

Official Transcript of Proceedings
NUCLEAR REGULATORY COMMISSION

Title: Shaw AREVA MOX Services
Limited Appearance

Docket Number: 70-3098-MLA; ASLBP #. 07-856-02-MLA-BD01

Location: North Augusta, South Carolina

Date: Tuesday, August 21, 2007

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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ATOMIC SAFETY AND LICENSING BOARD

LIMITED APPEARANCE

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IN THE MATTER OF: : Docket No.
Shaw AREVA MOX Services, LLC : 70-3098-MLA
(Mixed Oxide Fuel Fabrication : ASLBP No.
Facility Possession and Use : 07-856-02-MLA-BD01
License) :

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Tuesday, August 21, 2007

Banquet Room A2
North Augusta Community Center
495 Brookside Avenue
North Augusta, South Carolina

The above-entitled matter came on for limited
appearance statements at 5:00 p.m.

BEFORE:

- HON. MICHAEL C. FARRAR
- HON. LAWRENCE C. McDADE
- HON. NICHOLAS G. TRIKOUROS

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P R O C E E D I N G S

1
2 JUDGE FARRAR: It's five o'clock here at
3 this North Augusta Community Center, so let's call
4 this session of the Atomic Safety and Licensing
5 Board to order.

6 I'm Mike Farrar; I'm the Chairman of the
7 Board. With me is Nicholas Trikouros to my right
8 and Lawrence McDade to my left. Judge McDade and I
9 are trained as lawyers; Judge Trikouros is a
10 technically trained member of the Board. When we
11 get to the actual adjudication, all three of us have
12 a vote.

13 This proceeding is called Shaw AREVA MOX
14 Services, and it involves a project by a Department
15 of Energy contractor to recycle plutonium from
16 nuclear warheads and make it into new fuel for
17 nuclear power plants.

18 We're here in this area of the country
19 because we're hearing oral argument tomorrow morning
20 at nine o'clock in the Augusta Federal Courthouse on
21 the petition of three organizations to intervene in
22 the proceeding; there are legal and factual issues
23 involving their standing to intervene and the
24 admissibility of their contentions. Any of you who
25 are here and interested in the proceeding, I urge

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1 you to come to that oral argument tomorrow. I think
2 you'll find it lively and entertaining, probably
3 more so than the lawyers that appear in front of us.

4 But we have as one of the handouts at
5 the table the little order we put out kind of laying
6 out an agenda for that oral argument. So you're
7 welcome to take one of those if you can come.

8 Our role at the NRC is to be an
9 independent adjudicator. And you'll say, Well, what
10 do you mean by independent; aren't you paid by the
11 NRC. We are, but our charge is to decide things
12 independent of anybody else in the organization.
13 The commissioners who run the Agency hire us, but
14 then we have nothing more to do with them other than
15 that they serve as the supreme court; if somebody
16 doesn't like one of our decisions and takes an
17 appeal, the Commission can review it. But other
18 than that, we have no contact with them outside the
19 administrative process.

20 We don't get performance reviews,
21 although some think we need them, and we don't get
22 bonuses, the point being: We write our decisions;
23 you like them or you don't like them, we still have
24 a job. We just do the best we can. The NRC
25 regulatory staff, which is some 2- or 3,000 people

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1 and growing -- we work in the same complex as them,
2 but we have nothing to do with them.

3 When we get into an adjudication, there
4 are three parties: The license Applicant, the NRC
5 staff and the citizens' groups or other groups that
6 are opposing an application. We treat them all the
7 same. In fact, I think, until this morning when we
8 had a site visit, I had never spoken to any of the
9 three staff lawyers. In fact, I've never spoken to
10 any of the participants in the case.

11 Your role today if you're members of the
12 public is to make what we call limited appearance
13 statements. Those have a long history in the
14 Commission. It's where people who didn't want to
15 undertake the burden of being a party to the
16 proceeding nonetheless want to make their views on
17 the proceeding known; they can make these limited
18 appearance statements. They become part of the
19 official docket, but they are not evidence, and we
20 don't base our decision on a public opinion poll.

21 What they're -- as we indicated in our
22 Federal Register notice -- let me read an excerpt
23 from it -- limited appearance statements will be
24 transcribed and will become part of the record of
25 the proceeding for future reference. And they may,

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1 if focused on the contentions under consideration,
2 assist the Board in formulating questions to ask the
3 parties during oral argument or prompt the parties
4 to address particular matters at the argument or in
5 some other fashion. They do not, however,
6 constitute evidence upon which a decision may be
7 based.

8 We expanded on that in talking about
9 tomorrow's oral argument, saying that the people who
10 make -- the members of the public can only be
11 spectators at the oral argument, because
12 participation there is limited to those who have
13 taken on the burdens and responsibilities that fall
14 upon those who are or seek to be full-scale formal
15 parties to the proceeding and who have, therefore,
16 done the preparation necessary to address in full
17 measure the legal and technical matters at issue.

18 There have been times when limited
19 appearance statements have brought to light
20 something that an Applicant might want to do to
21 amend its proposal; we do have representatives of
22 the Applicant, the Petitioners and the NRC staff
23 here, and if they hear anything that is of
24 particular interest to them, they may take the
25 occasion to speak to you, and maybe there's

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1 something they can do.

