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1 UNITED STATES OF AMERICA

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3 NUCLEAR REGULATORY COMMISSION

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5 LIMITED APPEARANCE STATEMENT SESSION

6 + + + + +

7 WEDNESDAY

8 JANUARY 25, 2012

9 + + + + +

10 The Limited Appearance Statement Session met in
11 the Calvert Marine Museum Auditorium, 14150 Solomons
12 Island Road South, Solomons, Maryland, at 7:00 p.m.,
13 Ronald M. Spritzer, Chairman, presiding.

14 PRESENT:

15 RONALD M. SPRITZER, Chairman, Administrative

16 Judge, Atomic Safety and Licensing Board,

17 NRC

18 GARY S. ARNOLD, Administrative Judge, Atomic

19 Safety and Licensing Board, NRC

20 WILLIAM W. SAGER, Administrative Judge,

21 Atomic Safety and Licensing Board

22 MATINA SOLOMAKOS, Administrative Assistant,

23 NRC

24 KIRSTEN STODDARD, Law Clerk, NRC

25

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1 PUBLIC COMMENTERS

2 MICHAEL BENTON

3 GERALD CLARK, Board of County Commissioners

4 of Calvert County

5 MICHAEL EVANS, Calvert County Police

6 Department

7 BONNIE GATTEAU, Calvert County Chamber of

8 Commerce

9 GARY GATTEAU

10 CHARLES MARTIN

11 KAREN MEADOW, Maryland Conservation Council

12 NORMAN MEADOW, Maryland Conservation Council

13 LILLIE MILLS, Calvert Commercial Real Estate

14 REGINA MINNISS

15 BILL PIEL

16 CINDY PIEL

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

7:00 p.m.

CHAIRMAN SPRITZER: Good evening, ladies and gentlemen, we are on the record now, I believe, and we're going to get started. We are here in the case of Calvert Cliffs Nuclear Project and UniStar Nuclear Operating Services which is NRC Docket 52-016.

As you may know, we have pending in that case a contention concerning the Final Environmental Impact Statement that was prepared by the Nuclear Regulatory Commission for the combined license application for Calvert Cliffs Unit 3.

My name is Ronald Spritzer. I'm an attorney. I am an Administrative Judge and Chairman of this Licensing Board and I will ask my two colleagues to introduce themselves as well.

ADMIN. JUDGE ARNOLD: I am Gary Arnold. I am also an Administrative Judge. I have a technical education, rather than a legal education. I have a Ph.D. in Nuclear Engineering and I spent my first career in the Naval Reactors Program.

ADMIN. JUDGE SAGER: Good evening. My name is Will Sager and I am a part-time Technical Judge. My training is in oceanography and geology. I'm a Professor at Texas A&M University where I have

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1 been for 29 years, so my field is earth and
2 environmental sciences.

3 CHAIRMAN SPRITZER: Also with us is our
4 law clerk, Kirsten Stoddard, who you may have met on
5 the way in and Matina Stolomakos, who is helping
6 outside at the table.

7 Before we get into the actual statements,
8 we'd like to thank Calvert County for allowing us to
9 use the Calvert County Marine Museum, and of course,
10 the Marine Museum staff as well. We appreciate the
11 opportunity to use this excellent facility for the
12 purpose of having a limited appearance session. And
13 we also would like to thank all the Calvert County
14 employees who made this possible and also the hearing
15 that we're going to have tomorrow.

16 Tomorrow, we will be having an evidentiary
17 hearing, a trial-type or trial-like proceeding about
18 the contention concerning the Final Environmental
19 Impact Statement. That's going to be held in the
20 Albright Building in Prince Frederick. The public is
21 welcome. However, that is not a public participation
22 session. So this is your opportunity tonight to give
23 us your views. Tomorrow, we will be hearing from
24 lawyers and selected witnesses who will be testifying
25 for us.

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1 Unlike a typical trial that you might be
2 familiar with, we'll actually be the ones asking the
3 questions of the witnesses tomorrow. But for tonight,
4 we're going to remain silent and listen to you.

5 Before we begin, one other thing. I'll
6 give you a brief overview of what we do, that is the
7 Atomic Safety Licensing Board Panel, of which we are
8 all either full or part-time members. It is an
9 independent -- we are independent Administrative
10 Judges appointed by the five-member Nuclear Regulatory
11 Commission. The members of the Commission, of course,
12 are appointed by the President and confirmed by
13 Congress. We are appointed by the Commission. We are
14 independent of the Nuclear Regulatory Commission
15 staff, that is, although we work for the NRC, we are
16 not subject to the supervision or control of the
17 staff. We are appointed in cases such as this to hear
18 what we call contentions filed by parties. They may
19 be individuals. They may be organizations. It could
20 be even a state or local government challenging some
21 type of proposed action that someone has applied to
22 the NRC to take. Also, in some cases we hear
23 challenges to enforcement matters that the NRC has
24 taken.

25 Our decisions on hearing matters are

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1 generally subject to review, first by the Commission,
2 and then the Commission's decision can be appealed to
3 Federal Courts, all the way, conceivably, to the
4 United States Supreme Court.

5 As I said, tomorrow, we will be conducting
6 an evidentiary hearing on what we call Environmental
7 Contention 10-C. I'll just briefly read it to you.
8 It alleges that the Draft Environmental Impact
9 Statement which is now a Final Environmental Impact
10 Statement, discussion of a combination of alternatives
11 is inadequate and faulty. By selecting a single
12 alternative that under represents potential
13 contributions of wind and solar power, the combination
14 alternative depends excessively on the natural gas
15 supplement, thus unnecessarily burdening this
16 alternative with excessive environmental impacts.

17 What that means in perhaps more common,
18 everyday language is that the Final Environmental
19 Impact Statement was required to look at alternatives
20 to building Calvert Cliffs Unit 3. One of those
21 alternatives that was considered was the possibility
22 of a combination of wind, solar, and other types of
23 so-called alternative or renewable energy, combined
24 with the natural gas plant, but by understating the
25 potential contributions of wind and solar power, the

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1 combination alternative as described by the NRC staff
2 in the Final Environmental Impact Statement overstated
3 the need for the natural gas supplement.

