. I know what they're going
6 through, and I know what the Columbia River has been
7 taking with contamination, and I see the kinds of
8 movements that are going on all over. And I think the
9 Occupy people are doing a good job of raising the
10 issues here, everywhere, all over the country.

11 And, I am just going to keep going until
12 we stop the nuclear plants from being built. Thank
13 you.

14 JUDGE KARLIN: Thank you. Thank you, . Ms.
15 Canney.

16 I believe th next one is Dennis DeMato.
17 Mr. DeMato.

18 MR. DEMATO: Thank you very much. My name
19 is Dennis DeMato. I have been a Citrus County
20 resident continuously since 1972. As you can clearly
21 see I am a Florida Gator supporter.

22 I am the District One Citrus County
23 Commissioner, home of the Progress Energy generating
24 plants. I grew up with and Citrus County has grown up
25 with Progress Energy as a wonderful neighbor. People

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1 in Citrus and Levy counties are very accustomed and
2 comfortable with the plants as a safe, vital part of
3 our local landscape. I expect exactly the same
4 results with the Levy County facilities.

5 As a member of the Levy Community Electric
6 Coalition I know and completely understand the value
7 of the proposed plants to this community. Jobs,
8 increased tax base, economic and community
9 development, all done in the safest, most modern,
10 regulated, clean, green process, is what the plants
11 will bring. The plants will be buffered by thousands
12 of acres of woodlands and the carbon footprint will be
13 reduced by this operation.

14 Obviously you have my complete support in
15 moving this plant from concept, licensing,
16 construction, completion and generation of electricity
17 in the most efficient, cost-effective manner that
18 preserves the environment.

19 Thank you very much.

20 JUDGE KARLIN: Thank you, Mr. DeMato.

21 Mr. DeMato, could I ask perhaps, as a
22 Commissioner. How many county commissioners are
23 there? I know we've had several of them speak today
24 in Citrus County.

25 MR. DEMATO: There are five County

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1 Commissioners in Citrus County.

2 JUDGE KARLIN: All right. That's helpful.
3 I think we've had several of them speak this afternoon
4 and yourself as well. Thank you.

5 MR. DEMATO: You're welcome, sir. Thank
6 you. Good night.

7 JUDGE KARLIN: All right. The next one is
8 Dr. Patrick Anderson, I believe it is. Dr. Anderson.

9 DR. ANDERSON: Thanks. I think anything
10 I say is probably redundant, but I appreciate the
11 opportunity to be here.

12 My wife and I live at Cedar Key. Cedar
13 Key is just across the bay, but it takes a little over
14 an hour to drive here because you have to come by
15 land. But from our place at Cedar Key you can see the
16 Crystal River power plant, quite ugly against the
17 horizon, frankly.

18 My grandmother was born at Atsena Otie,
19 which was the original Cedar Key island. She was born
20 there in the latter part of the 19th Century. And so
21 we've had a rather lengthy and steady presence as a
22 family in this part of the world, which is unusual for
23 some of the folks I've heard here speaking tonight who
24 came 18 years ago or 1972 or whatever. We go back a
25 long way.

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1 I read a report several years ago about
2 what is the acceptable amount of rat feces, rodent
3 feces in chocolate to pass muster for chocolate bars.
4 And for me the proper answer to that question is,
5 zero.

6 So when I hear the talk about the
7 prospective of a small impact, I think the rat feces
8 and the Hershey chocolate bar. The only acceptable
9 level of risk, I think, is zero. For that reason,
10 among others, my wife and I put solar panels on our
11 house a few years ago. And if we're careful to use
12 most of our energy in the middle of the day we have
13 virtually no impact, no footprint, for generating
14 power to run our washing machine and air conditioner
15 and television and the rest.

16 And also we have a well. We live right on
17 the Gulf. I mean we're about 150 feet from the Gulf.
18 But when we dug a shallow well in our yard, at about
19 20 feet we actually got enough force from the water
20 that it blew a stepladder off of the wall of the house
21 next to us. It is pure, cool, fresh, water that has
22 passed all the muster. So just 20 feet down, 150 feet
23 from the Gulf there is that source of pure, clean
24 water. And I wonder at what level of contaminants it
25 would take to eliminate that purity completely.

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1 So a small impact -- I'm not a scientist
2 so I can't speak to the expertise that you gentlemen
3 have. And I'm so appreciative of the fact that we
4 have university professors who are on this panel.

5 But, we have small things at Cedar Key,
6 too; they're called clams. And those clams live and
7 thrive in an environment of a very complex chemical
8 environment in the water that produces wonderful food,
9 nutritious food and a livelihood for a lot of people.

10 Even a small impact to that water -- to
11 that environment would be a quite devastating thing.
12 So I would say that on the science side I can't speak
13 to, from the personal side I can. And I, too, want to
14 speak for my grandparents -- my grandchildren and
15 future great-grandchildren. But I think I also want
16 to speak for my grandmother, who's long gone but lived
17 here in the 1900's and say, let's just don't mess with
18 Florida, let's -- we have the sun, we have the wind,
19 we have wonderful natural resources. We don't need to
20 take the risk of putting even a small impact into a
21 pristine environment.