2 We will not respond to the substance of
3 any statements other than to indicate, "Gee, that's
4 something you ought to talk about with so-and-so,"
5 or to indicate that, "Gee, you ought to come to the
6 oral argument tomorrow, because we are going to
7 focus on that." But we won't -- it is not our role
8 to respond.

9 When you -- I mentioned the handout
10 about the oral argument. Those who speak, if you
11 would, come to the microphone and identify yourself
12 and, if you choose to, give the name of your
13 organization.

14 Would the counsel and other
15 representatives who are here want to identify
16 yourselves just for the benefit of any participants?

17 Mr. Silverman, why don't you start?

18 MR. SILVERMAN: Sure. My name is Don
19 Silverman. And I'm with the law firm of Morgan,
20 Lewis and Bockius, and we're counsel to Shaw AREVA
21 MOX Services.

22 MR. ZABIELSKI: I'm Vince Zabielski; I'm
23 with Morgan Lewis, as well.

24 JUDGE FARRAR: Okay. Thank you.

25 Ms. Carroll?

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1 MS. CARROLL: I'm Glenn Carroll with
2 Nuclear Watch South -- here with others, also known
3 as the Petitioners.

4 JUDGE FARRAR: Are any of your other
5 two --

6 MS. CARROLL: I haven't seen them yet.

7 JUDGE FARRAR: Okay.

8 MS. CARROLL: Mary Olson with Nuclear
9 Information and Resource Service will be unable to
10 attend. And I hear Louis Zeller with the Blue Ridge
11 Environmental Defense League is on the way.

12 JUDGE FARRAR: Okay. When he comes in,
13 would you be good enough to give me a signal? And
14 we'll have him introduce himself.

15 From the NRC staff?

16 MS. BUPP: I'm Margaret Bupp, and I'm
17 from the Nuclear Regulatory Commission's Office of
18 General Counsel.

19 MR. MARTIN: I'm Jody Martin; I'm also
20 from the NRC Office of General Counsel.

21 JUDGE FARRAR: Okay.

22 MS. JONES: And I'm Andrea Jones, also
23 from the Office of General Counsel, NRC.

24 JUDGE FARRAR: Okay. Thank you all.

25 We had a couple of people sign up in

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1 advance. It was not a requirement to sign up in
2 advance. So we will take those who signed up and
3 then anybody else who comes in.

4 First was Jeannine Honicker.

5 MS. HONICKER: Yes. Thank you. I'm
6 Jeannine Honicker. I live in La Grange, Georgia,
7 which is just down from Atlanta. I have prepared
8 two statements. My husband said this was too long,
9 so I cut it down and made it so that I could read it
10 without my glasses. But --

11 JUDGE FARRAR: Spouses will often say
12 that it's too long. But --

13 MS. HONICKER: I would like to leave
14 this with you. And if I could have answers from the
15 particular people that I address the questions to,
16 it would be very helpful. I don't know if you can
17 arrange that, but --

18 JUDGE FARRAR: That's something that
19 would be their -- if they hear something that
20 they're particularly interested in talking to you
21 about, that's their option to do so.

22 MS. HONICKER: Yes. Well --

23 JUDGE FARRAR: But they don't have to do
24 that.

25 MS. HONICKER: Well, let me say that I

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1 have more copies of this if anyone would like it. I
2 wrote -- I mean when I asked to make this
3 appearance, I asked for -- how could I get a copy of
4 the EIS online, because I haven't figured out how to
5 do ADAMS yet. So one of your law clerks was kind
6 enough to give me the link. And I've done it so
7 many times, I could tell you right offhand without
8 looking at my paper how to do it.

9 But it came and -- I mean I got it, and
10 then I copied the whole thing out. And as I went
11 through it, I had each section lined up.

12 And when I found something in one
13 section and then I found something that was about
14 the same thing but said something different, I made
15 a note of it. And so that's what I want to talk to
16 you about tonight, and it may take me a little bit
17 longer than three minutes. But since only two, I
18 believe, of us signed up to do this, if I could have
19 a little longer, I think that what I have will be of
20 interest to both parties and, I hope, to you
21 gentlemen, as well.

22 JUDGE FARRAR: Okay.

23 MS. HONICKER: First of all, I think
24 that the FEIS for the MOX facility lacks credibility
25 because of its contradictions and the identified

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1 gross emissions. The MOX facility is not just one
2 building, as a member of the public -- as I had
3 thought before I read this EIS. But in fact, it's
4 what I call the unholy trinity: The PDCF, MOX and
5 the WSB. Each of these comprise multiple buildings.

6 The first section, where bomb-grade
7 plutonium is first changed to a state that can be
8 retooled into fuel for nuclear power plants, is
9 called the PDCF. The next step of the process,
10 taking the material from the PDCF and actually
11 creating the fuel rods, is called MOX. All of the
12 waste from both the PDCF and MOX is piped to WSB.