4 Tonight, we are here, as I said, to hear
5 limited appearance statements related to this issue.
6 There's just one more thing before we get started.
7 Please turn off any cell phones or put them on
8 vibrate. No food or drinks in here. When you do come
9 up to speak, please state your name and spell your
10 name, that's so the gentleman on my right, the court
11 reporter, so we'll have a good record. He's taking
12 down a transcript, so we'll have a written record of
13 everyone who speaks here tonight. They may very well
14 want to look the transcript over and it would be good
15 to know who you are and make sure we have the spelling
16 of your name correctly.

17 As I said, the Judges themselves are not
18 speaking here. We will be speaking quite extensively
19 tomorrow, but that's not so much to save our voices as
20 because we want to hear from you. We don't want to
21 slow the process down with back and forth questions
22 and answers between us and you and also because we're
23 supposed to be -- we are -- neutral Judges and we need
24 to reserve our opinions about matters in this case
25 until we've actually heard the evidence that's going

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1 to be presented at the evidentiary hearing tomorrow.

2 With those various explanations, etcetera,
3 let's get started with the statements. We'll start
4 first with the people who wrote to us either by email
5 or otherwise that they wanted to appear. The first of
6 those will be Mr. Gerald Clark, who is as I suspect
7 everybody knows, the president of the Calvert County
8 Board of County Commissioners.

9 MR. CLARK: Good evening. Thank you for
10 coming to Calvert County and beautiful Solomons and we
11 appreciate you coming down here to meet with us.

12 Good evening. My name is Jerry Clark, C-
13 L-A-R-K, and I'm president of the Calvert County Board
14 of County Commissioners. On behalf of the
15 Commissioners and the citizens of Calvert County, I
16 once again welcome the Atomic Safety Licensing Board
17 and the speakers here tonight.

18 Tonight, we are here to discuss UniStar's
19 application to construct and operate a new nuclear
20 reactor at Calvert Cliffs Nuclear Power Plant and a
21 legal challenge opposing the application. The
22 opponents have called into question the Nuclear
23 Regulatory Commission's Environmental Impact Statement
24 for the proposed Unit 3 reactor. The Board of County
25 Commissioners, however, have full faith in the NRC and

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1 its thorough study of the project.

2 NRC's technical experts completed a
3 rigorous review of the project's environmental impacts
4 and issued a Final Environmental Impact Statement. As
5 we know, this is just one of several studies that have
6 affirmed the project's environmentally-friendly
7 approach. The Unit 3 proposal has already received a
8 certificate of public convenience and necessity from
9 the Maryland Public Safety Commission. During PSC's
10 review, the Maryland Department of Environment and the
11 Maryland Department of Natural Resources, those who
12 investigated the project's environmental impact, and
13 found to be well within reason.

14 We know that UniStar's proposed plan has
15 been oriented on the site in a way that minimizes its
16 impact on the wetlands of the Chesapeake Bay critical
17 area and our region's environment. We are confident
18 that all appropriate environmental factors will be
19 fully considered during the permitting and
20 construction project.

21 The current challenge of this project,
22 however, centers on alternatives to the proposed
23 reactor. The Board of County Commissioners' view on
24 this is staunch. There are no viable alternatives.
25 Calvert Cliffs 3 would generate 1,600 megawatts of

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1 baseload power that would do that without producing
2 harmful greenhouse gas emissions. It would generate
3 the power using less land area than other sources.
4 The clean energy would also be available without the
5 need of cutting new electrical transmission corridors
6 through the county.

7 We fully support the use of clean,
8 electrical sources like wind and solar power, but
9 these sources cannot substitute for nuclear power.
10 Current green power technology does not allow for a
11 baseload source that is available 24 hours a day. It
12 cannot be built at such a scale without major impact
13 on our natural resources. Nuclear energy already
14 generates more than 70 percent of the nation's clean
15 electricity and it is the only large-scale clean air
16 source that is already to go now. A new unit at
17 Calvert Cliffs will have a positive effect on the
18 environment and on the reliability of our electrical
19 system.

20 We believe Calvert Cliffs Unit 3 is vital
21 to ensure a stable energy future with clean, safe
22 electricity generation. We support the NRC's
23 conclusion and its Environmental Impact Statement. I
24 assure that the Board of County Commissioners
25 understand and appreciate Calvert Cliffs' safe

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1 operating history and Constellation's dedication to
2 public safety and the environment. We take our
3 responsibilities of the environment very seriously.
4 We appreciate your open and transparent process and we
5 welcome public input from all parties. Thank you very
6 much.

7 CHAIRMAN SPRITZER: Thank you. Charles
8 Martin. We'd like to hear from you next, if you're in
9 the audience.

10 MR. MARTIN: Thank you. I'm here
11 representing only myself as a citizen of Calvert
12 County, but I'm obliged to state that the views I'm
13 expressing are mine and no official support or
14 endorsement of these remarks by the American Nuclear
15 Society or the Federal Government is intended or
16 should be inferred.

17 How realistic is energy conservation as an
18 option? U.S. energy consumption has essentially risen
19 steadily about 10 quads per decade since 1970s. One
20 quad is 10^{15} BTUs.

21 In 2005, the Alliance to Save Energy which
22 is an action alliance involving both industry and
23 environmental groups published Vision 2010 to
24 encourage energy conservation in all sectors. Their
25 base case scenario predicted that U.S. energy

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1 consumption would rise to 120 quads by 2025.

