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NUCLEAR REGULATORY COMMISSION

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PUBLIC SCOPING MEETING FOR LICENSE RENEWAL

McGUIRE NUCLEAR STATION UNITS 1 & 2

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TUESDAY,

SEPTEMBER 25, 2001

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HUNTERSVILLE, NORTH CAROLINA

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The Public Scoping Meeting took place at the Central Piedmont Community College, North Campus, 11930 Verhoeff Dr., Huntersville, North Carolina, at 7:00 p.m., Chip Cameron, Facilitator, presiding.

PRESENT:

CHIP CAMERON

RANI FRANOVICH

JIM WILSON

ANTONIO FERNANDEZ

TOMMY ALMOND

BREW BARRON

DAYNA HERRICK

TIM GESTWICKI

DON MONIAK

PRESENT: (Cont.)

LOU ZELLER

DONNA LIZENBY

BILL RUSSELL

PAUL SMITH

MITCH EISNER

CATHERINE MITCHELL

JIM GILPIN

ROBERT MAHOOD

DAN FARIS

A-G-E-N-D-A

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

(7:00 p.m.)

FACILITATOR CAMERON: Good evening, everybody. Welcome to the NRC's public meeting on the Environmental Review for the preparation of an Environmental Impact Statement on Duke Energy Corporation's application to renew the operating licenses at Stations 1 and 2 at the McGuire Nuclear Station.

My name is Chip Cameron, I'm the Special Counsel for Public Liaison at the Nuclear Regulatory Commission, and it is my pleasure to serve as your facilitator for tonight.

Before we get into the substance of the meeting, I just wanted to talk about three aspects of the meeting itself. And one are the objectives of the meeting. Secondly I would like to talk about format and ground rules for the meeting. And, third, I would like to go over the agenda, so that you have an idea of what to expect tonight.

In terms of the objectives, we have a couple of objectives. One is to explain, to all of you, what the process is that the NRC goes through to evaluate these applications for the renewal of the licenses.

And specifically what we want to talk about tonight is the environmental review process that the NRC engages in to assist in making the decision on the renewal applications.

Now, for those of you who don't know what scoping is, scoping is a term that is used in reference to the preparation of an Environmental Impact Statement. And the Environmental Impact Statement,

as you will be hearing more from the NRC staff, is a document that assists the NRC in making its decision on whether to renew the licenses.

Scoping basically allows the NRC to gather information, identify potential impacts and alternatives that the NRC should evaluate in doing the environmental review.

And that brings me to the second objective of tonight's meeting, which is to hear from the people in the community on potential environmental impacts that the NRC should consider in doing its environmental review.

The NRC is going to take written comments on these scoping issues, and please feel free to submit written comments. We wanted to be here tonight to meet with the people in the community, in person.

You may hear some information from the NRC tonight, or from others that are speaking, that will stimulate you to write, to prepare a written comment, or help you to prepare that written comment.

So please do so, and I would note that any comments made here tonight have the same weight as a written comment.

In terms of format, there are two parts to the meeting. And the first part is going to consist of some brief presentations by the NRC staff to give you a background on license renewal, so that you will be able to understand that.

We have two speakers. Rani Franovich, who is right here, and Jim Wilson. And I will give you a little bit on their background in a minute. But they are each going to give you some information about the process.

After each one we will go out to you to see if there are any questions that you might have about the process, clarifying questions. Then we are going to go to the second segment of the meeting, and that is the most important part, because that is where we want to hear from you, where we want to listen to the information that you might have for us about potential environmental impacts, or alternatives.

And I'm going to start that off with any local government officials that are here. We are going to have some brief presentations by Duke Energy to explain their intentions with proceeding with license renewal on the McGuire stations, and then we are going to go to others who signed up to speak.

In terms of guidelines I want to make sure that, or ground rules, I want to make sure that everybody has an opportunity to talk tonight. And so I would just ask you to be as concise as you can be. I know that you want to give us a lot of important information.

At least for starters I'm going to ask that everybody follow a five minute guideline in terms of their presentation. And I think that everybody this afternoon, at this afternoon's meeting, did very well with that.

Please only one person speak at a time, so that we can get a clean transcript. We are transcribing the meeting, and we do want to give our full attention to whomever has the floor, at the time. And just give us your name.

If you have a question during question and answers please give us your name, and affiliation, and when you come up also tell us a little bit about yourself, who you are, and your affiliation.

In terms of the agenda we are going to start with Rani Franovich, who is going to talk about the overall context for license renewal. And what you are going to hear is that there is safety issues that are considered in the NRC's decision on whether to renew the license, there is environmental information, and there may be inspection findings that go into the NRC's decision.

Rani is going to tell you about that. And Rani is the safety project manager for the McGuire license renewal application. She has a background in human factors engineering, and a bachelor's in psychology, and a master's degree in industrial and systems engineering.

And she has been with the NRC for 10 years, but 6 of those years she was the resident inspector at the Catawba facility. So she has a lot of experience. She is with something called the License Renewal and Standardization Branch at the NRC, and that is within our Office of Nuclear Reactor Regulation.

After Rani we are going to focus in on the environmental review, and we are going to go to Mr. Jim Wilson, who is right here. Jim is the environmental project manager for license renewal at the NRC.

Again, he is within the Office of Nuclear Reactor Regulation. His branch, the branch that does all the environmental work on license renewal, and other aspects of Commission activities, it is called the Risk-Informed Initiatives, Environmental, Decommissioning, and Rulemaking branch. That is why we usually don't say these branch names very much, for obvious reasons, I guess.

But Jim has a bachelor's in biology, and a master's in zoology, and he has been with the Commission for more than 25 years. And they are going to tell you about staff support on this. I think we have a lot of expertise on this particular issue.

But we will have those two presentations, and questions, and then we will move to hear from all of you. And I would just thank you all for being here.

The NRC has an important decision to make in terms of whether to renew the licenses, and the information that you give us tonight will be useful in that decision making process.

One final note. There is an evaluation form for the meeting that is out on the desk. We want to make sure that we do everything we can to offer an effective meeting to the public. And if you have any comments please put them on the form, and we will consider them.

And with that, I'm going to ask Rani Franovich to speak at this point. Rani, do you want to use this, or do you want to try that?

MS. FRANOVICH: Good evening. As Chip indicated, I'm Rani Franovich. I'm the project manager for the safety review of the application for renewal for the Catawba, as well as the McGuire nuclear station.

And for everyone's benefit, the operating licenses for McGuire Units 1 and 2 will expire in 2021 for Unit 1, and 2023 for Unit 2.

They have applied for license renewal to the NRC, under 10 CFR Part 54, to request authorization to operate for up to an additional 20 years. And before I talk about the license renewal process, and the safety

review process, in a little more detail, let me just talk with you about the NRC, what we do, what our mission is.

The Atomic Energy Act of 1954 authorizes the NRC to regulate civilian use of nuclear materials. The NRC's mission is three-fold. First we ensure the adequate protection of public health and safety. Second, we protect the environment, and third we provide for the common defense and security.

The regulations enforced by the NRC are issued under Title 10 of the Code of Federal Regulations, which we commonly refer to as 10 CFR.

The Atomic Energy Act provides for a 40-year license term for power reactors, but also allows for renewal. That 40-year term is really based on economic and antitrust considerations, more than safety limitations.

Major components were initially expected to last for up to 40 years. However, operating experience has demonstrated that some major components, such as steam generators, may not realistically operate for that long.

For that reason, a number of utilities have replaced their steam generators. Because components and structures can be replaced, or reconditioned, plant life is really determined primarily by economic factors.

Applications for license renewal are submitted years in advance for several reasons. If a utility decides to replace a nuclear power plant, it could take up to ten years to plan and construct new generating capacity to replace that nuclear power plant.

In addition plans to replace or recondition major components are early considerations for license renewal.

Now I'm going to talk about license renewal, which is basically a process defined by a rule in the 10 CFR, and that rule is 10 CFR Part 54. And that rule defines the process, the regulatory process for renewal, and it incorporates 10 CFR Part 51 by reference.

10 CFR Part 51 provides for the preparation of an Environmental Impact Statement, or EIS. And the license renewal process defined in 10 CFR Part 54 is very similar to the original licensing process, in that it involves a safety review, an environmental impact evaluation, plant inspections, and review from the Advisory Committee on Reactor Safeguards, the ACRS.

The ACRS is a body, like a consultant body, of independent academics, and people with years and years of experience in the nuclear industry. They are a consultant body to the Commission. They are involved in the Commission's process for granting license renewal.

The next slide defines two parallel processes. The safety review process is illustrated right here. The environmental review process is illustrated here. These are parallel process to evaluate two separate things.

The safety review involves staff review of the license renewal application to assess how the applicant proposes to manage aging of certain components that are within the scope of license renewal.

The staff's review is documented in a safety evaluation report. In addition to that process we also have inspection activities, which are documented in inspection reports. The safety review goes to the ACRS for review, and then an ACRS report factors into the Commission's decision on the application.

In addition, the inspection report also factors in on the Agency's decision on the application for renewal. If there is a petition to intervene, and there is sufficient standing and cause, then hearings may also be involved in the process. And hearings will play an important role in the Agency's decision on the application as well.

Here at the bottom is the other parallel process for the environmental review, which involves scoping activities, the drafting of the supplement to the generic Environmental Impact Statement, comments on the draft from the public, so there is public participation there, and then the issuance of a final supplement to the generic Environmental Impact Statement.

This document also factors into the Agency's decision on the application. The scope of the license renewal evaluation, the safety part, which is this part right here, is the effectiveness of existing or proposed inspection and maintenance activities to manage aging effects applicable to a defined scope of passive structures and components.

Part 54 requires that the review of the application also evaluate time-limited aging analyses. And time-limited aging analyses are those design analyses that specifically include assumptions about plant life, which is usually 40 years.

Current regulations are adequate for addressing active components such as pumps and valves, which are continuously challenged to reveal failures and degradation, such that corrective actions can address that.

Current regulations also exist to address other aspects of the original license, such as security, and emergency plans. These current regulations will also apply during the extended period of operation.

In August, the NRC issued a notice to announce its acceptance of the Duke Energy application for renewal of the operating licenses for Catawba and McGuire.

The notice also indicated that there was an opportunity for public participation in the process. The NRC has received two petitions to intervene, one from the Nuclear Information and Resource Service, and the other from the Blue Ridge Environmental Defense League. If granted a petition to intervene will involve hearings, as indicated here, in the process.

And this concludes my summary of the license renewal process and the safety review process. If there are no other questions --

FACILITATOR CAMERON: Questions? Let's go to Don, and just tell us your name and affiliation.

MR. MONIAK: I'm Don Moniak with the Blue Ridge Environmental Defense League. You just stated that current regulations are adequate to address things that you are not going to address in the EIS.

What if the regulations change, how can you predict what the regulations are going to be in 20 years?

MS. FRANOVICH: I think what I said was current regulations are adequate for not so much the Environmental Impact Statement, but for things like assessing the effectiveness or performance of components and structures.

What I mean by that is 10 CFR Part 50 requires that plants have a quality assurance program, corrective action programs, such that when they find problems, performance problems, failures, degraded equipment, they are required to take corrective actions to prevent recurrence.

MR. MONIAK: Okay. Well, within that concept, Duke submitted a request for an exemption from the rules for renewals of licensing in May of 1999, I believe, and it was granted in October 1999, and it is referenced on the first page of their application.

Unfortunately there is no reference to where a person can find both documents. How -- the question about this exemption is, why didn't you begin this process when you knew that Duke intended to submit one early, at least a scoping process?

It has been two years since they indicated their intention to submit a license renewal early. Otherwise they wouldn't have gone through that burdensome exemption process, I assume.

Why has it been two years since the NRC started this process, especially considering there has been several related meetings over the past year or so, relating to Duke's use of plutonium fuel in their reactors?