13 The irony of this is that the Nuclear
14 Regulatory Commission has no licensing or regulatory
15 authority over either the front end of the back end,
16 the PDCF, the front end, or the WSB, the back end.
17 And it is precisely these facilities that are the
18 most environmentally polluting and pose the greatest
19 threat to both the workers and the public.

20 The PDCF emits plutonium, curium-241 and
21 tritium to the air. WSB treats and releases liquid
22 waste to the Upper Three Runs Creek. The FEIS says
23 that there is no impact to water quality, because
24 the discharge is to surface water. That reminds me
25 of how the French and the English handled their

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1 waste from their reprocessing facilities; they pipe
2 it out to sea. I had thought that we were a little
3 bit above that sort of thing.

4 But of course, you can't do anything
5 about it because you have no authority over that.
6 That is ridiculous. And if I were in your shoes, I
7 would say, My position is that we are supposed to
8 protect the health and safety of the public, and if
9 we license the middle section of this thing, the
10 MOX, it's going to necessitate the front end and the
11 back end, and, therefore, we can't do it; we just
12 simply refuse to let the public be subjected to
13 plutonium in aerosol form being admitted into the
14 air.

15 This is a death sentence to anyone who
16 breathes it in. But guess what? The inhaled doses
17 are not considered. The inhaled doses are
18 identified in this very document as the most
19 damaging to the public, but this document -- and
20 I've got this; it will tell you exactly what page
21 number and section and in some cases lines where you
22 will find it. And if you need a copy of the EIS,
23 I'll bring my suitcase in and give you a copy.

24 But the inhaled doses to the workers are
25 not considered. The chemical doses to the workers

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1 are not considered.

2 Beryllium is so bad that some of the
3 workers in the nuclear facilities -- their widows
4 have been able to collect \$150,000, which is the
5 compensation to nuclear workers -- most of them are
6 deceased -- whose families can prove that they were
7 nuclear related. The Beryllium disease is one of
8 the things that they'll pay off on, and yet,
9 beryllium is mentioned as a pollutant, but it's not
10 considered a danger, because no chemicals are
11 considered dangers to the workers.

12 Now, how can you possibly condone this?
13 This is outrageous. No inhalation doses are
14 considered. No chemical doses are considered. And
15 yet, they claim -- oh. And in the fourth section,
16 it's as if the people that wrote the first part of
17 this that tells about the dangers of it are
18 completely different from the people that wrote,
19 Everything's going to be all right, nobody's going
20 to be harmed, and, therefore, we should give them
21 the license to do it. It's as if there were two
22 different staffs involved in there, because they're
23 conflicting.

24 Another thing that really got to me was
25 how they discovered early on that they had only

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1 tested one to twelve inches or -- zero to twelve
2 inches of the ground that is going to be disturbed
3 to build this facility, all in the F Section or F
4 Area, where twenty of those million-gallon storage
5 tanks that are leaking are and where the groundwater
6 is already contaminated with plutonium and
7 strontium.

8 And I found all this in your
9 environmental impact statement, and, yet, they only
10 tested for between one and twelve inches. And
11 they're going to dig up a whole lot more dirt than
12 that. In fact, they're going to dig where they
13 have -- where there's a dump, a place that has been
14 the place for spoils for other excavations.

15 And there are four different places that
16 tell how to deal with it. One is to just go ahead
17 and start and, if it's discovered by odors -- and I
18 didn't know this stuff stunk, but if it's discovered
19 by odors that there's chemicals down there, they
20 will then reassess the damage to the workers, to the
21 construction workers.

22 Number Two is in a section that talks
23 about what to do about it -- and I've got it in here
24 where it is -- that it should -- before excavation
25 is started, it should be retested, because not only

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1 did they only test for between one and -- zero and
2 twelve inches, they only tested for ten known
3 contaminants, excluding arsenic and
4 trichloroethylene, which both are known to be
5 pollutants that are in excess of standard that
6 they're not supposed to be above. And they didn't
7 even test for them.

8 Now, how can you possibly in good
9 conscience license this facility? I don't see how
10 you possibly could.

11 There's more. In talking about -- I've
12 lost count of what I've got written here; I'm just
13 talking to you all now -- in one section I read
14 about all of the environmental reports that have
15 been made on what to do, other activities to happen,
16 at SRS.

17 And it amazed me when I found out about
18 the modern pit facility that would produce 450 new
19 pits per year for nuclear weapons. Now, here you're
20 taking perfectly dangerous weapon material,
21 plutonium, from pits, splitting them up in a process
22 that's going to emit plutonium into the air, and
23 yet, on the other hand, they're talking about
24 building new pits to make new nuclear weapons. It
25 looks to me like this is a waste of money if they're

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1 going to build nuclear weapons, anyway.

2 It reminds me of when my husband quit
3 smoking. He carried a pack of cigarettes around
4 with him for about a year in case he just had to
5 have one; he wouldn't have to go buy some. So why
6 not choose your no-action alternative and just leave
7 the stuff there? And if this administration is just
8 so gung-ho on building new nuclear weapons, you've
9 already got the pits.

10 You don't have to go to all that expense
11 of building a new pit facility, new military
12 reactors to produce the plutonium to go into the pit
13 facility, and then your reprocessing center to
14 reprocess the fuel out of the military reactors to
15 go into the pits. You've already got it.