2 While energy conservation is definitely
3 worth pursuing with unbridled vigor, in my opinion, it
4 will not solve our growing energy needs. Even with
5 the best case option proposed by Vision 2010, we would
6 reduce our reliance on energy imports by only about
7 1.5 percent from 68.4 percent to 67.3 percent by 2025.
8 According to a July 2005 article in Scientific
9 American, a 10,000 megawatt electric coal power
10 generating station will net 6 million tons of carbon
11 dioxide into an atmosphere already showing alarming
12 levels of this greenhouse gas. If carbon
13 sequestration, still an unproven technology, was
14 attempted to control this, it would require the
15 storage of half a cubic kilometer of carbon dioxide
16 produced over the plant's expected lifetime. And such
17 a plant would still provide only 63 percent of the
18 needed electricity.

19 Burning oil to address this energy need is
20 hardly worth mentioning as world production of oil
21 appears to have peaked in 2008. And discovery of new
22 oil reserves peaked back in the 1960s and has been
23 declining ever since. Now we import most of our oil,
24 exposing ourselves to evermore compelling strategic
25 issues associated with the preservation of access to

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1 this dwindling resource.

2 Currently, tidal power is a promising
3 technology and promising in the popular press.
4 However, it remains relatively untested and presents
5 many unknowns such as how the rapidly-spinning
6 turbines might affect the marine life in the
7 Chesapeake Bay or how they might interfere with boat
8 traffic and what it would really cost.

9 In October of 2007, Jean Ziegler, a United
10 Nations food expert, labeled biofuels a crime against
11 humanity because of the impact that diversion of crop
12 land has had on stable food prices such as corn.
13 According to Lester Brown, former head of the
14 Worldwatch Institute, the grain needed to fill a 20-
15 gallon fuel tank every two weeks for a year would feed
16 about 21 people, during that same one-year period of
17 time. Sadly, much of the buzz about biofuels have
18 been generated from programs that depend on subsidies
19 and mandates to a degree that obscures the actual cost
20 to the energy produced.

21 Natural gas is often considered to be a
22 viable energy alternative. However, U.S. consumption
23 of natural gas outstripped production back in the
24 1980s and moreover, it is a vital feedstock for the
25 drug, chemical fertilizer, and plastics industries.

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1 According to William Tucker in Terrestrial
2 Energy, natural gas provides almost 40 percent of our
3 installed capacity, but only about 20 percent of our
4 electric generation due to the cost of natural gas.
5 Nuclear power, on the other hand, represents less than
6 10 percent of our installed capacity, yet provides 20
7 percent to our electric generation. The reason,
8 reactors run nearly all the time while natural gas
9 plants have become less economical.

10 Solar power can and does make an important
11 contribution to the energy mix. Two options are
12 especially relevant for large-scale power generation.
13 However, for technical reasons, only photovoltaic
14 solar cells appear promising. Solar power does have
15 strengths. Carbon emissions are limited to
16 fabrication and solar cells produce power when it's
17 most needed during the daytime. However, in this case
18 the limiting condition of land area has 1600 megawatt
19 electric facility would require about 80 square miles
20 of surface area and solar is not a suitable technology
21 for baseload power which Calvert Cliffs 3 is intended
22 to meet.

23 In my opinion, nuclear power represents
24 the best option for adding 1600 megawatts of electric
25 capacity at the Calvert Cliffs, has manifold

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1 advantages, not the least of which is it can provide
2 the needed capability and affordable electricity
3 without significant carbon emissions.

4 The major criticisms of nuclear power,
5 safety, proliferation, and waste, I'll say the
6 following: recent public meetings in the wake of the
7 Fukushima Daiichi events have already adequately been
8 addressed and the NRC is aggressively seeking to
9 determine what enhancements to safety might be prudent
10 for the existing fleet of reactors. The question of
11 waste is one that perplexes me.

12 The French generate three quarters of
13 their energy from nuclear power and as a result of
14 reprocessing are able to store all of the high-level
15 waste from 50 years of operations in an area about the
16 size of a rugby field. With respect to proliferation,
17 I'll say the following: many of the countries are
18 developing nuclear power because the obvious
19 advantages inherent in the technology, the choice of
20 nuclear power for Calvert Cliffs 3 would have
21 essentially no bearing on this trend or on the issue
22 of diversion of nuclear technology for weapons
23 development. However, regarding the general issue of
24 nonproliferation, I can do no better than to quote the
25 AMS position statement on this issue which states "The

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1 continued support of a strong nuclear nonproliferation
2 regime is vital to our national security of the United
3 States. In order to be effective, the U.S.
4 nonproliferation policies must be developed and
5 implemented in a matter that ensures broad and
6 bipartisan and national support and is carried out
7 with the dedication and constancy that's essential in
8 meeting challenging long-term objectives." And the
9 full position statement, of course, is on the AMS
10 website at www.ams.org. That's all I want to say.

11 CHAIRMAN SPRITZER: Thank you. I may not
12 have noted this at the beginning, but we would
13 generally like to keep statements to five minutes. I
14 think the first two have been more or less within that
15 guideline. But for those who are planning to speak,
16 five minutes is what we would prefer.

17 Who is next? The last people I have who
18 contacted about speaking today before today are Dr.
19 Norman Meadow and Ms. Karen Meadow. I think I'm
20 mispronouncing your name. We'd like to hear from you
21 now.

22 DR. MEADOW: My name is Dr. Norman Meadow.
23 That's spelled M-E-A-D-O-W. I was a principal
24 research scientist in the Biology Department at the
25 Johns Hopkins University and I'm now retired. I'm

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1 also the first vice president of the Maryland
2 Conservation Council, one of the oldest environmental
3 organizations in this state and perhaps the only such
4 organization in Maryland to support nuclear power and
5 we thank you for the opportunity to present our
6 thoughts here today.

7 We believe that nuclear power is essential
8 for eliminating climate change and also that nuclear
9 plants have a much less harmful impact on biological
10 habitat than industrial-scale wind or solar
11 installations and the preservation of biological
12 diversity is our major concern.