MS. FRANOVICH: Okay. Let me address your question. It sounds like there may be two of them. One is about the exemption. And they did come in for an exemption request. And the exemption itself was to request that they come in early for McGuire Unit 2, and Catawba Units 1 and 2.

And what they did was they provided operating experience from all four nuclear operating stations. McGuire Unit 1 has 20 years of operating experience, to justify why the exemption was reasonable. And the NRC granted that exemption, so they came in early.

The second part of your question seems to be why didn't we start the process of reviewing their environmental impact until --

MR. MONIAK: The scoping process.

MS. FRANOVICH: Okay, the scoping for the environmental review... Jim, correct me if I'm wrong, but until we get an environmental review report, or an environmental review from the applicant, that has the information that we can review, we don't have anything on the table to review.

MR. MONIAK: You don't need the application, all you need is the knowledge, under NEPA all you have to do, under the National Environmental Policy Act, even the fact that something like this is being considered, an agency can go forward from that point.

And, granted, the Environmental Impact Statement can't be developed until you have an application. But you could combine the renewal process and the scoping process with all this other ongoing NEPA work, in order to be a little more efficient.

You can consider all the comments made in Charlotte, May 8th, as part of the scoping for this, because they are all related to Duke reactors almost primarily, and use of plutonium fuel, as well as normal operations.

MS. FRANOVICH: Okay. I'm not cognizant of the May 8th meeting.

FACILITATOR CAMERON: Let me -- I'm going to see if either Jim Wilson, or Antonio from the Office of General Counsel wants to say anything on this.

One question, it was sort of a question, the location of the exemption documents, is that -- can you tell us anything about how someone would view the exemption request, and the decision?

MS. FRANOVICH: Sure. Those documents are publicly available. All you have to do is go into ADAMS, which is our information repository for documents and correspondence between utilities and the NRC, and do a search based on the topic, the date, that kind of thing, to see if you can find it.

It is not there? Then we will take that back and make sure it gets there. Thank you.

FACILITATOR CAMERON: Yes, and let's do that, and if we are going to give, if we do have the ADAMS accession numbers, I know that that is extremely helpful for people to try to get documents out of there.

But we will take that back as an action item. Antonio, do you want to talk a little bit about the NRC regulations in terms of when we do scoping for an Environmental Impact Statement?

You heard Don's questions. Do you have something to offer on that?

MR. FERNANDEZ: This is Antonio Fernandez from the Office of General Counsel. All, I think, that we need to say is that the National Environmental Policy Act doesn't require a federal agency to begin its scoping process until it has a proposal before it.

As soon as the Agency had a proposal before it, in the form of an environmental review, and a licensing request to renew the license, we began the process as soon as possible, and that is what the Agency has done in this case.

As far as I understand it, application for the exemption, and the granting of the exemption, can be found in 64 Federal Register 54924. So that is the reference. I will read it off again, 64 FED REG, 54 924.

FACILITATOR CAMERON: Okay. And if there is a more -- not a more helpful reference, but something that is more accessible to people, we can also try to get that to Don.

Any other questions? Yes, sir, a question for Rani Franovich?

MR. FARIS: My name is Dan Faris, and I'm a long time citizen of Charlotte and Mecklenburg. And I'm not an expert on any of this. So basically I'm going to probably just ask a question.

I mean, I grew up in Charlotte, and our families often went to Lake Wiley, and later to Lake Norman. And my understanding was the license originally was that Duke Energy had the right to dam the Catawba river at Lake Wiley, and Lake Norman, to produce energy.

And since this was given by the federal government, the citizens gave them that right to do that, they had certain responsibilities about the water, and the land surrounding those lakes that they created, and where they were creating power.

And I'm not sure, in today's nuclear age, how that original license fits into what this process is talking about today, about these two units. Because my concerns are about the environmental impact.

So this is talking about two units, I'm talking about the whole picture for relicensing, which involves Duke Energy's responsibility to the citizens that gave them the right to dam the rivers and produce energy.

MS. FRANOVICH: Let me take a crack at this. And if I really mess it up Jim Wilson is going to come push me out from behind this podium, and start speaking.

Two things. There are current state and federal regulations with regard to environmental controls. They are in place, and in effect right now, to protect the environment around these two plants.

The other is the Environmental Impact Statement will be generated based upon a staff review of the impact of renewing the operating license for these two plants, such that it ensures that there is not a significant degradation to the environment that you are concerned about.

That is part of the renewal process. It will be documented in the draft, and the final supplement generic Environmental Impact Statement. Does that answer your question?

MR. FARIS: I think it does. I think what you are saying is that this original license, and the responsibilities of both the federal government and Duke Energy have not gone away.

MS. FRANOVICH: That is correct.

MR. FARIS: And so there will be opportunity for citizens like myself and others to ask questions if we have concerns about the environmental impact according to that whole overall umbrella of licensing, and the duties of both Duke Energy and the federal government, and the citizens.

MS. FRANOVICH: Sure. The questions that you are asking right now are the questions we are asking for in the public participation process, not really very well indicated on this slide, but the one that I spoke of, that was noticed last month, the public opportunity to participate in this process.

So you are doing that now. And, in addition, as I indicated, part of the review is the environmental review, this along the bottom of this slide. And there was one other thing that I wanted to get to. I can't recall what it was, but --

MR. FARIS: So at some point this evening the public can ask questions related to that part?

MS. FRANOVICH: Absolutely.

MR. FARIS: Do we need to do it now?

FACILITATOR CAMERON: Let's do two things for Mr. Faris. One, after the meeting let's make sure that we understand the scope of his comment, and let's treat it as a comment, too.

In other words, what should be considered within the scope of the Environmental Impact Statement. In other words, let's evaluate that.

And in terms of being able to comment, or ask questions about the previous license, I know you are signed up to speak, to make a comment. We could maybe be able to answer that question better in the context of your comment, if you don't mind waiting until then.

But let's make sure, we will get it back out on the table, okay?

MS. FRANOVICH: And the one thing that I meant to mention, that I had forgotten, was that if they were committed to do certain things in the original license, there is nothing about the license renewal process that invalidates prior commitments.

FACILITATOR CAMERON: Okay. Let's go to Jim Wilson now. Thanks, Rani. Let's go to hear about the environmental process, and

then we will come back to you for questions, again, if you have questions about the environmental process. Jim?

MR. WILSON: My name is Jim Wilson, I'm the environmental project manager for the NRC's review of Duke's application for license renewal at the McGuire Nuclear Station.

NEPA, the National Environmental Policy Act, which was enacted in 1969, requires that all federal agencies use a systematic approach to consider environmental impacts during certain decision making processes regarding major federal actions.

NEPA requires that we examine the environmental impacts of the proposed action, and consider mitigation measures to reduce impacts where the impacts are severe.

NEPA requires that we consider alternatives to the proposed action, and evaluate the impacts of those alternatives. And, finally, NEPA requires that we reveal all of this information to the public, and invite them to participate in evaluating it.

The NRC has determined that it will prepare an Environmental Impact Statement associated with the renewal of operating licenses for additional 20 years.

Therefore, following the process required by NEPA, we are going to prepare an Environmental Impact Statement that describes the environmental impacts associated with operation at the McGuire site for an additional 20 years.

As we noted in our Federal Register notice last month, we are conducting a scoping process to collect comments from the public on what we should include in that Environmental Impact Statement.

This slide describes the objectives of our environmental review. Simply put, we are trying to determine whether the renewal of the McGuire licenses is acceptable from an environmental standpoint.

The actual decision on whether to operate the plant for an additional 20 years is going to be based on decisions made by other parties, principally Duke and other agencies, and will depend, in large measure, on the outcome of the safety review.

This slide shows a little bit more detail the bottom of Rani's previous slide, where we depicted the environmental review process. We received an application for renewal in June. We issued a notice of intent in the Federal Register in August, letting the public know that we are going to be preparing an Environmental Impact Statement and conducting scoping.

It announced this meeting and told you some information about how to get here, and that we will be collecting comments from the public today that we will consider in preparing the Environmental Impact Statement.

During the scoping period we are holding these meetings... We held another one earlier today. Earlier this week we went to the McGuire site with a combined team of staff and consultants from the National Laboratories, with a variety of backgrounds in the various technical and scientific areas that are needed to prepare an Environmental Impact Statement.

We familiarized ourselves with the site, and we talked with the Duke staff about their application. We talked with other agencies, state agencies, resource agencies, permitting agencies, to get their perspective.

In addition we've had team members out in the local area meeting with local governments, and trying to get some information from them that will be helpful in our Environmental Impact Statement.

The scoping period we are currently in will last until the 21st of October. If you do not choose to submit comments tonight you have about another month to either submit comments in writing, or by email, or to come to Rockville and give us your comments in person.

We expect to issue a draft Environmental Impact Statement for public comment. And that is going to be some time in the spring time frame. And as Rani said before, this will be a supplement to the Generic Environmental Impact Statement -- it is going to be a McGuire-specific supplement.

The report will be a draft report - not because it is an incomplete report, but because we are an intermediate step in the decision making process.

After we collect comments from the public on the draft, some of the comments will come in another set of public meetings early next summer, I think it would be. Probably here in this same location.

We expect to present the results of our review and ask for public comments on the review. After we gather the comments on the draft, we will finalize the document, and we expect to issue a final Environmental Impact Statement in January of 2003.

During our preparation of a draft Environmental Impact Statement for license renewal at McGuire we are going to be meeting with the licensee, meeting with social services, with resource and permitting agencies. We are going to be contacting other federal agencies. And we are going to be getting comments from the public.

This slide gives you some of the technical and scientific areas we are going to be considering in the scope of our Environmental Impact Statement...

And, finally, a quick recap... We are in the middle of a comment period that is going to last until the 21st of October, soliciting comments, input from the public, on what should be included in the Environmental Impact Statement.

We expect to issue a draft Environmental Impact Statement next spring, about May. We expect to have a final document ready in early 2003, and that will be a result of considering comments on the draft that came from other agencies and the public.

And, finally, this slide gives you some information on how to gain access to the documents associated with the review. The Duke application, and our environmental review documents, are going to be available for inspection at the J. Murrey Atkins Library at the University of Charlotte.

The documents are available at the NRC's website. And if you have comments after this meeting and you would like to submit them, we have an address for where to send a letter. We also have an email address, mcguireeis@nrc.gov, where you can send us an email with your comments. And we will consider them in developing our draft.

Any questions?

FACILITATOR CAMERON: Okay. Let's go to Don Moniak. Don?

MR. MONIAK: The proposed action in the application is to renew the licenses of Catawba and McGuire, right?

MR. WILSON: That is true.

MR. MONIAK: So why are you doing separate Environmental Impact Statement for McGuire and Catawba, instead of doing one that considers all four reactors?

MR. WILSON: The safety evaluation is going to be done as a single review. It is impossible to do the environmental review as a single review, because we have two different sites, two different environments.

We have to prepare a site-specific evaluation. We have chosen to evaluate the McGuire application, the McGuire environmental report first, and then we will do the Catawba one. We will prepare separate Environmental Impact Statements for each.

MR. MONIAK: I've seen, it has been done many times before, with two separate sites, the same EIS.

MR. WILSON: I'm not --

MR. MONIAK: Are you going to consider the cumulative impacts --

MR. WILSON: We will consider the cumulative impacts.

MR. MONIAK: As if it was all four reactors running at once?

MR. WILSON: It is the same licensing action, but it has different environmental impacts at each site.

MR. MONIAK: That seems like it is a burden upon the public to have to comment on two separate documents.

MR. WILSON: Well, we are giving you the opportunity to provide comments on both.

MR. MONIAK: Are comments about the McGuire reactors going to be considered within the Catawba?

MR. WILSON: I don't think so, to the extent that the impact statements are going to be site-specific.

MR. MONIAK: So somebody who lives in the middle of --

MR. WILSON: We are going to be looking at Lake Wiley when we do Catawba, we are going to look at Lake Norman when we do McGuire.