16 So Russia has already pulled out of the
17 whole thing, anyway. So the excuse that we've got
18 to do it because of Russia? That doesn't hold water
19 any more. If you didn't do it to start with, you
20 wouldn't have all this extra damage.

21 I also found in here that the workers at
22 SRS, not counting what they call the facility
23 workers, who were the workers that would work just
24 at this unholy trinity, as I call it, but all the
25 rest of the workers would be subjected to a 9-

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1 percent increase in cumulative doses. That is the
2 impact on there.

3 Now, if this thing does go through and
4 they -- you do produce fuel rods that will be burned
5 or irradiated, because you can't really burn them,
6 at Sequoyah -- not Sequoyah, but Catawba or McGuire,
7 it says that if there's an accident there, it will
8 be 14 percent more damage than if those rods weren't
9 in that core.

10 I have a really good friend who lives in
11 Rock Hill, which is the nearest large population --
12 it's not huge, but it's a nice-sized city -- near
13 Catawba. I invited her to come today. I wanted to
14 put a face with one of the people that could be in
15 danger if this thing goes through, and she just
16 couldn't come. But, you know, I didn't find Rock
17 Hill mentioned in here anywhere.

18 But these are dangers that we have to
19 look at, and they're all so unnecessary. And this
20 is what I wanted to ask you. How much is your
21 company -- no. It's the utilities. How much are
22 the utilities going to pay to use this, or are you
23 just going to give them these fuel rods to get rid
24 of them? Because there should be a cost benefit
25 analysis on how much you're going to make from this

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1 thing versus how much it's going to cost. And if
2 it's cheaper to leave it where it is than what you
3 can make out of it, that's another reason for not
4 doing it.

5 So there's just so many things that I
6 have found that's wrong with it that I want to ask
7 you to do an unprecedented act. I want you not only
8 to say no to this particular license, but I want you
9 to repeal the construction permit.

10 Thank you very much. Do you have any
11 questions or does anyone have any questions?

12 JUDGE FARRAR: No, ma'am.

13 MS. HONICKER: Well, may I leave this?

14 JUDGE McDADE: Please, if you could,
15 give that to the clerks. And it'll be made part of
16 the record.

17 MS. HONICKER: Thank you.

18 And thank you for giving me a little
19 more time.

20 JUDGE FARRAR: That's quite all right.
21 Thank you. We appreciate the enthusiasm you bring
22 to your cause. As I said, we don't respond to the
23 comments here, but I should have mentioned at the
24 beginning that there was an earlier proceeding here
25 at the construction permit stage.

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1 And some of the same organizations who
2 are petitioning to participate now did participate
3 at that stage. And they brought dozens of
4 contentions -- none of us were on that board -- but
5 brought dozens of environmental and safety
6 contentions at that stage, which were resolved
7 perhaps not to their satisfaction, but -- and our
8 role in this type of proceeding is to pass upon the
9 safety and environmental contentions that parties
10 bring to us in a formal fashion. So just leave with
11 that statement.

12 The second person was Bobbie Paul.

13 And what we'll do -- let's try to do --
14 we had said three minutes thinking we might get huge
15 throngs, but let's -- do have some more people
16 who've come in. So let's use five minutes as a
17 benchmark now.

18 Go ahead, Ms. Paul.

19 MS. PAUL: Thank you. Hi. My name is
20 Bobbie Paul. I live at 227 Elizabeth Street in
21 Atlanta, Georgia. I'm also with an organization
22 called WAND, Women's Action for New Directions, and
23 I head up the Atlanta chapter.

24 And I also -- WAND has a lot of members
25 in Georgia and especially in Burke County. And so

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1 we're deeply concerned about the expansion of Plant
2 Vogtle, as well as the MOX. And we weigh in pretty
3 heavily on a lot of the nuclear missions here at
4 Savannah River Site.

5 I cut my teeth in the nuclear world on
6 the MOX issue, I guess, about almost ten years ago.
7 That's when I began learning more about
8 radionuclides, and I couldn't quite believe the MOX
9 situation then, taking this weapons-grade plutonium.
10 I have looked at the briefs on the EIS, and a couple
11 points I'd like to make is -- I don't understand why
12 construction has begun when the design, as I
13 understand it, is only about 90 percent complete.

14 Although I do find this is kind of
15 symptomatic of a lot of things, especially
16 surrounding DOE and nuclear missions, I feel like
17 the cart is before the horse a lot, whether it's
18 because of regulations, fines or whatever. And of
19 course, the most egregious point on that would be
20 this unending stream of waste that we've been unable
21 to deal with for 60-plus years.

22 It's unfathomable to me that a woman
23 running a household or someone running a business
24 would not consider the end byproduct. And I know
25 that MOX is supposed to be now considering some of

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1 this so-called waste, but it seems to me that this
2 is yet another -- opening up another cycle that's
3 going to create yet more waste.

4 I've had the good fortune of touring the
5 immobilization and the vitrification plant at
6 Savannah River Site, which SRS is very proud of, and
7 I was disappointed to see that the NRC -- I know DOE
8 is looking at it, but the NRC has not considered
9 immobilization as an option. To me -- pardon me.
10 That is my phone.