22 JUDGE KARLIN: Thank you. Thank you, Dr.
23 Anderson.

24 I'm going to double check to see if the
25 people who we called earlier maybe have shown up.

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1 We have Winnie Foster. Ms. Foster?

2 (No response.)

3 JUDGE KARLIN: Dixie Hollins. Mr.
4 Hollins?

5 (No response.)

6 JUDGE KARLIN: I'm pretty sure he isn't
7 here. I remember him speaking.

8 And Cathy Harrelson. Ms. Harrelson?

9 (No response.)

10 JUDGE KARLIN: No takers. Okay. With
11 that we have gone through all the people who signed up
12 to talk. And I appreciate everyone who came here
13 tonight, both for the people who spoke, and I know
14 they spoke with conviction and passion and great
15 levels of concern, pro and con, and articulate and
16 throughout. And I appreciate the civility that we've
17 seen here tonight in this issue.

18 What we'll do now, where we go from here
19 situation. We have had the Limited Appearance
20 Statement Session where people can talk and speak, you
21 know, verbally/orally today, this afternoon and this
22 evening. And if you have further information you, or
23 someone else wants to submit, again, they can do that
24 by a Written Limited Appearance Statement Session, is
25 what we call them, Limited Appearance. Just submit

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1 that in writing to the e-mail address and we'll read
2 those submissions.

3 Meanwhile, the process we have to undergo
4 or go through, this Board, we will be having to decide
5 the merits or not of this Contention No. 4 that has
6 been filed and pursued by the NIRS and the Florida
7 Ecology Party and the Green Party.

8 And it will happen sort of like this: The
9 Contention has been submitted. We're waiting for the
10 Final Environmental Impact Statement to be issued by
11 the NRC staff. We're not involved in that, they're
12 doing their own thing; the Applicant, the staff,
13 they're doing their own thing.

14 The staff is telling us that they'll be
15 issuing the Final Environmental Impact Statement in
16 April, probably more like the end of April. Now, that
17 could change. That changes. It happens, it gets
18 delayed. It probably won't be earlier, it probably
19 will be later.

20 But anyway, let's assume it comes out
21 April 30th; 45 days later the parties file their
22 initial statements and testimony to us, so what is
23 that, June 15th; 20 days later they file rebuttal
24 testimony and information; 30 days later they file
25 motions to strike and they file motions for cross-

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1 examination, then they file answers to the motions.
2 There's a number of filings that occur. Basically you
3 get the idea.

4 And then we look at it all, we read it
5 all, and it usually ends up to be piles of stuff, and
6 we read it and then we have a hearing. We have a
7 trial. And that looks like it's going to be about
8 October of this year down here in Levy County, if we
9 can find a venue and a place for it. It will probably
10 be in the courthouse, if they're so kind as to let us
11 use the courthouse and borrow it for a day or two.

12 And Ms. Olson and the Intervenors and the
13 Applicant, they will know when that hearing's going to
14 be, and maybe get the word out. If you all want to
15 attend you're welcome to do so, encouraged to do so.
16 That's where we go into action and you will see us
17 asking questions and probing the witnesses and
18 interrogating them.

19 And then after that happens, we will
20 listen to the evidence, we'll listen to what the
21 experts and the technical people say, and then we'll
22 go back to our meeting and we'll think about how we're
23 going to decide this Contention. We decide this
24 Contention; that's our scope of what we have. We
25 don't decide global warming, we don't decide Yucca

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1 Mountain. We decide this Contention.

2 And then we'll issue a ruling. And it
3 will probably take us 60 to 90 days to do that. So
4 we're talking about December, January, maybe a year
5 from now when the actual decision that we issue comes
6 out. So that's the process we follow, that's the
7 process this Board follows. We have to wait for the
8 FEIS to come out.

9 Keep in mind there are other things going
10 on, there are a lot of balls in the air at the same
11 time, and one of them is the Commissioners will have
12 this mandatory hearing. And they say their schedule -
13 - whether they can actually do it or not, it's kind of
14 tough -- they're going to have a mandatory hearing
15 about two months after the FEIS come out.

16 So when there's a hearing going on two
17 months after the FEIS, June, July, whatever, don't
18 say, "Oh, that's the hearing I heard about there
19 tonight." That's a different hearing, that's a
20 different group. There will be other things going on.

21 But I appreciate the statements that
22 everybody made tonight, and I know they were
23 heartfelt, and they, hopefully, will help us think
24 through this decision.

25 Judge Baratta or Charbeneau, do you want

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1 to add anything at this point?

2 JUDGE CHARBENEAU: Only to thank you for
3 your presence and your comments.

4 JUDGE BARATTA: Yes. I'd like to add my
5 thanks, too, for coming out and expressing your
6 concerns and such. Thank you.

7 JUDGE KARLIN: Okay. Thank you.

8 With that we'll be adjourned and we'll go
9 off the record. Thank you.

10 (Whereupon, at 8:13 p.m, the proceedings
11 adjourned.)
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Commission

Proceeding: Progress Energy, Levy County Plant
Limited Appearance, Evening Session

Docket Number: 52-029-COL and 52-030-COL

ASLBP Number: 09-879-04-COL-BD01

Location: Crystal River, Florida

were held as herein appears, and that this is the
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