MR. MONIAK: So somebody who lives right in the middle, which a lot of people do, have to comment on both of them?

MR. WILSON: You could comment on either, both, or neither, that is your choice.

MR. MONIAK: Okay, thank you.

FACILITATOR CAMERON: And let's do two things based on Don's comments. If we haven't noted it so far, the whole issue of cumulative impacts, whatever they might be, would be something that I think was recommended to look at within scoping.

And also I suppose that it is possible, and very possible from a comment point of view, that there might be one set of facts that might have implications, environmental implications for both reactors.

MR. WILSON: Yes. I might note that NEPA requires that we consider cumulative impact for a proposed action. And the proposed action for McGuire is the same for Catawba. And, yes, we plan to look at both.

FACILITATOR CAMERON: I think we got the drift of what your questions were, and we will put that into the comment, mixed on. Is there any other questions on the environmental review process?

(No response.)

FACILITATOR CAMERON: What we are going to do now is we are going to go to the first of our speakers tonight, and that is Tommy Almond. Tommy, Deputy Fire Marshal and Director of the Gaston County Emergency Management office. Correct any of that, if that is wrong, Tom.

MR. ALMOND: I'm not the director, I'm just one of the indians. Jim is the director.

FACILITATOR CAMERON: All right. Go ahead, Tommy.

MR. ALMOND: Okay. First I would just like to say good evening. I am Tommy Almond, I do live at 111 Lilly Road, in Gaston County.

My home is located in the northeast portion of Gaston County. And not only do I live there, but my parents, and my sister-in-law. And we live within three and a half to four miles of McGuire plant.

The emergency protection zone, or the EPZ, as we refer to it, is designated as zone R. Just to give you a little bit of touch here, it was first announced in 1969 that McGuire would be built on the shores of Lake Norman, with groundbreaking occurring, I believe, in 1971.

Unit 1 came on line in December of 1981, and unit 2 came on line in March of 1984. I give you that little data just to tell you that I have lived in the same area that I have lived in now, since 1959.

I do have a little bit of age on me. I was there before the plant came out of the ground, as has been mentioned before.

I know that Duke built the McGuire site using Duke employees. I knew a lot of them that came into this region and worked at the site. There were a lot of my friends and my neighbors.

And a lot of these people still work at the site today. And when I say I trust McGuire to operate safely for another 20 years, I'm saying basically I trust my neighbors, and I really do.

My first exposure to radiological preparedness was back in the early '80s, right before unit 1 went on line. I belong to the local fire department down in Lucia, which is the community from where I'm from.

Back then we learned about radiological releases, and the written plan, and everything that we had in effect, in place at that time, in the event an incident would ever occur at the McGuire nuclear site.

I learned about preparedness and what we would do to alert, to notify the public, and to provide protection not only to the public, but also to their property.

I learned about monitoring procedures, decon measures, or decontamination measures, and other protective measures, not only for us as responders, but also for the general public.

As mentioned I'm not only a resident, but I also live there, and I also work for Gaston County emergency management. I have been with

Gaston County for five years now in this position. And part of my functions there, and tasks, has been a member of the McGuire nuclear taskforce.

I also take part in these meetings, and I participate in the every two years, for McGuire NRC FEMA rated exercises that we have to do, which August 14th, this past, we had one conducted.

During the last five years, since I've been involved with this, first-hand, I have become better educated on the entire process, and the plan that we have in effect.

Working closely with McGuire I have been exposed to a lot of important information. I find McGuire to be very open to any answers or provide any answers or information that we may need. Rarely do we have to ask for it, because usually they give it to us upfront.

McGuire has been very supportive not only of Gaston County, but also the surrounding counties, and to the state of North Carolina. There is a big partnership that we have, in a sense.

I have been invited to tour the plant and meet the staff and personnel. I have been invited to go down to Charlotte and visit the joint information center, and the emergency operation facilities.

And I have witnessed, first-hand, Duke's training sessions, and their exercises. And I have been very impressed with not only their professionalism, but in the manner of detail and the seriousness that they put forth just in a drill.

I have seen, first-hand, how Duke operates internally, and also how McGuire, and also the Catawba plant that was mentioned, how those staff support one another.

That in a way we are fortunate, and in one way not, us is Gaston County and Mecklenburg County are the only two counties, I think, in Region 4 of FEMA, that we deal with two nuclear plants.

Both counties are sort of affected, if you want to say, by McGuire and Catawba, and Rock Hill. And therefore we drill full scale every year, at either one of the two sites.

And I have been over there to Duke, and I have seen how they support staff of one another. If an incident would ever occur at McGuire, Catawba is going to send personnel up to the emergency operation facility, and vice versa; if Catawba is going to have an incident, McGuire is going to send their staff.

And what that is doing is we have a tremendous, or they have, at that drill, a tremendous backup system to key personnel, and very knowledgeable people. And no other nuclear plant that I know of has that availability of knowledgeable resources that is that close to one another.

I have seen Duke strive for perfection, and they do not settle on just doing things right. They are the type of people that we need running a nuclear power plant.

Could a situation ever occur at McGuire nuclear plant? It is possible. No one will ever stand here and tell you that it couldn't happen. In the event a situation would occur at McGuire, is Duke Power prepared? I have seen them train, and I can fully say, yes, they are.

In the event a situation would ever occur at McGuire, or the surrounding counties, is the State of North Carolina prepared? I can truthfully say yes, because I am part of it.

Duke Power and all outside organizations work closely together. Duke Power is here today asking for a license renewal. And I stand before you not only as an emergency responder and preparer, but also as a resident, and I support their request.

I do not mind having McGuire Nuclear Power Plant in my backyard. I welcome them as my neighbor. Thank you.

FACILITATOR CAMERON: What we are going to do now is to hear from the Duke representatives, and we are going to go to Brew Barron, who is the site vice president at McGuire, and then Brew is going to turn it over to Dayna Herrick, who is the engineering supervisor. Brew?

MR. BARRON: Thank you, Chip. Good evening. As Chip said, my name is Brew Barron, I have been an engineer with Duke Energy for over 29 years now. I have spent 15 of those years at McGuire. And presently my job assignment with Duke is to be site vice president at McGuire Nuclear Station.

At McGuire we consider ourselves a part of the Lake Norman community, a part of the community, and a neighbor, as Mr. Almond said. As a neighbor I wanted to come today to give you some information to share with you some information about McGuire, as well as about our license renewal process.

For those of you who attended this morning session, please bear with me, with some of the redundancy here. As Chip said, Dayna Herrick is also going to speak. Dayna is an engineering supervisor at McGuire. She has been with Duke Energy for 11 years, spent seven of those years actually

managing environmental programs at McGuire, and has a degree in civil engineering.

Our brief presentation, we will try to keep it brief, we are going to really address three topics. We are going to talk, give a little bit of information, brief information, about McGuire and its background, talk about the license renewal application, and a little bit of overview of it, and then Dayna is going to talk about the environmental report, and the data that is contained within that environmental report.

McGuire was designed, built and is operated by Duke Energy. It sits at the south end of Lake Norman, just outside of Huntersville. It produces over 2,200 megawatts of electricity. That is enough generation to power four cities, each bigger than the city of Charlotte.

We have been operating in the Lake Norman area, in the Lake Norman community, for over 20 years now. As I said, as a site we are a part of the community, but our employees are a part of this community as well.

We live in this community as well as work here. We've got family in this community, we've got friends, we've got neighbors, we enjoy living in this area, and partaking in the good things that this environment provides for us.

The mission of every McGuire employee is to operate McGuire Nuclear Station safely, and take care of the public and our friends around us, take care of our communities.

We do a lot of things in the community. Our employees give a lot of their time to the betterment of their communities and their neighbors. We have had an 11-year partnership with the Catawba Springs Elementary

School over in Lincoln County, where we provide them support in terms of helping their students with math, and reading, and computer skills, join them as lunch buddies, or as email pals.

We have had a five-year pen pal partnership with the Long Creek Elementary School in Mecklenburg County. As a part of that program 100 McGuire employees routinely exchange letters with fifth grade students, to help those students develop their written communication skills.

We hold clean cast fishing events for local children. Boy Scout and Girl Scout events to help the Scouts earn credit for merit badges, in energy, or computers, or the environment.

And we hold annual United Way and Arts and Science Council drives. Last year the McGuire employees contributed 160,000 dollars to their communities through United Way agencies, and the United Way campaign. Our campaign for this year is just under way, as we speak.

But the decision to develop a license renewal application for McGuire was not an easy decision, it was not a trivial decision, and not one that we took lightly.

In May of 2000 Oconee Nuclear Station received a renewed license. We know from that project, and the effort and energy that it took in order to prepare that document, that it was a large task putting together a license renewal application.

We need to review a tremendous amount of data, review that data, and confirm for ourselves that the plant could safely operate for an additional 20 years of operation.

So we made the decision to proceed, and to assemble that application. But we built that application on the knowledge and experience of the engineers and the scientists that put together that same application for Oconee Nuclear Station.

Our goal was to use the best that we had, and the best people and skills that we had, to put together an application that answered all the questions, that went forward, that overturned every rock, and made sure there were no questions left unanswered about the ability of McGuire to operate safely for an additional 20 years, and answer those questions for ourselves, before we submitted that application to the NRC.

And on June 13th of this year we submitted that application. Our license renewal application contains 1,300 pages of data with environmental, general, and technical information in it.

It is supported by 500 engineering drawings. We believe we have put together a quality application that addresses all of the issues, turned over those rocks, looked underneath every one of them, and convinced ourselves, and documented in that report, that the -- that McGuire can operate safely for the remaining of its current license, and an additional 20 years beyond that.

We decided that -- we concluded that renewing McGuire's license was the right decision. It was the right decision for our community, and it was the right decision for our customers, and the environment.

We evaluated alternatives, we evaluated replacing McGuire's economical baseload electric generation with other sources of power. We

looked at wind, we looked at solar, we looked at other forms of conventional fossil generation.

We did not select those alternatives. We did not select them based on their cost, based on their limited electrical output, and relative basis, on their land use requirements, and on other environmental impacts.

We concluded that license renewal for McGuire Nuclear Station, based on existing data, and a careful review of input by subject matter experts, would have no significant environmental impact on the Lake Norman community, on our community, on the community in which we live, in which we play, as well as in which we work.

I know there are a number of members of the community here. I want to thank you for your support, over the years, of our operation. I also want to invite everyone here to come to McGuire, visit us, go through our Energy Explorium, our visitor's center, and get to know us.

And if any of you have any questions about McGuire, about the safety of the plant, or about what we are trying to do with license renewal, please feel free to come by.

Thank you very much.

FACILITATOR CAMERON: Thank you, Brew. We are going to go to Dayna Herrick who is the engineering supervisor at McGuire.

MS. HERRICK: Hello, my name is Dayna Herrick, and I'm an engineering supervisor at McGuire. Most of you may not know, unless you heard me say it earlier this afternoon, that it was more than 75 years ago that Duke Energy established its environmental program. And it was one of the first electric utilities to do that.

Today our environmental staff numbers more than 150 environmental scientists, technicians, and engineers, whose job is to monitor and safeguard the environment, and we have some of the best.

The initial environmental review for McGuire was conducted in the early 1970s, and it laid the groundwork for the environmental monitoring that we do every day at McGuire.

It is this 20 years' worth of monitoring data that we looked at, as well as consulting with environmental resource, and regulatory agencies, to make sure that we fully considered all the issues that were relevant to McGuire's continued operations.

As part of this environmental report, we looked at 13 major environmental areas, which I've generally grouped into four categories; water, plants and animals, air quality, and people.

And I want to briefly mention each of these, starting with water. Duke Energy has conducted water quality and aquatic ecology testing on Lake Norman since the early 1970s.