11 (Pause.)

12 MS. PAUL: I'm sorry. It'll go away.

13 JUDGE FARRAR: Don't feel bad. The last
14 two hearings I was in, I warned the audience to turn
15 theirs off and someone's went off. And it was mine.
16 So --

17 (General laughter.)

18 MS. PAUL: We were on a tour at SRS.
19 And they made sure they took all of our phones
20 because, you know, of the cameras and all this. And
21 the woman was sitting in the front seat with the bag
22 of phones and everything. And she kept turning
23 around and saying, One of your people has a phone.
24 And it was one of the phones, but it was on the
25 front seat with her.

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1 Anyway, okay. So the vitrification
2 plant, I think, is a real star in the crown, if you
3 would, to have it that way at Savannah River Site.
4 And so I think that immobilization is something that
5 should be carefully looked at, and I would petition
6 you to do so. I do think that this is cheaper, less
7 expensive.

8 There's no perfect solution to the
9 waste. I think we need to admit it. We know
10 there's a lot of schemes coming out of Washington,
11 D. C., GNEP, the Global Nuclear Energy Partnership,
12 being one of them. Now we're putting -- we're
13 taking in the funding of plutonium, like MOX, out of
14 weapons and putting it in commercial. We know this
15 is a setup for GNEP for the whole program. This is
16 a master plan that goes right along with Complex
17 2030 and the whole thing.

18 So I'm very distressed by this, that MOX
19 is going forward. I think it's a larger issue.

20 And the last thing I'd like to close
21 with, because nuclear's on the front pages of the
22 papers every day now. People who we had to -- you
23 know, you'd say "nuclear" at a party, and, you know,
24 people would go, Bye, Bobbie, see you later. But
25 now people are beginning to get a little bit more

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1 informed, not just seeing that someone's being
2 murdered by polonium, or whatever, but I think the
3 word plutonium is becoming more of a household name.
4 At least in my house, it is.

5 So there's a wonderful book out called
6 "The World Without Us," by Alan Weisman. I don't
7 know whether you're familiar with it, a very
8 interesting book about what we're leaving behind
9 once we're gone. And I just wanted to read one
10 little part of it.

11 And this is in the chapter, "Hot
12 Legacy": "A plutonium weapon contains a single
13 fissionable ball that must be forcibly exactly
14 compressed to at least twice its density to explode;
15 otherwise, it's simply a poisonous lump. What will
16 happen, however, is that bomb housings will
17 ultimately corrode, exposing the hot innards of
18 these devices to the elements. Since weapons-grade
19 plutonium-239 has a half-life of 24,110 years, even
20 if it took an ICBM cone 5,000 years to disintegrate,
21 most of the ten to twenty pounds of plutonium it
22 contained would not have degraded.

23 "The plutonium would throw off alpha
24 particles, clumps of protons and neutrons, heavy
25 enough to be blocked by fur or even thick skin,"

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1 like mine, "but disastrous to any creature unlucky
2 enough to inhale them. In humans, one-millionth of
3 a gram can cause lung cancer. In 125,000 years,
4 there would be less than a pound of it, though it
5 would still be plenty lethal.

6 "It would take 250,000 years before the
7 levels were lost in the earth's natural background
8 radiation. At that point, however, whatever lives
9 on earth would still have to contend with the still-
10 deadly dregs of 441 nuclear plants."

11 Thank you.

12 JUDGE FARRAR: Thank you, Ms. Paul.

13 And I would encourage you and Ms.

14 Honicker and anybody who came in late that -- we are
15 having that oral argument tomorrow morning at nine
16 o'clock at the Federal Courthouse in Augusta. And
17 you might find it something worth listening to,
18 although I'm told that only in Washington, D. C., do
19 people take time off from work to go watch the
20 government work when they can't participate
21 themselves. So we won't feel put out if you can't
22 make it.

23 We have some people who've come in and
24 signed up.

25 Joanne Steele?

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1 MS. STEELE: Hello. My name is --

2 JUDGE FARRAR: And if you could be as
3 good as Ms. Paul and stick to the five minutes, we
4 would appreciate it.

5 MS. STEELE: That shouldn't be a
6 problem.

7 JUDGE FARRAR: Okay.

8 MS. STEELE: Okay. My name's Joanne
9 Steele, and I live in northeast Georgia, in
10 Nacoochee Valley. And I was -- I work with Action
11 for a Clean Environment and am affiliated with Nuke
12 Watch South, but I'd like to just speak to the whole
13 idea of where these supposed MOX fuel rods will be
14 used in the nuclear energy production.

15 And I studied for three years the Oconee
16 Nuclear Plant. And this was before 9/11, so we had
17 more access to what was really going on at the
18 plants and where the weaknesses were.

19 And even though there are plants that
20 might have the vessel heads replaced and the fuel
21 rods housings replaced -- I do gardening, and I can
22 a lot. And the bottom of the reactor, which would
23 be like the can or pot, is not replaced. It's just
24 the tops of them that have replacements going on.
25 These bottoms are getting old, and with all the

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1 irradiation that goes on, they get weakened. And
2 there's no way of really replacing them, just
3 shutting them down.