13 Now the intervenors fault away in which
14 the Nuclear Regulatory Commission's staff use data
15 about wind resources in Georgia to conclude that
16 offshore wind in Maryland is an alternative to the
17 reactor. In reality, it's the intervenors who ignore
18 the important weakness of offshore wind on the
19 Atlantic Coast. They ignored a critical statement
20 from the Georgia studies that the NRC staff did
21 mention and that is that there's no turbine design
22 available today that can withstand a Category 3 or
23 higher hurricane.

24 Now there's a confirmatory study about
25 this coming out of the Engineering Department at

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1 Carnegie Mellon University. A paper has been
2 submitted to the proceedings by the National Academy
3 of Sciences. It's not yet published. I expect it to
4 be soon and I would like to get you that information
5 as soon as it becomes available.

6 It's critical that that weakness exists.

7 Now the intervenors also criticized
8 quantitative information given by the staff, the NRC
9 staff, to the relative wind resources in the two
10 states and they cite an author who claimed that
11 Maryland has greater resources than Georgia, but the
12 basis for that claim are not mentioned.

13 According to the latest data from the
14 National Renewable Energy Lab, Maryland has just under
15 11,000 square kilometers of offshore wind that is
16 suitable for commercial operation of turbines, whereas
17 Georgia has just over 12,000 square kilometers.
18 That's a very small difference. Maryland does have
19 regions of stronger wind than Georgia which is a
20 positive parameter in Maryland's favor, but Georgia's
21 suitable shallow waters extend much farther from their
22 shore than Maryland's, a significant factor involved
23 in the cost of erecting turbines and their
24 acceptability to the public. And those data are found
25 on the Renewable Energy Lab's wind map site.

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1 The intervenors mention only wind
2 resources in the two states and waters less than three
3 miles from the coast, but one of the important selling
4 points, and this relates to the ability to get
5 generators built as quickly as possible, carbon
6 dioxide free generators. One of the important selling
7 points used by wind developers in attempting to gain
8 public acceptable is that the turbines will be erected
9 about 11 miles off Maryland's coast, not within 3
10 miles. So the three-mile comparisons are not very
11 relevant in sociological terms.

12 Even the Danes who supposedly give strong
13 support to offshore wind are ambivalent about powers
14 located within easy site of the land and those
15 information are found in a publication from the Danish
16 Energy Authority which I would also like to get to you
17 in a written document subsequent to this.

18 Now so the intervenors' objections to the
19 use of the data from Georgia I think are very weak and
20 are flawed in themselves.

21 To get back to the carbon dioxide
22 emissions issue, a critical point about the speed with
23 which solar power can be built it seems to be that it
24 appears to be delayed in Maryland. There's a long-
25 term electricity report from the Power Plant Research

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1 Program that's a section of the Maryland Department of
2 Natural Resources. The report was developed pursuant
3 to an Executive Order by Governor O'Malley in 2010 and
4 that report concludes -- this is now related to the
5 current Maryland's renewable portfolio standard. The
6 report concludes that from the years 2018 through
7 2030, only 50 percent of the present solar mandate
8 which is only for 2 percent of electricity sales will
9 be met not by solar installations, but by a part of
10 compliance payments. And while this part of
11 compliance payment, money will be used to promote
12 research on renewables, the fact is that carbon
13 dioxide will be produced generating the electricity
14 that solar installations will not be able to provide.

15 There's another document available from
16 the Maryland Energy Administration without going into
17 detail, I can provide it in written form, that states
18 that the speed with which offshore turbines can be
19 constructed is about one fifth to one tenth the speed
20 with which a nuclear plant can be built to generate
21 the same amount of power. That's taking the relevant
22 capacity factors into account.

23 So all of these run counter to the
24 important need to eliminate carbon dioxide production
25 as soon as possible and is yet another reason why the

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1 MCC thinks the contention should be denied. Thank you
2 for listening to these comments.

3 CHAIRMAN SPRITZER: Thank you.

4 MS. MEADOW: My name is Karen Meadow and
5 I'm the treasurer of the Maryland Conservation
6 Council. To add what I said this afternoon, it's
7 important to discuss the impacts of electricity
8 generation on biological diversity. Although not a
9 central focus of Contention 10-C, the relative impacts
10 of renewal and nuclear technologies are biological
11 diversity is so important to the MCC that we feel
12 compelled to mention it since it relates strongly to
13 10-C's main focus on a combination of renewables to
14 replace the reactor.

15 The proposed reactor will have a footprint
16 of about 400 acres. Taking capacity factors into
17 consideration, photovoltaics with the same capacity as
18 the reactor will require about 100,000 acres of land.
19 Calculations for wind turbines are subject to
20 considerable variability based on the parameters such
21 as turbine is facing, but we have used conservative
22 ones. The land area on mountain ridges required for
23 turbines and their service roads for the same capacity
24 as Calvert Cliffs 3 would take about 8,000 acres.
25 Offshore wind turbines are built in square arrays and

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1 the larger turbines usable on water would occupy an
2 area of about 75,000 acres for the same capacity as
3 Calvert Cliffs 3.

4 All these generating devices will affect
5 the ecology of the places where they are built. The
6 National Research Council has stated that industrial
7 scale wind plants "alter ecosystems' structure." And
8 that's from the environmental impacts of wind energy
9 projects from the National Academies' Press.

10 The recently claimed statements that
11 research shows that offshore wind installations have
12 no effect on the ecology of birds is blatantly false.
13 The EIS for the Cape Wind project and some reports
14 from the Danish research repeatedly state that harmful
15 effects were seen. They further state that because so
16 little is known about the ecology of the seas, the
17 cumulative effects of the number of turbines required
18 to produce a meaningful fraction of our electricity
19 demand are essentially unknown.

20 A quintessential example of the impact of
21 wind turbines is the incidental take permit that has
22 been applied for the entire migratory path of the
23 whooping crane, 200 miles wide from Canada to the Gulf
24 of Mexico which covers more than 300,000 square miles.
25 It includes two other endangered species also. What

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1 then can we expect from offshore wind in Maryland in
2 federal waters that is being suggested as a part of a
3 substitute for Calvert Cliffs 3?