The areas that we routinely study include water quality, water flow at the intake and discharge structures, and aquatic ecology. Our evaluation of this data has shown that we have made no changes to Lake Norman's aquatic resources, and our continued operations will continue that. We will not adversely impact the lake or the river.

The second category is plants and animals. As part of our study we worked with Dr. L. L. “Chick” Gaddy, a well-known environmental scientist, to do a survey of threatened and endangered species around McGuire.

The results of that study is that there are no federally or state listed threatened or endangered species on the McGuire site. However, we do have a thriving population of wild turkey, osprey, deer, and numerous other species.

We have many ongoing environmental initiatives that we manage in cooperation with the North Carolina Wildlife Resources Commission, the Wildlife Federation, Mecklenburg County Parks and Rec, and Wild Turkey Federation.

We are wildlife and industry together certified by the North Carolina Wildlife Federation. We have a certified backyard habitat, bluebird trails, wildlife food plots, a herbivore pond, a fish friendly pier, and I can go on, the wildlife areas that we maintain on the McGuire site.

Based on our review of our operating history, and a look at continued operation, again, we conclude that we will not adversely impact plants and animals at McGuire.

The third category we looked at was air quality. You may not know, but nuclear power provides almost 50 percent of Duke Energy's total electric generation in the Piedmont Carolinas.

And because of that overall emissions from that generation system are well below the national average. For the past 20 years McGuire has not adversely impacted the air quality in this region, and there is nothing about continued operations, or license renewal that will change that.

And the last important area I want to discuss is people who live in the communities around McGuire. McGuire has a national reputation as a well run station.

We are committed every day to protecting the safety and health of the public. And that commitment will not change as long as we are part of this community.

In addition to being safely operated we provide many benefits to the community. Over the last five years we've paid nine million, annually, in property taxes to Mecklenburg county.

We have 1,100 employees who help to maintain a strong economy in this area. And our annual payroll of over 77 million helps to support local business and industry.

As Brew mentioned earlier, our employees spend thousands of hours every year volunteering for church, community, school, civic groups, and programs. We are proud to be part of this community.

Four generations of my family were raised in Mecklenburg county. And my husband and I are raising our two small children just two miles from McGuire. We drink the groundwater, we swim in the lake.

As an employee of McGuire I have a professional interest. But as a mother, and as a neighbor, I have an extremely personal interest in protecting the environment around McGuire. This community belongs to all of us. Thank you.

FACILITATOR CAMERON: Thank you, Dayna. I would like to tell you who the next four speakers are going to be, so that they can be prepared for that.

We are going to start with Tim Gestwicki of the North Carolina Wildlife Federation, then we will go to Don Moniak, Blue Ridge Environmental

Defense League, and Lou Zeller, Blue Ridge Environmental Defense League, and then to Donna Lizenby, the Catawba river keeper.

So, Tim Gestwicki.

MR. GESTWICKI: Thank you. I would just like to make a few comments about the North Carolina Wildlife Federation, and some of our conservation programs in conjunction with McGuire.

My name is Tim Gestwicki, and I'm from Charlotte, originally, and have worked for the Wildlife Federation for 11 years. So I would like to read a few comments.

The North Carolina Wildlife Federation is the oldest and largest non-profit conservation organization in the state. We were started in 1945 by sportsmen concerned with promoting science-based wildlife management.

Our mission is to be the leading advocate for all wildlife in North Carolina, and its habitat. I have worked for the Wildlife Federation for 11 years, and I'm the Regional Manager, as well as the State Coordinator for the aforementioned Wildlife and Industry Together Program.

I am by no means familiar with everything regarding McGuire Nuclear Station. I'm a conservationist, and a wildlife habitat specialist. My comments concern what I am familiar with, McGuire's programs, and efforts to protect and enhance wildlife habitat on its site grounds, and their involvement with conservation, education for area citizens, teachers, and school children.

The North Carolina Wildlife Federation and myself have been involved in these efforts over the years, in conjunction with McGuire. McGuire

Nuclear Station is the second corporate site in North Carolina to be certified as a Wildlife and Industry Together Site.

This unique program recognizes companies across our state that exhibit wildlife stewardship on their properties. For example at McGuire instead of excess parking lots, there are planted food plots for turkey and deer. Instead of underutilized fescue acreage, there are butterfly gardens, songbird meadows, and bluebird, owl and hawk nesting boxes. An osprey platform has also been erected down by the lake.

These are all great habitat projects. They were completed thanks to strong, long-term partnerships with many cooperating agencies and community groups, groups like the National Wild Turkey Federation, Boy Scouts of America, Mecklenburg County Parks and Rec. And, of course, the North Carolina Wildlife Federation.

These partnerships have led not only to wildlife habitat enhancement, but also to wildlife education opportunities. McGuire has helped to ensure that wildlife habitat enhancement, and wildlife education, go hand in hand.

McGuire has been instrumental in creating many of these learning opportunities. Opportunities such as learning about wildlife habitat, and then actually putting that knowledge to use, like the students at East Lincoln High School, who created a backyard wildlife habitat at McGuire, and were subsequently recognized by the National Wildlife Federation for this honor.

And all the kids that get to learn about water quality and fishing do collaborative family fishing days that McGuire hosts. And the kids

that are introduced to safe, ethical sportsmen activities through the nationally recognized JAKES, juniors acquiring knowledge, ethics, and sportsmanship, also hosted and sponsored by McGuire.

These wildlife education programs require a commitment and rely on enduring partnerships. That is why McGuire is recognized as a Wildlife and Industry Together Site.

McGuire has developed and sustained partnerships that allow continuing wildlife projects, such as the annual butterfly and bird inventories with Mecklenburg Parks, hosting composting workshops with county waste reduction, hosting environmental workshops for our state's educators, in conjunction with the state, through project WILD.

Most importantly McGuire has fostered relationships with the communities in the area. McGuire allows public wildlife viewing, and educational opportunities in the areas throughout their site.

Just one example is McGuire's nature trail, which coincidentally goes through one of the first areas ever designated by the National Audubon Society as a very important bird designation area.

I think that the signs at the front entrance of McGuire tell it all. They proudly proclaim, in big bold letters, wildlife habitat enhancement program, and wildlife and industry together.

Simply put the folks at McGuire have embraced their surroundings. They have sought to enhance their property, and their community relations through wildlife enhancement and education. They have realized that these concerns serve not only the betterment of wildlife itself, but of the community as a whole.

I would like to thank McGuire for its wildlife stewardship. Thank you.

FACILITATOR CAMERON: Thank you, Tim. Let's go next to Don Moniak.

MR. MONIAK: Thank you. My name is Don Moniak, I'm an organizer with the Blue Ridge Environmental Defense League. I live in Aiken, South Carolina, which is about 20 -- I live 20 miles from the site where a company called Duke, Cogema, Stone and Webster is planning to build a plutonium fuel factory, also known as a mix oxide fuel fabrication facility.

A company that has invested virtually nothing in Aiken county, as almost its entire workforce are either in Charlotte, North Carolina, Houston Texas, or in France.

And this consortium, Duke, Cogema, Stone and Webster, is under contract to the U.S. government to irradiate plutonium fuel in place of the normal low enriched uranium they burn down, they radiate at McGuire and Catawba.

So the intention of Duke is one thing, and the intention of Cogema, which has no vested interest in this area, same as it doesn't have in Aiken, and it is merely trying to recoup its losses that it has had over the last few decades because of bad business decisions in the nuclear field. That is a whole other matter that you should think about.

And when it comes to being a good neighbor, good neighbor means tell the truth, too. And this letter that is out there in the Duke table talks about the September 11th events, about how ready McGuire is.

It says: "Our containment buildings are designed to withstand tremendous physical forces, multiple barriers consisting of several feet of heavily reinforced high density concrete and steel protect our reactors."

It is only three feet of concrete protecting that reactor. The nuclear generation station when asked, could they be protected from an event like what took down the World Trade Center they said, it is not designed to do that, they weren't required to do that.

It would be very simple for Duke to simply say we are not required to build a structure that can contain a deadly amount of radiation from an intentional crash of a large jet. It is not their fault they are not required to, that is what the law says.

But to say, to give the impression that they are somehow prepared to defend against such a thing is crazy. And in the scope of this Environmental Impact Statement it is time to analyze the impacts of total loss of containment, which is what you've always should have been doing, anyhow.

And it is time to analyze the impacts of the strong possibility that every nuclear plant in this country is going to need a larger land area to provide for increased security and safeguards.

If you can't see that coming then I don't know what you can see. Let's see what Duke's record in this EIS. You know, the list of violations over the last 20 years, and how it compares with the rest of the industry.

When Duke got the contract to do plutonium fuel it said it was, you know, a leader in the industry. And I did as good a review as I could within a span of a few months, back in this past fall, and found that, you know, Duke is not so much a leader, but they are not in the back of the pack, either.

They are kind of comfortably in the middle, on just about everything, it seems like.

They never had a reactor appear on the NRC's watchlist, which is good. But they also never had a reactor appear on a list of superior performers from '90 to '95.

To its discredit Duke initially teamed up with a company called Commonwealth Edison in pursuit of plutonium fuel contracts with the Department of Energy in 1996. Commonwealth Edison has a miserable record in terms of nuclear safety, they are just notorious.

So to say that the ultimate concern is safety, and then to try to team up with Commonwealth Edison is rather hypocritical.

The systematic assessment of licensee performance reports that the NRC conducted for several years, Duke nuclear power plants weren't rated among the top, but they weren't at the bottom, either. And all Duke nuclear power plants experience chronic maintenance problems.

The forced shutdown rate, Duke power nuclear reactors experience higher than average unplanned, unforced shutdown rates through the data as of the end of 1992, when all of the data was readily available in one place.

It is an interesting thing, in spite of the internet, it is harder to find comparable data among all the reactors in one place, like you used to be able to, when Oak Ridge was putting that together.

Plant efficiency and capacity factor. Duke's reactors have experienced average efficiency relative to the rest of the nuclear industry.

McGuire 1 and 2, they are both in the 20th percentile. So between 40 and 60 percent, right in the middle.

Even when looking at pressurized water reactors, McGuire actually rates lower than in the middle. Radiation safety, again, right about at the average, a little bit below, but nothing that is statistically significant.

And in this EIS you should tell us what you don't know, and what hasn't been reported. Because Duke is no different than any other utility that is regulated. There are regulations that it has to follow, and there is a lot of grey areas in those regulations as to whether they are required to report an incident or not.

And every company that is regulated debates whether an incident is reportable or not. Because reporting it creates a paper trail, and the paper trail costs money.

So here is something that just came through, through the Freedom of Information Act. I'm not sure who filed it, but in 1996 and 1998 there were a series of allegations made regarding the Watts Barr Nuclear Power Plant in Tennessee, which has also the ice condenser containment system.

There is allegations of safety deficiencies alleged there, but also alleged a generic problem. Alleger alleges that he contacted somebody at Duke Power, at American Electric Power, the other utilities operating ice condenser plants, and told them of the problem of potential broken, or missing screws. He alleged they stated that they had encountered up to hundreds of screws in their melt system, but did not raise the issue to management because the plants were operating at the time.

So it became a safety concern. Not a major one, but one that wasn't in the license evaluation reports, or the other NRC mandated reports.

Problems with DC Cooke ice containment, such as configuration and testing, were known but not reported by DC Cooke, Watts Barr, McGuire, and Westinghouse. And it goes on.

And, you know, they do very rigorous training. There is no doubt that Duke does, carries forth a level of safety that is well above your average dry cleaning operation, because they have to.

The consequences of a nuclear disaster are enormous. They are so enormous that the American Insurance Industry will not ensure your home from a radiation accident, it says it right in your homeowner policy. That was decided in 1955, and they still haven't changed their mind.

And the industry, which Duke is good at lobbying, the industry is lobbying to keep taxpayer subsidized insurance in place not only for existing reactors, but for new reactors, which they claim are safer.