4 And all of this MOX fuel that's using
5 plutonium that's weapons grade is not what these old
6 plants that are getting relicensed are designed to
7 handle. And so you have a higher potential for
8 problems and accidents happening if this is a route
9 we're going to go with providing nuclear energy,
10 which, in my opinion, should be stopped, obviously,
11 because we still haven't figured out what to do with
12 the waste.

13 I'm a mother, I'm a grandmother, and I'm
14 an auntie. And I don't think that this is being
15 responsible to the coming generations. And I feel
16 like we have an opportunity here to stop something
17 before it happens, which is -- the best way to go
18 about things is to prevent, rather than to have to
19 remediate, when we have accidents.

20 And it's -- I'm wanting you to invoke
21 the cautionary principle, which is to do the least
22 harm, and not license this boondoggle, this waste of
23 money and this dangerous, dangerous proposal to
24 start using weapons-grade plutonium in these old and
25 aging reactors. Even if everything worked, even if

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1 they did have the design plans all done, which they
2 don't, I mean, to me, this is just irresponsible.
3 And I think it's time to put a stop to it, before it
4 gets going any further, and to halt construction.
5 Thank you.

6 JUDGE FARRAR: Thank you, Ms. Steele.
7 We appreciate your remarks.

8 Sam Booker?

9 MR. BOOHER: My name is Sam Booher; I'm
10 from Martinez, Georgia.

11 JUDGE FARRAR: Oh. Mr. Booher, I'm
12 sorry.

13 MR. BOOHER: That's all right, sir. My
14 driver's license says Booker, too. So no big deal.

15 (General laughter.)

16 MR. BOOHER: I did not come here
17 intending to say anything. And I saw you had such a
18 few people talking, I wanted to make your trip
19 worthwhile, so I thought I'd add my two cents.

20 First off, I'm a very good republican.
21 Now, don't confuse that with the current
22 administration. I'm a good republican. I'm
23 concerned about wasting money.

24 I was talking to somebody and reading
25 something the other day and asked them, How much

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1 does a nuclear power plant cost to build. I said, I
2 just read something in a government regulation that
3 said \$300 million. And he said, No; they cost on
4 the average about \$6.5 billion to build a nuclear
5 power plant. And I said, How long are they good
6 for. And he said, you know, Forty years. And then
7 I said, Well, how much does it cost to tear one down
8 and disassemble it and get rid of all the parts. He
9 said, Another \$6.5 billion.

10 I said, Well, I'm sure the power
11 companies have a problem paying \$13 billion for a
12 nuclear power plant. And they said, Oh, don't worry
13 about that; the federal government pays for the
14 building; the federal government pays for the
15 disassembling and getting rid of it. So each
16 nuclear power plant, that's about \$13 billion the
17 taxpayers pick up. He said, The power companies pay
18 for the -- once it's build and running it, that's
19 when they get all this good electricity very cheap.

20 And I said, Well, if you figure in the
21 cost of building it, 6-1/2 billion, and just getting
22 rid of it is 6-1/2 billion, and then you've got all
23 that legacy waste to pay for, and they haven't in
24 calculated in the cost of managing and controlling
25 and protecting us from the legacy waste of a power

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1 plant. I said, It doesn't sound to me like nuclear
2 power is cost effective. And they said, Well, it is
3 for the power companies. So I just wanted to leave
4 you with that.

5 One last thing I wanted to mention to
6 you all is solar energy. Where this world is
7 heading is solar energy; the only question is, How
8 long is it going to take us to get there.

9 If you look at Germany, Germany came up
10 with a program where if the people bought solar
11 panels, they could sell their excess energy back to
12 the power companies at a higher price than they were
13 paying for it. And they were looking out a few
14 years, that they would eventually get 10 or 15
15 percent solar energy. Within a very few number of
16 years, they went to over 20 percent. So Germany is
17 already doing it right. The question is, How long
18 for us in America.

19 If you look at the North Carolina energy
20 plan -- they have four pages in their North Carolina
21 Energy Plan -- just put that into Google and punch
22 it, and it'll come right up -- four pages on nuclear
23 energy. It starts out with -- a lot of individuals
24 and businesses in North Carolina are already gone
25 solar power. The reason is the state pays a fourth,

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1 and the federal government gets a quarter. So the
2 people and businesses get their solar energy panels
3 for half the cost.

4 If you don't -- look now at the Georgia
5 state energy plan. We have one sentence on solar
6 power, and it says, Solar power is more expensive
7 than nuclear and coal. That's the only thing the
8 Georgia state energy plan says about solar.

9 One last comment, because I know you had
10 me to five minutes, and I'll sit down. I had a
11 friend come by my house last night. He's suing DOE
12 for getting him contaminated, and they've already
13 offered him a very sizeable sum to drop his law
14 suit. He told me that the people that worked for
15 him out here on SRS are getting nothing, because
16 they didn't individually sue DOE like he did.

17 I would ask you all to sometime take a
18 look at the litigation against DOE for contaminated
19 its employees. And look at the ongoing --
20 litigation that's going on right now. There's a lot
21 more than you're probably aware of. Thank you.