4 The MCC therefore concludes that
5 Contention 10-C is deeply flawed in both its
6 conception and the data cited to support it and we
7 respectfully request that the ASLB reject it. Thank
8 you very much.

9 CHAIRMAN SPRITZER: Thank you. I believe
10 that concludes the people who had written to us before
11 today and we'll move on unless there's anyone here who
12 did contact us and I haven't called their name. We'll
13 move on to the people who have registered out in the
14 hallway this evening. Because they give you
15 relatively little room to write on this, it's
16 sometimes hard to read people's names. Regina --

17 MS. MINNISS: Regina Minniss. That's M-I-
18 N-N-I-S-S.

19 I am a private citizen and I feel like I'm
20 here representing all the people that don't know they
21 should be here. The presence of nuclear energy and
22 the waste that it creates threaten the very idea of a
23 future. The first thing to note down in nuclear
24 energy is the truth. Nuclear energy is not clean,
25 safe, or sustainable. It's important for the public

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1 to know that nuclear power plants cannot operate
2 without delivering regular and allowable releases of
3 thousands of radioactive elements into the environment
4 every single day.

5 The two most abundant radioactive elements
6 are uranium 238 and plutonium 239. Plutonium has a
7 half life of 24,000 years. Uranium has a half life of
8 162,000 years. Uranium over time is so vast that it's
9 essentially forever.

10 A single speck of plutonium in the lung
11 will cause lung cancer. That speck will continue to
12 remain after death. We now have about 70 times of
13 nuclear waste with nowhere to go. Even if a site is
14 found, we still have it around.

15 Since 1945, 67 years ago, when the first
16 test of the nuclear plant took place in New Mexico,
17 there has been several major accidents and the first
18 nuclear power plant melted down as well at that time.
19 The well-known accidents are Three Mile Island, 1979;
20 Chernobyl, 1986; and of course, Fukushima, 3/11.
21 These accidents and others did not just happen on
22 these days, they began on these days. None of the
23 sites are totally cleaned up. Chernobyl is still
24 saturated with huge amounts of radiation and if the
25 present enclosure is not replaced soon, we will have

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1 another disaster at that very site

2 The months after Fukushima, the updated
3 news keeps changing for the worse. Nuclear energy is
4 water intensive. We are already starting to see wars
5 over water. Darfur is one. Palestine and Israel is
6 another. There are presently several U.S. states that
7 are water stressed. A 1,000 megawatt nuclear power
8 plant will use approximately 20,000 gallons of water
9 a minute. That's 29 billion gallons of water every
10 single day. Per capita, water consumption is a 120
11 gallons a day, so that's water consumption of
12 approximately 250,000 people every single day. People
13 should know that at least 3 billion people on this
14 earth do not have access to clean water.

15 Thermal discharge into the Bay and water
16 vapor into the air contributes to global warming. The
17 11 reactors in the Chesapeake Bay watershed augment
18 the already 40 percent dead Chesapeake Bay, also
19 causing harm to fish and all life every single day.

20 The mining of uranium is energy intensive.
21 Large amounts of carbon dioxide is released during the
22 mining, crushing, milling, and to the creating of
23 concrete and steel structures for the reactors.

24 Uranium is finite. Uranium closest to the
25 surface is used up. Much deeper mining has to be done

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1 into the uranium veins and that makes it more energy
2 intensive.

3 Nuclear energy is not clean, safe, or
4 sustainable. Thank you.

5 CHAIRMAN SPRITZER: Thank you. Next
6 person we'd like to hear from is the Calvert County
7 Sheriff, Mike Evans.

8 SHERIFF EVANS: Good evening. I'm Sheriff
9 Mike Evans. Evans, E-V-A-N-S.

10 Thank you for hearing my input from the
11 challenge to Calvert Cliffs Unit 3 reactor
12 Environmental Impact Statement.

13 As a law enforcement officer, I might not
14 have the depth of technical knowledge on this issue,
15 but I do have a great deal of experience working with
16 plant personnel on public safety issues. Plus as a
17 county resident, this issue affects me and my family.
18 I hope my remarks will help you in your deliberation.

19 Working with Constellation, thousands of
20 residents think Calvert County is a great place to
21 live and work because of outstanding safety and
22 security all of our citizens enjoy. For years, our
23 local law enforcement and emergency responders have
24 worked with plant operators and state and federal
25 agencies to help ensure the safe, secure operation of

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1 Calvert Cliffs. Those collaborations happen without
2 fanfare, but it must be highlighted as a strong factor
3 when considering the Unit 3 project.

4 The plant's constant communication,
5 planning and preparation form the foundation of this
6 outstanding relationship.

7 The environmental impact. I believe this
8 is relevant because Constellation Energy has the same
9 level of openness and commitment to all of its
10 operations, including preparations for a third
11 reactor. This is a process that has continued. The
12 Unit 3 project has passing grades for its
13 environmental impact from the Maryland Department of
14 Natural Resources, the Maryland Department of the
15 Environment and the Nuclear Regulatory Commission. I
16 have confidence that experts in these agencies have
17 conducted thorough investigations.

18 As for the notion that other types of
19 clean power generation can replace a new unit at
20 Calvert Cliffs, I agree with those who believe that
21 only nuclear power is clean enough and reliable enough
22 to supply the electricity we'll need in the future.

23 In conclusion, I have witnessed the
24 seriousness of the purpose, the thoroughness, and open
25 collaboration that Constellation brings to the public

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1 safety component of this operation. Based on that
2 experience, and based on Constellations history of
3 environmental protection, I encourage the Atomic
4 Safety and Licensing Board to allow Unit 3 to go
5 forward. Thank you.