So here is one from March 6th, 2001, synopsis of the Office of Investigations regarding Duke Energy Corporation employee who may have falsified his training records. The Office of Investigation did not substantiate that the employee wilfully falsified the training records.

That is good, he did not wilfully falsify them, but they were falsified, nonetheless. And that is not the only incident in which that happened.

Now it is one thing, as I have said, when it is a low consequence operation going on, but this is a high consequence operation going on, that has to meet far higher levels of safety margins than other

industries. Because if there is an accident much of the area around here could be uninhabitable.

At the Nuclear Regulatory Commission's Advisory Committee, its February 2nd, 2001 meeting, the Advisory Committee on Nuclear Safeguards, these are the experts that have to review this, Mr. Powers is on the committee made the quote, statement:

"I just wonder if ice condensers had some peculiarity about them that I didn't know about, other than vulnerable containment." And then they all laughed. Which really is not very funny, but to them it must have been.

Mr. Kress, also a member, said: "You were reading my mind." And Mr. Powers said: "I saw you grinning over there". And Mr. Tim Johnson was there, at that meeting. In fact, you were making the presentation to them. I'm almost there, yes.

So that brings me to the issue of mixed oxide plutonium uranium fuel, which Duke plans, has under contract with the Department of Energy, to put in its reactors. About a third of the fuel will be this plutonium fuel, weapons grade plutonium from disassembled nuclear weapon parts called plutonium pits.

They plan on burning about 25 tons at McGuire and Catawba, which about 13 and a half at Catawba, 11 and a half at McGuire, or 12. There is going to be 450 shipments of this fuel, and this too is going to raise the level of safeguards for that facility a great deal.

And that needs to be analyzed in this EIS, not in the license amendment, and nowhere else. It needs to be now, and in this. And then you can say you have analyzed the bounding incidents.

As for alternative sources of energy, Duke did not conduct an analysis that looked into the future. They looked at existing sources of energy and the current technologies. But just as the United States essentially subsidized the entire nuclear energy industry with its research and development, now they are sinking tens of millions of dollars into this thing called clean coal.

Well, what does clean coal mean, and what would a clean coal plant mean? And that needs to be in this EIS, what would be the environmental impacts of a clean coal plant, because I'm really dying to find out what they are. I've only seen it kind of talked about in vague terms by the labs.

And that is how I would like to complete. Thank you.

FACILITATOR CAMERON: Thank you, Don. We are going to go to Lou Zeller, Blue Ridge Environmental Defense League. And then we are going to go to Donna Lizenby, the Catawba Riverkeeper.

MR. ZELLER: Thank you. My name is Lou Zeller, and I live in Glendale Springs, North Carolina.

My remarks tonight I would like to address under the section of Code of Federal Regulations 10 CFR 51, under NEPA issues for license renewals, having to do with postulated accidents.

And Don has more or less given you a litany of some of the problems that he has identified. I want to confine my comments, this evening, to design basis, or serious accidents, or incidents, or violations which occur outside the design basis of the reactor.

The design basis is the starting point of all Nuclear Regulatory Commission regulation. It is the safety and operational blueprint for a nuclear

reactor. In other words, if a reactor is operating outside the design basis, it is impossible for the Nuclear Regulatory Commission, or the utility, or anyone else for that matter, to determine whether the reactor is safe, or whether it poses an undue risk to public health and safety.

Operating a reactor outside the design basis constitutes a violation of NRC regulations. The more events filed by a nuclear reactor, the less certain that a reactor in a safety program will operate as designed.

Now, a few years ago the Nuclear Regulatory Commission declared an amnesty, and reports were made. In the early 1990s the design basis issues were a topic of discussion in an attempt to formulate a renewed nuclear reactors license policy for the next 20 years.

The Commission's rule was premised on the assumption that nuclear reactor design basis and final safety analysis report would be sufficient to protect the public health and safety, so long as it was modified to account for the effects of aging.

Rather than reviewing the design basis documents, in order to prove that reactors were in compliance with the design, the final safety analysis report and the terms of its operating license, the Nuclear Regulatory Commission merely deemed that it was so.

Under the license renewal rule members of the public cannot challenge the sufficiency, or question the compliance with the reactor's design basis. When a reactor applies to renew its license, the NRC is neither going to review these documents, nor confirm that the reactor is in compliance with the regulations imposed under the current license.

Yet the NRC acknowledges that the current licensing basis at the nation's nuclear power plants is outdated, and oftentimes poorly recorded. Now, that information I've just told you about comes to you, and to me, courtesy of Jim Riccio, who published a report several years ago, while working for a public citizen.

Much of this information comes from regulatory options from nuclear power plant license renewal NUREG-1317. Now, at McGuire Power Plant, they are listed in that three-year period five violations, five incidents where Duke Power Company operated McGuire 1 or 2 outside of its design basis.

In addition to that the plant performance reviews note shortcomings in the ice condenser, maintenance, and inspection, corrosion of service water pipes, auxiliary feedwater pipes, and examples of poor engineering performance.

Plant systems, safety structures and components within the scope of this power plant license renewal, the ice condenser is a safety related system, which is relied upon to prevent, or mitigate, the consequences of accidents that could result in off-site exposure above 10CFR100 guidelines.

The aging ice condenser system, coupled with poor performance, reduces the safety margin of the reactor. Neutron bombardment, silting from fission reaction degrades the metal parts of the reactor, the metal becomes brittle. Reactor embrittlement increases with age. And an embrittled reactor may look unchanged, but it will not perform as well under extreme conditions.

In the event of a drop in the level of reactor coolant, the heated water is replaced by cold water from outside the reactor. The cold water can cause embrittled reactor parts to fail, and minor reactor failure becomes a major one.

Embrittlement of reactor parts is a well known phenomenon, and has caused premature closing of commercial power reactors.

In conclusion I would like to say that the plant performance review process, we have made comments on that over the several years, and the reduction of information provided to the public, report provided by a public citizen I think elucidates an ongoing problem within not only the nuclear industry, but also within the Nuclear Regulatory Commission's license renewal process.

These remarks will be fleshed out further in our written comments. And in closing I just want to say that in the newspaper it has been stated that Blue Ridge Environmental Defense League is an anti-nuclear group.

Just let me say this about that. That actually we are investigating the advantages of nuclear power, and we are still looking.

FACILITATOR CAMERON: Okay, thank you very much. Let's go next to Donna Lizenby.

MS. LIZENBY: Good evening. My name is Donna Lizenby, I'm the Catawba Riverkeeper. I live in the Catawba river valley in Chester County, South Carolina, and my job provides the responsibility for being the spokesperson for the health, the welfare, the restoration, the protection, and the preservation of the Catawba river.

I would like to thank the Nuclear Regulatory Commission for the opportunity to comment tonight. I would also like to thank Duke Power Personnel for their personal outreach to the Catawba Riverkeeper program, to solicit our comments on nuclear relicensing of the Catawba and McGuire nuclear stations. Specifically I would like to thank Robert Siler, Steve Johnson, and Bill Miller. Thank you for meeting with us at McGuire several weeks ago.

I would like to confine my comments to the impact to aquatic life that I believe should be a part of the Environmental Impact Statement and the scoping documents for relicensing in the McGuire facility.

First of all, McGuire Nuclear does not have cooling water structures of any kind. It was built several years before Catawba. Catawba has cooling water structures. Duke Energy, Duke Power also has an NPDES, which is national pollution discharge elimination system permit variance for their delta T above state standards for hot water discharge.

And also above EPA recommended levels for hot water discharges. McGuire has, I believe, and you all correct me if I'm wrong, but you all have, the NPDS permit provides an unlimited discharge of non-contact cooling water for North Carolina, is that right? No, I'm talking volume, not temperature.

I'm pretty sure it is an unlimited discharge volume metrically. I just wanted to say that there are profound environmental impacts on aquatic life due to chronic effects of thermal impact from hot water into the aquatic environment.

And I will give everyone here three brief examples that are well noted in the literature. Let's take, for example, the zooplankton

Ceriodaphnia. Cerodaphnia can survive about 108 days when water temperature is approximately 45 degrees.

However, they only typically survive about 26 days when water temperature is about 82 degrees. I take the Riverkeeper patrol boat into the discharge areas of all of McGuire's plants, and we call them hot holes, here locally. And there are a lot of fishermen there, typically.

And it is not uncommon for me to see water coming out of those hot water discharges at 95 degrees. And that is a profound environmental impact. Not only does it affect zooplankton, and provide lethal thermal shock, as well as chronic lethal effects, it also affects reproduction, and has lethal impacts for other aquatic species.

For example, the upper lethal limit for bass is about 85 degrees Farenheit. And, typically, as I've said in the summertime it is not uncommon, and even in the winter, for me to find the water coming out of many of Duke's plants above 90 degrees.

Hot water discharges also affects reproductivities of aquatic life. For example, the release of glocchidia from Corbicula. And for those non-science people, the release of immature young from clams relies on environmental cues.

Specifically they rely on water temperature cues, as they rise in the spring, it triggers reproduction. And so hot water discharges, like the one from McGuire, can create a profound environmental impact.

Additionally cooling water structures provide for recycling of water. The intake structures are huge, and the outflow structures are huge. And when there is a cooling water intake structure, a cooling water structure of

some kind that cools the non-contact water, what happens is that the water, because it is non-contact, can be recirculated, rather than having to continuously withdraw water from the Catawba river, run it through the system once, and discharge it.

And so some kind of cooling water structure on McGuire would profoundly decrease the thermal shock, and the chronic thermal temperature impacts on Lake Norman.

When we also look at McGuire nuclear in relation to its cumulative impact on Lake Norman, we find that Marshall Steam station has a very large hot water discharge above McGuire.

And so the EIS, and the relicensing process, should take into account the impact of Marshall. It should take into account the cumulative impact to all of Lake Norman, considering the other thermal impacts from other discharges in the Lake Norman reservoir.

Finally, I wanted to bring to your attention that I believe the failure to have any kind of cooling water intake, a cooling water structure on McGuire is an inequitable application of the law in the United States.

Many other nuclear facilities are required to have cooling water structures. Catawba has them, and particularly in the southeast where our temperatures are high in the summertime, we need some kind of cooling water structure on McGuire nuclear.

In talking with the gentlemen from Duke, they indicated that the proper venue for this discussion of thermal impacts was through the NPDES permitting process.

I respectfully disagree with the gentlemen, and I believe it should be included in the relicensing discussions and documentation, and the environmental scoping documents, the impact statements, and would like to see that included.

Finally I would also like to ask the Nuclear Regulatory Commission to do a detailed analysis for the thermal impacts, and the need for cooling structure at McGuire, including the cumulative impacts of Marshall upstream.

A substantial component of the -- it should revolve around, not if cooling structures are needed, but should be required as a condition of the relicense.

What I do, as your riverkeeper for the Catawba river, is we typically look at all dischargers, all entities that impact water quality of the Catawba river. And we compare their words, their PR, their hype, to their performance, okay?

Duke has a variance for delta T. There are standards, national standards, and state standards. I would like to see Duke Energy, and I would like to issue them the challenge, don't spend your time justifying why you should have a variance for the standard in North Carolina. Spend your time meeting the standard, and proving to us how you can do that, and then your PR will match your performance, as it relates to McGuire.

Thank you.

FACILITATOR CAMERON: Thank you, Donna, for that information.

The next four people that we are going to have speak, Bill Russell from the Chamber of Commerce, then Paul Smith from the Lake Norman Regional Medical Center, Mitch Eisner from the Catawba Springs School, and then Catherine Mitchell from the Blue Ridge Environmental Defense League, and Bill Russell.

MR. RUSSELL: Thank you. I am Bill Russell, I live here in Huntersville. I am president of the Lake Norman Chamber of Commerce.

Since 1996 I've had the fortune of working with a number of Duke Power employees. I see Rita back in the back, and some of the other staff, Valerie Patterson works in our business expo project, Winston Kelly serves on our Board of Directors.