22 JUDGE FARRAR: Thank you, sir, for your
23 thoughts.

24 And as I said at the beginning, anyone
25 representing one of the participants is welcome to

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1 speak privately to any of the people who are making
2 limited appearance statements here.

3 Charles Utley?

4 MR. UTLEY: Charles Utley, at 3417
5 Sutton Place. I'm representing the Hyde and Aragon
6 Park Improvement Committee, Incorporated, and the
7 Blue Ridge Environmental Defense League.

8 There's only a few comments that I'd
9 like to make this afternoon, very short and brief,
10 and I'll stay within my limited time. But there are
11 some things that we're looking at, and one of them -
12 - I'm going to break them down so we won't get all
13 cluttered up this afternoon -- is that we're
14 interested in and we've been at meetings that you've
15 conducted in North Carolina, and precisely in
16 Charlotte, in North Augusta here, and Savannah.

17 But there's still the like of a
18 comparison when we look at what we are asking and
19 what we're receiving. So I'm acting that the act of
20 sabotage be really looked at, because I know it's
21 not a part of the NRC's plight,
22 because -- it said in the scope and summary report
23 at the state that the EIS would not address the
24 impact of terrorism, because these impacts are not
25 considered to be reasonably foreseeable as a result

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1 of a positive action.

2 But, however, the reason why I want you
3 to look at and think on it: Because if you're going
4 to have such a shipment of MOX fuel, then you're
5 going to have to transport it. And if you're going
6 to transport it, it leaves an avenue for, for lack
7 of a better word, the good ol' boy who's waiting to
8 intercede. And so I think that it should be a part
9 of the overall picture, because terrorism is alive
10 and well.

11 And I know that we're loosening some of
12 the restraints on it, but when -- we look at what
13 even the United States naval, academic society and
14 the science stated, that the shipment of plutonium
15 fuel would require serious, serious security.

16 Another factor I want you to consider --
17 and I heard this young lady allude to it very
18 eloquently -- is the irradiation increase. And
19 there will be an irradiation increase because of the
20 facility itself.

21 And a few facts I want you to realize.
22 That in the Savannah River area site, the activities
23 will increase approximately 2.6 percent. A
24 cumulative does associated with the MOX site
25 shipment would be approximately 9.8 percent. The

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1 impact of this will indeed have an effect on those
2 who live within a ten-mile radius of the site. We
3 realize also that there are some problems when it
4 comes to the death rates and we look at basically
5 those counties that are within that ten-mile radius.

6 And we looked at -- the annual
7 statistical compiled by the State of South Carolina
8 revealed that the above-average mortality rate in
9 the two counties were within ten miles of the SRS,
10 the overall statewide death rate of 1998 was 9.1 per
11 thousand population. Aiken County death rate was
12 9.2 per thousand. Barnwell, 10.9 per thousand.
13 Barnwell death rates is 19.8, higher than the
14 statewide rate.

15 So I'm asking that you take a look at
16 it, simply because when you take a look at it being
17 the second-highest in mortality -- and you have to
18 look at the environmental impact it has on
19 environmental justice for those who are living. And
20 we know that most of the environmental communities
21 are blighted areas and they are surrounded or nearby
22 these sites.

23 In Aiken County, annual heart disease
24 death rate is greater than all the deaths combined
25 with stroke, cardio-lung disease, even accidents and

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1 diabetes. So we have a serious problem with it.

2 In conclusion, I would just like for you
3 to think about all of these that I've talked about,
4 but, in particular, the heart rate in the
5 communities and the surrounding areas. That tipped
6 the scale because it is higher than what anyone
7 would want to be exposed to. So I have given you a
8 chart also that you may be able to look at and
9 compare.

10 And again, I want to thank you for this
11 time to share with you in this big decision that you
12 own. And I say it's a big decision because it's in
13 your hands but, above all, it's the citizens of this
14 area that'll be impacted. Thank you.

15 JUDGE FARRAR: Thank you, Mr. Utley, for
16 sharing your thoughts with us.

17 Part of the oral argument tomorrow will
18 focus on the terrorism matter on which the
19 Commission itself has spoken recently. So we'll see
20 where that leaves us.

21 That's -- I have no one else on my list.
22 Is there anyone else who has come in and did not
23 sign up?

24 (Pause.)

25 JUDGE FARRAR: Trish, do you have any

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1 other names back there?

2 (Pause.)

3 JUDGE FARRAR: Why don't we take a --

4 Yes, ma'am?

5 MS. HONICKER: Can I ask one more
6 question, just one? I had it written on that paper,
7 but I got off track.

8 The question I wanted to ask the people
9 who are asking for the license is, How is your
10 financial situation in case there is a criticality
11 accident? I know that the Price-Anderson Act covers
12 liability for nuclear power plants, but this is not
13 a nuclear power plant, and this is a private
14 company. So would they not be totally responsible
15 for coverage of liability?

16 JUDGE FARRAR: Okay.

17 MS. HONICKER: And are you -- is your
18 company financially able to compensate all of the
19 people who could lose their property if there is a
20 criticality accident? And this is bomb-grade
21 plutonium we're talking about, and criticality
22 accidents are considered in the EIS.