6 CHAIRMAN SPRITZER: Thank you. Next
7 person we'd like to hear from is Mike Benton.

8 MR. BENTON: Hi. My name is Mike Benton.
9 B as on boy, E-N-T-O-N. I'm a Calvert County
10 businessman and a lifelong resident. I have spoken at
11 past public hearings on the proposed Unit 3 reactor at
12 Calvert Cliffs nuclear power plant. As I've said
13 before I'm not an expert on the science of nuclear
14 power and the environment, but I believe it is
15 important that the Commission hear from regular
16 citizens.

17 Since the Unit 3 project was first
18 announced, I've talked about it with many county
19 residents. Most feel that the new reactor is a good
20 thing. It will create jobs, generate power that we
21 sorely need, and certainly help our local tax base.

22 Many residents of Southern Maryland don't
23 give the plant a second thought. That speaks volumes
24 about the Calvert Cliffs safety record and
25 environmental practices. There is very little to

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1 complain about and a lot to like about the power
2 plant.

3 I grew up here and have a strong
4 connection to this region that has great natural
5 resources. Like many others, I have a protective
6 impulse when it comes to our air, land, and water.
7 However, I feel no need for alarm over the Unit 3
8 project. I have lived with the current plant for
9 decades. I am confident that the new unit will
10 maintain the strong safety environmental record that
11 the current plant has built.

12 I understand that the nuclear power
13 opponents are now protesting that there hasn't been
14 enough focus on alternatives to a new reactor at
15 Calvert Cliffs. As a businessman, I think the
16 marketplace has seen the alternatives and it has
17 spoken. Other clean energy sources like wind and
18 solar simply cannot approach the reliability and scale
19 of something like nuclear power. That has been
20 affirmed in the marketplace and by the state and
21 federal agencies responsible for oversight on this
22 project.

23 I would much rather see a new unit built
24 at Calvert Cliffs than hundreds of acres given over
25 for solar farms to generate just a fraction of the

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1 power. I welcome a new reactor at this existing site
2 instead of the massive wind farms sprouting offshore.

3 I said this at other hearings and I'll say
4 it again, Calvert Cliffs is the best place to build a
5 new reactor to ensure clean, reliable energy for the
6 future. Let's get this project going. Thank you for
7 hearing my testimony.

8 CHAIRMAN SPRITZER: Thank you. The next
9 person we'd like to hear from is Bonnie Gatteau.

10 MS. GATEAU: My name is Bonnie Gatteau, G-
11 A-T-E-A-U. I am a Chamber of Commerce member and a
12 business owner. I have locations in both Calvert and
13 in St. Mary's County and also am a lifelong resident
14 of Calvert County.

15 I know the importance of running a sound
16 business. Since 1987, my business has grown and
17 expanded my services to meet the needs of our
18 customers and community which is what I think UniStar
19 is attempting to do at Calvert Cliffs Nuclear Power
20 Plant. In the United States, we are facing a serious
21 matter when it comes to energy supply. We continue to
22 drag our feet. Again, I am not an expert on nuclear
23 energy or the environment. But I am expert on living
24 with a nuclear facility in my background.

25 Our history with the existing nuclear

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1 facility is excellent. We watch as Constellation
2 employs our friends, family, and community and pours
3 millions of dollars into our economy. It also
4 continues to make a significant commitment to
5 environmental stewardship.

6 I want to see UniStar expand at Calvert
7 Cliffs. Thank you.

8 CHAIRMAN SPRITZER: Thank you. Next
9 person is Gary Gateau.

10 MR. GATEAU: Good evening. My name is
11 Gary Gateau, it's G-A-T-E-A-U. I, too, have grown up
12 in this area and had Calvert Cliffs in my backyard my
13 entire life. I want to just support the fact that
14 they need to expand and I kind of lost my place.

15 CHAIRMAN SPRITZER: Thank you. Again,
16 it's a little hard to read -- Cindy Reed?

17 MS. PEIL: I'm Cindy Peil, spelled P-E-I-
18 L. I thank you for listening to us and I have a
19 couple of other things to add and to ask you as well.
20 One is that you deny the license for CC3 and the other
21 is that you keep us safe.

22 This power plant isn't safe for many
23 reasons and one is just because of the fact that
24 people work there, people are people everywhere and
25 people sometimes make mistakes. And in a nuclear

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1 plant setting, they can be even disastrous than in
2 other places

3 I just have a couple of things to read
4 briefly, excerpts from reports that were in our local
5 paper this past December. The U.S. Nuclear Regulatory
6 Commission continues to investigate a greater than
7 green security finding that occurred over the summer
8 at Calvert Cliffs. According to the report released
9 last week by the NRC, the Commission issued the plant
10 a grade of final significant determination in August
11 for the greater than green finding.

12 On September 29, the NRC's Office of
13 Investigations, completed the investigation to
14 determine whether acts associated with the finding
15 were willful. Based on evidence gathered through
16 testimony, they concluded that willful acts by plant
17 security were indeed associated with the finding. One
18 individual deliberately caused violations of NRC
19 requirements and three others willfully with careless
20 disregard caused the facility to be in violation of
21 NRC requirements.

22 People are people and people make
23 mistakes. And at a nuclear power plant, it can have
24 really disastrous facts. Now this one was found out
25 fairly quickly and that's good. And we don't know how

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1 it's been corrected, but I'm assuming that it has been
2 corrected and I'm sure somewhere there's information
3 on that. Some mistakes may -- aren't willful like
4 this one apparently was, but they can take years and
5 years and years to find out.

6 The second article from the paper, this
7 was December 16th, a gap was discovered and reported
8 on December 8th in a concrete barrier at Calvert
9 Cliffs Nuclear Power Plant that could affect plant
10 safety operations. According to NRC Commission
11 spokesman Neil Sheehan, plant owner Constellation
12 Nuclear Energy Group staff submitted an event calling
13 it an unanalyzed condition which could impact the
14 plant's common control room where both reactor units
15 are controlled. The gap could allow steam from a line
16 break to enter the control room. The report states
17 that a high-energy line barrier was discovered during
18 the fire barrier surveillance and the condition is
19 believed to have existed from the plant's initial
20 construction, so over 20 years ago. The company needs
21 to address issues -- the company will need to address
22 the issue on a permanent basis, Sheehan wrote in an
23 email.