A former employee, Sandy Glauson, was very instrumental in our lunch buddy program that Brew talked about a while ago, mentoring at risk elementary school students.

But really we are not here to talk about their involvement in the community. But I think civic involvement, and working hard in your community says a lot about the character of your company.

And certainly all of the employees that I've met at Duke Power have shown a lot of character because they take ownership in Huntersville, and Davidson, and Cornelius, and Mooresville, and have been very involved.

This afternoon I snuck in here and heard some of the comments from the people who were speaking, and some just a little while ago, when they talked about safety issues, what if scenarios.

Two weeks ago tonight, actually two weeks ago in the morning, I was in the Cannon building, in the U.S. Capitol, listening to

Congressman Mel Watt and Senator Joe Lieberman. And about ten minutes after 9 Joe Lieberman informed us that a plane had hit the World Trade Center.

Well, we were all quite shocked and dismayed by that statement. But to be honest, the program continued to go on. Lieberman talked about the economy, and working together as a Congress. Business as usual. Nobody left the Capitol, nobody ran out, nobody jumped on their cell phones.

And after his presentation he even took questions. There was no chaos. Because, see, we were in the U.S. Capitol, the safest place you could be in the United States. Or at least that is what I thought.

And at the conclusion of his comments we found out that a plane had hit the Pentagon. And, again for me that was -- I couldn't believe it. How could you hit the Pentagon? The capital, the military headquarters?

I got back home that evening, and as soon as I got out of DC I did get on my cell phone, I called my wife and said, please call mama. And you have to understand, I'm from South Carolina, I still call mama, mama, and daddy, daddy.

But I said please call mama and let her know that I'm okay, and please don't get on the phone and tell everybody Billy is in Washington, and they are attacking Washington.

And when I did talk to her that evening she said, you must be really shaken up. And I said, no ma'am, not really. And she said, how can you not be shaken up? I understand that might have been headed for the capital.

Well, mom, I said, you are 20 minutes away from the second largest financial district in the United States, Charlotte. And there was a pause

at the other end of the thing, and I heard her yell out to my stepfather, Bill, Billy says we've got to move.

Well, I said mama I didn't say that, where would you move to? You see, where in the United States are you going to be totally secure and safe, where are you going to live without some type of risk?

In the early 1960s Dr. Martin Luther King stood at a podium in Selma, Alabama, right on the verge of the civil rights movement. And he said it is not where a man stands in times of comfort and convenience, but where he stands in times of challenge and controversy.

And certainly right now in the United States we face a lot of challenges. Do we stand in the shadows, afraid? Because if we do, then those people, those terrorists in the middle east, and other countries, have won.

Life is full of risk. I see Paul Smith back in the back, from Lake Norman Regional Medical Center. Every day a baby is born in one of our hospitals. And no baby is born without risk to that mother. While it may be minimal, there is risk.

When each one of you get back in your car tonight, and drive home, there is risk involved. And sometimes earlier in the day there may be more risk than others. But we all take risks.

It is riskier for someone from the Huntersville Police Department than maybe an executive of the Chamber of Commerce, but there are risks. When we talk about what happens, and what if scenarios, you could talk about a plane crashing into McGuire nuclear station.

You could talk about a warhead, or some other kind of device, nuclear device launched anywhere else, or it doesn't even have to be launched.

And we are glossing over what happens if there is germ warfare. What if a virus is let loose in our rivers and our streams?

Are we going to continue to live in fear and trepidation that that might happen? I guess I put my faith in the security of my community through the Huntersville Police Department, and the other police departments, and in the U.S. Military, and in Duke power for their security.

Over the course of the last five years we have had a leadership program with the Lake Norman Chamber, where we have visited our nuclear facility. They brought us in through all the security measures that they have, which are quite strenuous.

And if you don't follow them to the T, you don't get in. We found that out, too, haven't we Valerie? You don't get separated from the group, nobody ventures off very far.

And we have seen the people at their task. But more importantly I've listened to the people from Duke Power talk about what they do, and I've seen the roles that they play in their stations.

This afternoon I heard Scott Hinkle, who is editor of the Lake Norman Times, talk about -- the employees of Duke Power are more than just employees of a utility company. They are our neighbors, they are our friends, and we all work side by side.

We talk about what if scenarios, what if in 1962 we didn't build the lake that we know today? We certainly wouldn't be here tonight. Many of us wouldn't live in Huntersville, a population that in ten years has gone from 3,000 to 30,000 people.

Just a few months ago, when it was so hot outside, breakers popped all over Charlotte and Mecklenburg, and I lost power. And I have to tell you something, sitting in the dark, with no TV, no microwave, no power, no electricity, that was a bummer of an experience.

And when we talk about what if scenarios with other fossil fuels, what are we going to do to derive our electrical means that powers our hospitals, that powers our schools, that heats our homes? Again, we do so with a certain amount of risk, but we have to have faith that the people who are there are experienced and qualified, and know what they are doing.

Earlier today Scott Hinkle said, we trust those people because they are neighbors. The Lake Norman Chamber of Commerce trust the people at Duke Power, because they have earned that trust.

A little while ago I alluded to something that Martin Luther King said, where do you stand? Well, I do stand on the side of Duke Power, because they've earned my trust, they are responsible, they are professional people, and they are good corporate citizens.

Thank you. And one other comment, Chip. I don't know if you have any jurisdiction over the Yucca Mountain facility, but I believe as someone who is a user of Duke Power, we've paid for that facility, I would like to see that thing opened up.

FACILITATOR CAMERON: Thank you, Bill. I guess, just for the record, the NRC has licensing responsibility, in other words, to evaluate if there is a Department of Energy application for a license to put waste in Yucca Mountain.

The NRC has a responsibility to make a decision on whether to grant that license based on whether our regulations are met. Just as the NRC has a responsibility to evaluate whether to renew the licenses at McGuire and if you need further information on that, there is some staff here.

But, yes, I think we've got the point.

MR. MONIAK: Spent fuel, is that within the scope of the EIS, or outside?

FACILITATOR CAMERON: I don't want to get into a long discussion on this, but can we just have a clarification on is it a Category 1 issue? Jim, can you just quickly say that? Then we are going to -- tell us about that for Don, and everybody else's elucidation. Go ahead.

MR. WILSON: The issue of spent fuel storage has been determined to be a generic issue, its impacts are similar at all plants in the country, regardless of where they are located. The national repository is a concept that DOE has been trying to develop for 20 or 30 years.

And for the purpose of our Environmental Impact Statement we aren't going to include the analysis in our plant-specific review, unless there is something new, some new significant information about the impacts if that repository become available.

FACILITATOR CAMERON: And, Don, thanks for asking that, so we could clarify that.

Let's go to Paul Smith, Lake Norman Regional Medical Center.

MR. SMITH: Good evening, and thank you for the opportunity to speak.

I am Paul Smith, I'm the executive director of Lake Norman Regional Medical Center in Mooresville. And I'm also the president of the Mooresville South Iredell Chamber of Commerce.

Just a brief comment on this process. Just to follow-up on Bill's comments, I sort of grew up with a theory that in God we trust, and everyone else we ask for proof.

And I'm pleased to see that this process exists. To be honest with you I didn't know a whole lot about it, before tonight, or before I was contacted.

But I'm pleased to see that the opportunity to comment, the opportunity to ask questions, the NRC takes its time to review, to ensure our safety. And I do entrust in that process, and believe that there is a good opportunity for those folks that have concerns to raise those, and for Duke to respond. I also feel that like Duke will respond.

Over the years Lake Norman Regional Medical Center has enjoyed a positive relationship with the McGuire Nuclear Station. We have found McGuire to be both a good corporate citizen, a good Lake Norman neighbor.

When we have had questions concerning McGuire their staff has been ready, willing, and able to respond. We have worked closely with McGuire in developing and testing our own emergency plans. We have confidence in Larry Dickerson, Iredell County's emergency management director, and his emergency plan for Iredell County.

He, in turn, has confidence in McGuire's ability to operate efficiently and safely. Our confidence level at Lake Norman Regional Medical Center, with McGuire Nuclear Station, is therefore more reinforced.

As President of the Chamber I'm very interested in attracting new business to our area. Reliable and affordable electricity is always a major factor for business who are considering a location.

Duke Power has attractive rates, and the power has been reliable for Lake Norman Regional. My understanding from Duke is that 20 percent of their generation comes from McGuire. It makes good business sense to keep that supply source around for an additional 20 years.

In addition to assisting with the business and industry recruitment, McGuire has been an annual sponsor of the Chamber's leadership program by inviting participants to spend a day on-site learning about electric supply and the McGuire station.

Each year Chamber members also enjoy the area's largest business after hours event in McGuire's Energy Explorium. As executive director of Lake Norman Regional Medical Center, President of the Mooresivelle-South Iredell Chamber of Commerce, and a resident of the Lake Norman Community, I look forward to many more years of efficient, safe service from McGuire.

Thank you for the opportunity to speak.

FACILITATOR CAMERON: Thank you, Paul. Let's go to Mitch Eisner from the Catawba Springs School. Mitch?

MR. EISNER: My name is Mitch Eisner, I'm the principal of Catawba Springs Elementary School, which is a school located maybe about five miles from McGuire.

Listening to the presentations this evening I thought about the issue of safety in regard to, if everyone is speaking of McGuire, and it never really dawned on me to a great degree, that I would have to worry about the safety in the capacity that I have parents and children at my school, parents who work at McGuire, and also have children at my school.

And I see the dedication those individuals have to their professionalism of the job they perform, at their job, the way they take care of their children, and how much they care about the community in which they serve.

So I have faith in those individuals to provide that to the community which we have. Furthermore, Duke Energy, McGuire, we've had a partnership for 11 years now, with our school. We have seen many individuals come to our school from McGuire in many capacities, helping the children, helping the school, helping the community, as a partnership, and working together, hand in hand, because they are members of the community.

And I also live in the community, lived in the community for 21 years. McGuire has done many things for our school, and not just our school, but many schools in the community. They have provided assistance with grant opportunities for the school systems.

They have provided in our school, for example, the assistance in developing a computer lab, which we would not have had the ability to develop without their assistance. They have provided coats for needy children,

they have had coat drives to help children that do not have coats for the wintertime, and would come in short sleeve shirts in the middle of December.

They care about the children in our community, they have established grading of our property when we have had problems with the water, they've assisted in the grading of our land. Cost factor that would be quite high for a school to be able to handle by itself.

They've assisted with volunteers in our school. They have been able to provide individuals to our school who have not only been saying they want to help, but individuals who are willing to sit down, attend training on how to help children, teach children how to write and read, and then furthermore go on and come to the school on a weekly basis, and make that commitment to help children on a regular basis.

They've come to have lunch with children, just to be able to sit down and have the ability to sit and talk with them. They have not only done this for our children, but for our staff they have provided opportunities for technology workshops, computer skill training that our staff can go to, at no cost, at their facility.

So not only looking at our children, but our adults. They also have assisted, we have an ecology club after school hours, where experimentation with water samples, and other experiments. They have donated books and had book drives to raise, to collect books for children, and brought those to our schools.

They have provided pencils and paper for children who did not have their own pencils and paper, and helped those students in need.

As far as my concern, obviously I'm a supporter of McGuire, and believe they are a supporter of the community. Thank you.

FACILITATOR CAMERON: Thank you, Mitch. Let's go to Catherine Mitchell, from Blue Ridge Environmental Defense League.

MS. MITCHELL: Well, I would just like to say that I will try to keep this as brief and to the point as possible. And although I have never personally been a member of toastmasters, I would like to address a couple of points that Bill Russell brought up, before I actually get to the point.

And that is, there is risk, and then there is risk. And to try to equate the risk a mother takes in giving birth to the kind of risks we are looking at in this situation is, I'm sorry, it is just a little bit ludicrous.

And like a lot of comment tonight it is not exactly on the point. And one of the things I would like to say is that we make our choices about the risks that we take in life. That doesn't mean that we are afraid to live in this community.

What we are looking at, what I'm looking at, what my organization is looking at, is the level of risk, and whether it is appropriate to ask the people of this community for that level of unnecessary risk.

I think it is important to understand that this is not an absolutely necessary program to this country, certainly not to Duke Energy. And if you are looking at level of risk assessment, you certainly have to look at how that level raises when you talk about adding plutonium to the equation in these reactors.

You cannot leave that out of the equation. To do so is irresponsible. This environmental assessment, this evaluation has to include

this, because Duke Energy has plans to go forward with the use of MOX fuel, they have stated the case, there is a signed contract.

How can you look at a license renewal extension process without considering this? Because we are looking at something that is going to be moving into our area. If it proceeds within the next few years.

So I think that if there is one point that I would really like to make tonight, above all others, it is that you cannot leave this out of the equation.

The other point that I would like to make is that we cannot dismiss, you can make light of the situation regarding nuclear power plants, and bombs falling out of the air, or planes flying into these nuclear plants, you can dismiss that all you want.

You can, you can -- when a reporter puts a microphone in front of your face and you say, we can handle this, we could handle this type of situation at our nuclear plant, all I'm asking is that you make very sure that you are telling the truth to the people of this area.

And I would like to see a situation where you can prove that to the people of this country, to the people of this area. I don't believe that that is the case. I don't believe that anybody today, who witnessed what happened last week, could sit here and in all honesty actually say that is possible. Just say it may not be possible, but we are going to take the risk.

That would make a big difference, I believe, certainly in reassuring myself about this program.

The other point that I would like to make in terms of the evaluation process of this Environmental Impact Evaluation, is that we have to

look at the level of development that has sprung up around these reactors, is continuing to be pushed by the development arm of Duke Energy.

I understand that there are a lot of good people working for this corporation. I understand that. I've talked with them, I understand that safety is a major issue. If that is the case, please look at the impacts of the kind of growth we have been experiencing both around McGuire and Catawba reactors.

I just heard today from a concerned person in the community, a phone call this morning, wanting to know if I knew what could be done about stopping a planned development only several miles from Catawba reactors, that would bring in an additional 4,500 homes into that area, in the very near future.

That is something that we are going to be looking into pretty closely, and also around McGuire. If you are going to make this commitment to use this kind of material, to continue to operate this plant for these many years, then please look at, realistically, at the environmental evaluations and assessments that realistically impact the areas.

Thank you very much.

FACILITATOR CAMERON: Thank you Catherine. Our final four speakers are going to be Jim Gilpin who is the President of INENCO, Inc., Robert Mahood, Ed Decker, and then Dan Faris. And Mr. Faris, I'm not trying to put you last, although you are. But I do think we do have an answer for your question, too, and maybe we can discuss that question that you asked previously, we can discuss that at the end of the meeting.

And I would ask Mr. Gilpin to come down.

MR. GILPIN: Good evening, I'm Jim Gilpin, I'm an environmental consultant in private practice. I live in Davidson, so I'm a resident of the area.

I might preface my remarks by saying I have not worked with Duke Power, but I have served on a number of advisory boards with Duke Power personnel, and I have the highest respect for those persons that I have worked with.

My personal background is that I have degrees in chemical and metallurgical engineering. I have been in private practice, as an environmental consultant since 1984. However, my environmental exposure extends back to 1969 when I worked on a Department of Interior project.

I've also worked on the development of control rod materials, and also on the design of a transportable volume reduction unit, which was purchased by Duke Power many, many years ago. I don't know if the McGuire people remember that one or not.

So I do have some knowledge of the nuclear industry, not perhaps in depth as a nuclear engineer, but some appreciation of what goes on.

One of my associations, though, with Duke Power has been through the Boy Scouts of America. My son is a first class scout and patrol leader this year. Duke, as you have seen on previous slides, has sponsored an annual encampment for the local boy scout troops.

For those of you who are not familiar with scouting, the training in scouts is primarily for outdoor training, and maintenance and enhancement of the environment is one of the primary tenets of scouting.

And I think that Duke's support of the Boy Scouts of America underscores the fact of their concern for environmental impact.

One of the primary topics of consideration at this particular meeting is the long-term environmental impact of the McGuire nuclear station. I believe there is two points that at least I have considered.

The first is the long-term handling and storage of the radioactive waste, particularly the high level radioactive waste generated with the spent fuel rod assemblies.

I have asked the question, and you have heard from others here, how open Duke Power is on asking questions, and their answering them. I asked the question, I said, how good is your long term storage?

And here is the reply I got. Approximately 50 fuel rod assemblies are replaced each year, although not every 365 days, but on a different schedule. And they are currently permitted at the McGuire site for on-site storage for up to about 2,200 fuel rod assemblies.

If one does a quick math, you can figure out that they've got just about a 40 year permitted area for the spent fuel rods on-site. And that does not include the possible disposal of central facility, that we have already talked about, with Yucca Mountain.

The second point I would like to address is the protection of the water resources. Donna, is Donna still here, or did she leave? Oh, she left, shucks. Donna and I have had many conversations about the Catawba river.

Anyway, Duke Power has created several lakes in their area, and particularly along the Catawba over the past half century. And protection of this water resource is paramount, I firmly believe that.

Duke has taken several steps to preserve this resource through continuing biological studies of the lakes. I think Donna's comments were pretty much on mark, of looking at the possibility of cooling water, and cooling towers.

But also Duke Power has developed a shoreline stabilization plan, which I'm currently evaluating, for a housing development for the city of Mount Holly. So they are trying their level best now to look at the long range impacts of the environment, and environmental protection.

And with that, I don't need to say any more.

FACILITATOR CAMERON: Thank you very much, Mr. Gilpin. Let's go to Mr. Robert Mahood.

MR. MAHOOD: My name is Bob Mahood, and I'm here just on my own behalf, as a person who lives about five or six miles from McGuire, and who is a person who has become quite familiar with a great many environmental issues, because I have worked as a volunteer with several different organizations, such as the Sierra Club, and others.

There are about six questions that I would like to hear the NRC, or Duke answer, and also four points I would like to make. But I won't start by saying that when I called up Duke and asked some questions about which I was concerned, Brew Barron was very responsive, and he set up a personal tour of the McGuire plant for me, and I very much appreciate the time that he and the other people who took me through the plant gave me.

One of them was the gentleman who was responsible for the plutonium or MOX fuel idea. And he explained a lot of things about that, that allayed some of my concerns.

Also they demonstrated very clearly that it would probably be a lot easier for 7, or 8, or 12 people to bust into the White House, or Fort Knox, than it would be to get into McGuire. I certainly couldn't think of any way that I could have a team of armed terrorists trying to rush that building and get in, I don't think I could.

And there didn't seem to be any way to park a truck, or anything, anywhere near it, either. So I agree that they have gone to tremendous lengths with security.

Now, to the questions. I was leading up to something else, too. And that is that I felt very reassured, but I also felt that I was dealing with people who really believed what they told me. That I wasn't getting lied to.

But I'm not quite sure that people higher up in Duke Energy, which is an enormous corporation, or the Duke Cogema complex, are always telling their workers the truth.

And certainly there seems to be a sort of a stop on giving the public the complete picture. Recently there have been several big stories in the local papers, and on local television, about Governor Hodges, and South Carolina, and how he is ready to bring out the state militia to stop the trucks from coming in.

And not one of those stories, although these are not South Carolina TV stations and newspapers, not one of these stories linked the McGuire and Catawba connection, which are the only two plants that I know of, that are going to process that MOX fuel, or are going to use it, and therefore in a sense don't have the whole story.

Why was this left out? I don't think it was an accident. And that kind of thing diminishes my confidence and my trust of Duke, when I sense this kind of subtle censorship going on.

Another thing that really shook my confidence is when this summer, or just recently, they tried to pass a smokestack law which would considerably clean up the air that is put out by power stations.

And Duke was right there among others, sending expensive lobbyists to Raleigh, to diminish the impact of that law, and to say, let's compromise, let's not have to charge our customers an extra four dollars, why don't we jus compromise, do a half-baked job cleaning up the air, and then we will only have to charge our customers two more dollars.

Well, personally I would be glad to pay two extra dollars to breathe clean air, and not have an orange alert every other day or so. And that kind of shook my confidence, because I think it was Mr. Barron who looked at me, and I believe he meant it, and he said, Duke doesn't want to endanger people's lives and health.

And then this happens. Going and lobbying and saying, let's not have these stringent regulations, we don't have to have air that clean. So that shakes me.

Okay, now to the questions. If the license is not renewed, would the nuclear plants be total write-offs, or could they be converted to operation by gas as a fuel, or some other form of energy?

Is three feet several feet? Because I never thought that three feet was more than a few. I'm talking about the thickness of the reactor shell. Is the waste stored inside the reactor shell which is so strong, and all that, or

is it in another building, or is it in fact sitting around outdoors, the way it is at some nuclear plants? I would like to know that.

I would like to know why it shouldn't be a state of the art nuclear plant that experiments with the MOX fuel. I understand that state of the art now means something called a pebble reactor. There is one being built in South Africa, that cannot melt down, it never reaches temperatures hot enough, cannot reach temperatures hot enough for a meltdown.

Why not a state of the art reactor for a riskier fuel like MOX? I would like to know that.

I was given a reassurance, and it felt good at the time, that nuclear accidents don't just go boom, like dropping an atomic bomb, they develop gradually, over a period of hours, and that gives everybody a chance to get away.

That sounded good until I started trying to picture that. So you are in the control room and somebody says, temperature is getting in the red zone, maybe we better get that valve open. Oh, oh, it won't open up, what are we going to do about it? Let's start working on it.

Would that be the moment, at the beginning of the several hours? Would that be the moment when they set off the sirens, or will they fight the problem for three or four hours before they give the alarm? I would like to know just how that works, and at what point, when you realize you are in trouble, or getting into trouble, or beginning to get into trouble, at what point do you alert the public?

I understand, from -- I talked with some people who say that they think that the three foot containment wall is so well reinforced, so well designed, that you couldn't crack it with an airplane.

I find that hard to believe after seeing what airplanes could do, but would you have to, in order to produce a meltdown, would you have to crack the reactor? What if you just blew up the control building, or just zapped the water intake? Wouldn't that produce a meltdown? We understand it would. Would it, or wouldn't it?

So those are the questions. The points I would like to make is that I have seen several other nuclear power plants, and I have seen a couple in Europe and in England. And they have been in very isolated places.

There is one at Barnwell near Olbra. Olbra is a very small village in England. The Barnwell plant can be seen way up the coast, a small dot on the horizon. It is not near very many people, at all.

I was on a canoe trip in France and we started, we were passing a lot of villages and beautiful places. And then all of a sudden we came to a zone where there was nothing. And after several miles we came across a nuclear plant.

Several miles later we started seeing dwellings and things again. It was totally isolated, and obviously that was intentional.

When Duke got permission to build McGuire I doubt if there were 10,000 people in the general vicinity. Now they say there are over 100,000, and Duke is pretty much directly responsible for this tremendous population explosion here, because they are a fully owned subsidiary, they've done a great deal of the development.

And I wonder if there is ever going to be a point when Duke is going to put some advisory and say, look, we can't evacuate any more people than we have now. You better quit building, you better quit all this stuff.

Or are you just going to let it go on and on? Another 20 years how many people will be in this area, will it be another 100,000, or will it be 200,000 more, or 300,000 or half a million more?

I don't understand how you can want it both ways. Either you want your plant in an area that is sparsely enough populated, and well enough provided with roads to evacuate, or you don't want to operate the plant.

The roads at the present time are totally inadequate for escape. The Mooresville Tribune reported that it would probably take 12 to 24 hours to evacuate the Rt. 150 area. The exit 28 intersection is dreadful, it goes into gridlock three or four times a day, and on special event days it goes into really tight gridlock.