24 So what do we see? People with best
25 intentions to build the best possible nuclear plant

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1 with every safety issue in line as well as are known
2 at the time can still have things existing, don't pop
3 up for 20 years that can cause some major problems.
4 You can't always see them in the control room. It can
5 lead to difficulty.

6 So again I say please don't license this
7 reactor. We have someone from a foreign company come
8 in, a foreign company and say we want -- give me some
9 money first of all. We're not just going to come in
10 and build something, but give me some money to build
11 it that you all have. Give me your tax dollars, give
12 them to me and I'll build a great new plant. It's
13 brand new. It's the newest thing seen anywhere on
14 earth. Nobody has built on anywhere before, but it
15 will be great. You'll like it. You'll love it. It
16 will provide lots of free energy, lots of free
17 electricity, lots of low-cost things.

18 It's not right. It's not the right thing
19 to do. There's no such thing as quick things that
20 happen like that.

21 I'm going to ask you to use those tax
22 dollars which are given and do your part to invest
23 them in American engineers, American ingenuity, give
24 them to research and development. And these things
25 that people have drawn up that concern me, renewable

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1 energy sources, wind, solar, geothermal, conservation
2 things, if we give them American technology to solve,
3 give them the money instead of the nuclear power
4 industry, these things will happen. So put some trust
5 in our American people, in our American ingenuity and
6 things will happen. And don't allow these things that
7 are apparently unsafe. They just aren't -- to
8 continue. So please, keep me safe. I don't want to
9 have to think about it. I don't want to dig through
10 hundreds of documents to find out these things, but
11 they're out there. And I ask you all to keep all of
12 us safe from that kind of thing. Don't license that
13 plant. Thank you.

14 CHAIRMAN SPRITZER: Thank you. The next
15 and actually last person on our list, we can read the
16 first name, it's Bill. If you can enlighten us as to
17 your last name.

18 MR. PIEL: My name is Bill Piel. I'm
19 Cindy's husband and you can refer to us as the odd
20 couple. This is our fun night out as a couple
21 testifying before a panel, pretty unusual, huh?

22 I am scared. Now that's the statement I
23 started in the previous panel discussion or
24 presentation here in Solomons Island over two years
25 ago. I am scared. Why am I scared? Well, back then

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1 I had some things I was concerned about. We knew
2 about Chernobyl. Just since we've had something
3 called Fukushima and I cannot understand tonight how
4 people can stand before you promoting the idea of
5 nuclear power given what happened at Fukushima.

6 Am I the only one reading newspapers and
7 understand how deadly and devastating economically and
8 from a health standpoint, from personal standpoint?
9 That country, Japan, has suffered greatly because of
10 that and I don't see any difference between us and
11 them. It can and it will happen. It's got to.

12 I would like to thank the Atomic Safety
13 and Licensing Board for giving us this opportunity to
14 speak about Calvert Cliffs 3 this evening.

15 Your Honor, at this point I would like to
16 ask your indulgence because I believe the members of
17 the public have so far endorsed UniStar as a good
18 neighbor with a track record of safety and has
19 contributed to the community and has provided jobs.
20 It's totally and irrevocably false.

21 UniStar is a new limited liability company
22 which is 100 percent owned by the French government
23 through Électricité de France or EDF and as such is
24 forbidden by U.S. law to own and operate a nuclear
25 power plant. The fact of the matter is regarding

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1 safety and track record, UniStar has no track record
2 and as described by its supporters. UniStar has been
3 riding on the skirts and reputation of Constellation
4 or CENG which has no relationship whatsoever to
5 UniStar and EDF other than the property location for
6 which Unit 3 is supposed to be built.

7 Furthermore, the company which UniStar/EDF
8 has commissioned to build Calvert Cliffs 3 is Areva,
9 also a French company and under the jurisdiction of
10 EDF, has a well-known terrible track record on non-
11 compliance to safety standards and has incurred years
12 of delay in construction and over \$1 billion a year in
13 cost overruns in their Flamanville EPR reactor from
14 which Calvert 3 reactor is patterned after. So anyone
15 who supports UniStar/EDF in the building of Calvert 3
16 has not read the facts of this case and therefore,
17 Your Honor, we respectfully request that their support
18 of UniStar's licensing to build Calvert 3 should be
19 stricken from the official record since such support
20 for the supposedly good track record of UniStar is
21 actually for a different company, CENG, who is not any
22 more affiliated with UniStar. The only applicant is
23 UniStar/EDF which has absolutely no good track record
24 to speak of as already explained.

25 Articles I read in the past have only

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1 indicated that Areva had been dumping liquid
2 radioactive waste into rivers in France. Now that's
3 the kind of thing that I don't understand if the
4 nuclear industry, if the companies supporting nuclear
5 industry, if the funding supporting this understands
6 this why would anybody want to risk this? And I'll
7 tell you why. I think if this discussion were for a
8 plant next to the White House, things would be
9 completely different. It's location and proximity to
10 the problem.

11 I think a lot of people think because
12 Fukushima is on the other side of the world, there is
13 no problem. Well, that's not correct. It is on the
14 other side of the world, but the problem does exist
15 and the huge costs exists.

16 Nevada was offered over \$100 billion for
17 Yucca Mountain and it ain't going to happen. That
18 amounts to about \$1 billion per reactor. That means
19 two reactors here at Calvert Cliffs, I think Calvert
20 County is supposed to get \$2 billion to handle the
21 nuclear waste that continues to pile up on the ground
22 outside the reactors here at Calvert Cliffs. I just
23 don't understand the thinking behind the people
24 promoting it as being safe.