Also the I-77 is inadequate. All it takes is for a few pallets to fall off a truck and people sit on the highway for hours. I think the idea of evacuating is a joke, because of the excessive and irresponsible development that has taken place already, so near an atomic power plant.

This point is one I already made, so I won't make it again. The final point is, I think we are reaching a new era. This was in the children's page of today's Observer. It is a power plant that works on wave power. It has one moving part, which is the turbine. It is small, it doesn't power cities the size of Charlotte, but a bunch of them could do that.

Also there are many new sources of energy being looked at, that are less dangerous than nuclear power, and less polluting than coal, and

gas, and other things like that. There is solar power, and I know people say it is difficult, it is expensive, and so on.

But just weigh this, and with this comment I will quit. In about two hours, as much energy falls on the earth from the sun as we use, we humans use in an entire year. We don't have to hunt for the sun, we know where it is. It doesn't create any waste, it doesn't create any pollution, it is right there.

Thank you.

FACILITATOR CAMERON: Thank you, Mr. Mahood. I'm just going to ask whether someone from the NRC staff, perhaps someone from the Duke staff might be able to talk to you informally about the questions you raised after the meeting.

MR. MAHOOD: I asked them because I thought these were answers that everyone needs to hear.

FACILITATOR CAMERON: Well, unfortunately we are not going to be able to do that at this meeting. And a lot of the questions are within the purview, I think, of Duke Power rather than the NRC. Although you might be right about that, I think we are going to try to do that through an informal discussion.

But thank you for raising them on the record, at any rate, as well as the points that you made. Mr. Decker? I think we lost Mr. Decker. Let's go to Mr. Faris.

Mr. Faris, I know that you have other concerns, and I guess that -- do you want to talk to us first, and then we will get to your question, because I think you asked a question, a clarification that needs to be answered.

Why don't you give us your comments, and then we will go to your question.

MR. FARIS: My name is Dan Faris, and I'm not an expert, I'm a citizen of Charlotte and Mecklenburg, been here -- actually I'm a native, you don't see many of us.

And so the comments and questions that I have are not from the viewpoint of some expert that studied this a lot. About a year and a half ago I went to a meeting, and was going to hear about this possible new use of weapons grade plutonium by Duke Power, Duke Energy now, at two of their reactors.

And I was real concerned and curious about that, and went and heard a lot of environmentalists and scientists make presentations, all of which were pretty negative about this idea of using weapons grade plutonium, MOX, this mixture of plutonium in reactors that were not designed for that use.

And I kept waiting, speaker after speaker, and I kept waiting to hear Duke respond to these statements. And finally after it was over, and Duke had not responded, I asked. And one of the persons there, who made a presentation there said, they were invited to come, but they chose not to.

And so being, trying to be good citizen, and only having half the story, maybe, I called Duke to find out, first of all why they weren't there, and secondly what their view was about this.

And the person I talked to was very helpful, very knowledgeable, very helpful, sent me a number of things which were helpful, and cleared up some questions I had, I read them all. His comment about why Duke wasn't there, by the way, is because they -- he knew about this group that

was making talks in various places, and he considered them quacks, and so Duke did not want to be there to associate with these scientists and environmentalists.

I said okay. So they sent the information and I still have some questions and concerns, specially in light of what happened on September 11th. My understanding is with the -- well, first let's back up and talk about the first question I asked.

When I was growing up I had friends who had a lease on property on Lake Wiley, we loved to go out there, had a great time growing up as a child. We were known as river rats. Some of you have heard that expression before.

And we just had a wonderful time. My understanding is the license doesn't just apply to these plants on the lakes. When the original license was given Duke had the responsibility of helping maintain the water, and the land adjacent to the lakes.

And this is a question. It seems to me they lost that power to control the quality of the water, and maybe some of the air, too. When instead of having these leases they started selling off the land to private owners.

And so now you heard the people talking about all the wonderful things they are doing at the sites, the sites, the sites. Well, yes, because I guess they don't have control of the property right on the lakes, and so the local governments are trying to get buffers now, get people to agree to buffers.

So my question is, has Duke inadvertently abandoned what the federal government licensed them to do by giving up this buffer of leasing? If someone is not doing what they should be doing as far as protecting the water and so forth in their lease, it seems to me Duke could have some say so, I don't know, I'm just asking that question.

FACILITATOR CAMERON: Let me just get you a quick clarification on that. I don't think we are going to be able to answer your question, because I think it is probably outside of the Nuclear Regulatory Commission's purview.

I think the federal license that you are talking about may be a license from another federal agency, the federal energy regulatory commission, okay? And the one thing that I think I can say, and please NRC staff correct me if I'm wrong on this, is that if there is any implications, potential impacts that should be looked at in the NRC's environmental review for the nuclear station licenses that we give, those types of impacts will be considered.

But your specific question, though, relates to the federal energy regulatory commission licenses, and not to the Nuclear Regulatory Commission licenses. And that is another -- two different licensing groups.

And if at the end of the meeting, again, like some of the questions that have been raised, perhaps some personnel from Duke can perhaps address that.

The comment was, isn't there an issue of compatibility between the two licenses. I think that is where we need, the NRC, need to look at that issue, that comment in terms of scoping. So that definitely needs to be looked at, and considered.

I don't know what the staff's evaluation will be, but you put an issue on the NRC's plate.

MR. FARIS: Well, if anybody hear knows about the meetings about that licensing process, I would like to know about it.

FACILITATOR CAMERON: After we are done someone will come forward. Go ahead with your comments, please.

MR. FARIS: My next is about the MOX, the use of plutonium grade fuel in two of the plants. First of all it seems like to be, to earn trust you have to be a responsible person, at least that is my feeling.

And I know someone talked earlier about risk. And I think taking risk without being responsible is not safe, is not good, is not something that Duke wants to do, it is not something that the NRC wants to do.

However, my question is, you know, if this used plutonium is going to be crossing the country in vehicles, these vehicles were described to me as being very safe, strong, safe, they can stand any kind of impact and wreck.

But can they withstand terrorists taking them over? It may not even go, may not even need a plane to crash into a nuclear power plant. Just take, hijack one of these trucks and take it to a certain place, and blow it up, near Charlotte.

So then these trucks are taking this to Savannah river plant to be mixed, or whatever, into MOX. And then it is going to be taken to the two plants to be used. And here, again, responsibility is a question.

Because is it Duke's responsibility to get that stuff across the country to Savannah, and from Savannah to -- no, it is not their responsibility

at all, they have no responsibility there, it is the Department of Energy's responsibility.

So here you are getting this stuff, and I don't think, I may be wrong, I'm asking a question, that Duke is paying much, if anything, for this used plutonium. They are getting it pretty free.

And in the information that was sent to me, that is for the public it says: DOE will reimburse Duke Power for all MOX fuel related operating and maintenance expenditures, as well as capital expenditures necessary to modify the plants for MOX fuel use.

So here we are being asked to trust the company, Duke Energy. They are getting all this reimbursement from DOE, they are not responsible for getting this dangerous stuff across the country to Savannah, they are not responsible, as far as I know, getting it from Savannah to McGuire, and they are not paying much at all, they are getting reimbursed.

So it seems to me, if you are like most human beings, if you aren't given responsibility, you don't have to take much responsibility. And given the events of September 11th, what would keep a terrorist from hijacking one of these trucks, carrying this stuff, and blowing it up?

Now, I don't know the answers to these questions, I'm not an expert. In addition it seems to me that -- let me get my point here. It says this material, first of all, I'm a retired teacher. And I have come to the exploratorium with children.

And they would say, here is our plan for dealing with high level radiation. We put it in little glass pellets, and then we will put it in the national repository, and it will be safe.

Well, we are going on how many years now, and we still do not have a national repository, and Yucca has not been decided on yet, right? And in addition to that they say now, in this, it says instead of putting it in glass pellets they think it is a better idea to take this and use it up.

Not all of it is used up. If you take plutonium and make MOX, and take it to the reactors, not all of the plutonium is used up. But it is better than leaving it lying around where it could be stolen and used by terrorists, or other rogue countries, to make nuclear weapons.

And that sounds like a really good plan. However, given the events of September the 11th, is it? That is my question.

One other thing, and this is another about responsibility. It is not Duke's responsibility, but they are the beneficiaries. It is my understanding that the NRC has not given a license to anyone to do, to create MOX in this country, is that correct?

FACILITATOR CAMERON: That is the one type of question that I think that we can answer, which is a factual question. Tim, do you know, do you understand the question, can you answer it?

MR. JOHNSON: Tim Johnson, NRC staff. If I can kind of rephrase your question, has NRC ever licensed the manufacture of MOX fuel?

MR. FARIS: That is not what I asked.

MR. JOHNSON: Well, let me just state that, that in the '50s and '60s, and early '70s the NRC did license eight facilities to fabricate MOX fuel for various research purposes that went on at that time.

But in terms of this MOX fuel that is planned to be used, proposed to be used at McGuire and Catawba, we have not issued a license for the fabrication facility.

MR. FARIS: Right, in Savannah, you are talking about. And so my question is, has our tax money gone to Savannah to help produce a plant to make MOX before the NRC has even given approval to create this? That is my question.

FACILITATOR CAMERON: I think that a lot of the questions that you are asking, and I think that the NRC staff, and everybody gets where you are trying to go, and the concerns that you have, a lot of the questions, though, have a lot of policy issues surrounding them, perhaps having nothing to do with the NRC.

And I think that as you have heard from other people in the audience who have concerns about MOX, is that that could be an entirely, another meeting, a long meeting on that. So I would ask you just to raise your concerns.

MR. FARIS: My concern is, if that is true, it is another factor about trust. If the NRC is already allowing MOX to be made before they even approve making it, and that money is coming from I don't know where, but it must be some tax money, I'm assuming, I'm not sure, then how can we trust?

What is the relationship between the NRC and Duke Energy? Does this raise a question on some people's minds?

FACILITATOR CAMERON: Mr. Faris, again, the factual question, the statement that you just made about NRC allowing MOX to be made, the NRC is not allowing MOX to be made.

MR. FARIS: And it is not disallowing it.

MR. JOHNSON: This is Tim Johnson. Under the law a company can't make MOX fuel without a license from the NRC. So there is no MOX being made right now.

MR. FARIS: But there is a plant being made with our tax dollars for this MOX?

MR. JOHNSON: The Department of Energy is funding Duke, Cogema, Stone and Webster, to develop a license application, and go through a licensing process right now.

The licensing process involves two parts, construction of the facility, as well as operations.

MR. FARIS: Has the construction started?

MR. JOHNSON: No, construction has not started, and they will need, Duke, Cogema, Stone and Webster will need our approval before they can begin construction.

MR. FARIS: Thank you.

FACILITATOR CAMERON: And I would direct you to talk to Don Moniak in the back, who is participating in the licensing proceeding, and can give you all the information that you would want about MOX. The NRC people are here who are involved, to talk with you.

MR. FARIS: Just finally, I agree with what a lot of other people said. Duke Energy has added a lot to our community. I mean, we are here with power. And, evidently, they have added a lot to the communities that they are in.

I don't doubt that, I don't doubt the sincerity, the hard work and the safety mindedness of the people at Duke Energy. But I sort of agree with Mr. Mahood. I wonder about the people at the top, and I wonder about the people who are overseeing Duke Energy.

Thank you.

FACILITATOR CAMERON: Okay, thank you Mr. Faris, and thank all of you. We heard some incredibly articulate and thoughtful issues raised tonight, and I think the staff has a lot to work with, and consider, and I would just thank you for being here.

And the NRC staff will be here, some Duke personnel, people from Blue Ridge. Please discuss these issues, and we are -- the formal part of the meeting is adjourned. Thank you.

(Whereupon, at 9:34 p.m. the above-entitled meeting was concluded.)