25 Nuclear power's environmental impact

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1 begins with the mining of plutonium, all the way to
2 our inability to store the radioactive waste for which
3 there is no current solution. Yucca Mountain is not
4 going to happen and where is this waste going to go?
5 Nobody has a good solution. And with the country in
6 deep red ink, money, which is what you need to handle
7 this stuff is in such limited supply there will be no
8 good handling of this waste ever, ever. Nuclear power
9 is not the clean energy the industry and the public
10 believe it to be when the entire cycle is considered.

11 The other aspect is when this whole thing
12 started over two years ago now, I called my
13 homeowner's insurance agent. I said if something
14 happens to my house, does my homeowner's insurance
15 cover it. In other words, if I have to leave the
16 area, will they pay for hotel and whatever extended
17 leave and if there's any remediation that has to be
18 done? There was silence on the end of the phone. And
19 then my agent said to me, your homeowner's insurance
20 covers nothing. I said well, could I pay extra and
21 would they cover me a little bit at least? He said
22 absolutely not.

23 Now would the insurance industry run in
24 the other direction from nuclear energy, not wanting
25 to make money? They can make money. I pay them for

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1 extra insurance coverage. They don't want anything to
2 do with it. What does that tell you? There are deep
3 undeniable problems with nuclear energy and they're
4 not going away for love or money. It won't happen.

5 The only thing that's going on here is
6 that the local people here in the county have a
7 mistaken belief that somehow the fact that that plant
8 is here is going to bring them more money, more jobs.
9 They have no vision to what the terrible things that
10 happened at Fukushima have happened and what the cost
11 will be if something like that happens here. And as
12 those plants get older, they're approaching that time
13 in life where they have to be decommissioned. Who is
14 going to fund that? Where is that money going to come
15 from? And that money can be much more than the plant
16 was to build in the first place. And again, nobody is
17 taking care of the radioactive waste that during
18 decommissioning has to be taken care of.

19 Countries like Germany are escalating,
20 increasing the closing rates of their plants. Wait a
21 minute, that doesn't make sense. If nuclear energy
22 was good, why would a country as advanced as Germany
23 want to decommission faster? Does not make sense.

24 Okay, the combination of UniStar and EDF,
25 and Areva and a fault line in the location of a

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1 nuclear power plant at Calvert Cliffs together
2 constitute a serious risk for environment, our safety,
3 our economy, and are unworthy of the allocation of
4 federal subsidies without which the nuclear plant
5 could not be built.

6 I urge the Atomic Safety and Licensing
7 Board to please consider these facts in their
8 consideration for the contention raised in the Final
9 Environmental Impact Statement for Calvert Cliffs.
10 This contention is not just a matter of legal
11 procedure and the provision of future jobs as these
12 alone will not resolve the problem at Calvert Cliffs.

13 Your Honor, our fate is in your hands and
14 it is within your power to deny the license of
15 UniStar/EDF. Thank you.

16 CHAIRMAN SPRITZER: Thank you. All right,
17 we have one more person, Lillie Mills.

18 MS. MILLS: Good evening, Your Honors. My
19 name is Lillie Mills. I'm a real estate broker with
20 Calvert Commercial Real Estate in Prince Frederick and
21 a member of the Calvert County Chamber of Commerce.
22 On behalf of the Chamber and our business community,
23 I'd like to thank you for your efforts to obtain input
24 regarding the potential environmental impact of
25 UniStar's construction of the third reactor at Calvert

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1 Cliffs.

2 I was born and raised in Southern Maryland
3 and I still live here and operate my business here.
4 My older brother worked for Bechtel on the original
5 construction project. I firmly support the expansion
6 of the nuclear power plant at Calvert Cliffs.

7 Experts can address the environmental
8 impact better than I, but as a fellow Chamber member,
9 I can attest to Constellation Energy as an outstanding
10 business partner in Calvert County. They have been
11 for more than three decades. Every year, they pump
12 millions of dollars into the local, regional, and
13 state economies. Their current operation endows our
14 region with clean, reliable energy and their facility
15 represents environmental stewardship and respect.

16 I see nuclear energy as a vital part of
17 our clean energy future. This important project will
18 create jobs and become a strong driver of an economic
19 engine that Southern Maryland needs, not only
20 providing jobs, but also supporting other businesses
21 with demands for local goods and services. As you
22 conduct your review, please remember what an
23 outstanding partner, Calvert Cliffs, has been to
24 Southern Maryland, and their positive impact on the
25 businesses, our environment, our state, and the

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1 nation. I recommend this contention be dismissed and
2 that UniStar be allowed to move forward with their
3 project. Thank you for the opportunity to voice my
4 opinion.

5 CHAIRMAN SPRITZER: Thank you. That
6 concludes the people that have signed up. Is there
7 anybody else here this evening who would like to speak
8 and hasn't? All right, well, thank you for coming
9 this evening. It's been, as the afternoon session
10 was, an enlightening and interesting one for us.
11 Hopefully it was for you also. And if you do decide
12 to come to the evidentiary hearing tomorrow, I will
13 make the same point that I made this afternoon, you
14 probably do need to arrive early. I'm not sure how
15 much seating there is. It may be limited. So if you
16 interested in attending some part of that, we're
17 starting at 9:30. I think you probably have to be
18 there at least 15 minutes, probably leave half an hour
19 beforehand. There are seats, but we have lawyers. We
20 have witnesses, so there may not be nearly as many
21 seats tomorrow as there are this evening in this great
22 facility you have. Thank you very much. We're
23 closed. Off the record.

24 (Whereupon, at 7:59 p.m., the above-
25 entitled matter was concluded.)

CERTIFICATE

This is to certify that the attached proceedings
before the United States Nuclear Regulatory
Commission

Proceeding: Calvert Cliffs III Nuclear Project
Limited Appearance: Evening Session

Docket Number: 52-016

Location: Solomons, Maryland

were held as herein appears, and that this is the
original transcript thereof for the file of the
United States Nuclear Regulatory Commission taken
and thereafter reduced to typewriting under my
direction and that said transcript is a true and
accurate record of the proceedings.

Neal R. Gross

Official Reporter
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