23 JUDGE FARRAR: If there's someone in the
24 audience who wants to speak to you privately, they
25 are welcome to do so, but they are also welcome not

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1 to do so. So we'll leave that up to them.

2 MS. HONICKER: But I had not seen this.
3 This was an omission from the EIS that I wanted to
4 point out. Thank you.

5 JUDGE FARRAR: All right. Thank you.

6 JUDGE McDADE: Thank you.

7 JUDGE FARRAR: If there is no one else
8 who wanted to make a statement at this time -- it's
9 13 minutes to 6:00 or so. Why don't we take a
10 recess until six o'clock and reconvene and see if
11 anyone else wants to be heard at that point? Thank
12 you.

13 Off the record.

14 (Whereupon, a short recess was taken.)

15 JUDGE FARRAR: All right. Let's go back
16 on the record. It's a few minutes after 6:00, and
17 we have three more people signed up.

18 Betsy Rivard?

19 MS. RIVARD: Hi. I'm Betsy Rivard. I
20 have an interest in this. I'm from Atlanta. I'm
21 with Women's Action for New Directions. And I spent
22 the first five years of my life in Oak Ridge,
23 Tennessee. And when we moved there, it was after
24 the bomb, but we still had to go in through a gate
25 and show a pass and everything.

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1 So we left that little bubble. And when
2 we would return, I could remember as a child hearing
3 my father talk about -- talk with his friends and
4 relatives actually about the purpose and what was
5 going on there. And he kept talking about the
6 waste. And I think when you're inside of the
7 bubble, you don't really think about it, and that's
8 my concern about MOX, that there doesn't seem to be
9 a real plan for how to handle the waste.

10 And I spoke once before here and
11 mentioned the idea of cleaning up your mess before
12 you start a new one, and I still believe that that
13 is something that we should be thinking about. I'm
14 concerned about the number of miles of transport
15 that are involved in all the truckloads and
16 trainloads of waste that are going to be traveling
17 and bomb-weapons-grade material that are going to be
18 traveling across our country, and I worry about the
19 readiness of small town emergency pipeline.

20 I think about the bridge that collapsed
21 in Minnesota, and there are pictures of the bridge
22 on top of train cars that have been crushed. And,
23 you know, I wonder about what would be the impact of
24 that getting into the river or that kind of thing.
25 And I really do think that not enough planning has

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1 been done about what's going to happen to the waste.

2 I think we would like to see some kind
3 of a plan about what's going in and what comes out
4 and what's going to happen with what comes out.

5 Thank you.

6 JUDGE FARRAR: Thank you, Ms. Rivard.

7 Ed Arnold?

8 MR. ARNOLD: Good evening. I am Ed
9 Arnold. I have been affiliated as a staff person
10 with Physicians for Social Responsibility. I live
11 in Atlanta. We have members throughout the state of
12 Georgia. The doctors of PSR have been concerned
13 about MOX since it was suggested years ago.

14 And looking at the considerations as
15 they exist now, it seems to us that the entire
16 process of this hasn't been fully brought to a
17 resolution. Now, it's a little like taking somebody
18 into the operating room and performing a surgery and
19 sewing them back up and then not knowing what you'll
20 do with it after that, with the person, with the
21 patient, if you haven't considered everything until
22 the end. And it's my understanding that this
23 process is a little like that.

24 I would think that the procedures should
25 be put in place, knowing what the full outcome at

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1 the end is intended first, before the permitting
2 process is brought to completion. Physicians for
3 Social Responsibility is concerned that in order to
4 dispose of some waste, more waste is being made. I
5 realize it'll be a different character of waste, but
6 is that a common-sense approach, to make more waste
7 in order to, quote, "Dispose," end-quote, of other
8 waste? I just wonder about the common sense of
9 that.

10 And finally, Physicians for Social
11 Responsibility has been extremely concerned about
12 the effects of nuclear weapons on populations around
13 the world from the onset back in the early '60s. Of
14 course, now we have a different concern about
15 nuclear events and the aspect of terrorist
16 activities.

17 I have to say that prior to September of
18 2001, this concern when we brought it up was pretty
19 much waved away, but we believe that -- in bringing
20 into full review the even-unlikely prospect that
21 some terrorist activity could result from the
22 existence of this, of the MOX plant, and from the
23 use of the material afterwards, putting at risk our
24 populations in this country.

25 So we would hope that the permitting

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1 process would go back and look at these aspects of
2 the issue before moving forward. Thanks again.

3 JUDGE FARRAR: Thank you, sir, for
4 sharing your thoughts with us.

5 Om Mendiratta?

6 MR. MENDIRATTA: I just signed as
7 attendance.

8 JUDGE FARRAR: Oh. Okay. I knew you
9 were with the company.

10 MR. MENDIRATTA: Yes, sir.

11 JUDGE FARRAR: Okay. Thank you.

12 Anybody who came in and did not sign the
13 sheet and wants to speak?

14 (Pause.)

15 JUDGE FARRAR: Okay. We have no one
16 else on the list who has signed up. But, thinking
17 about the way the notice was worded, we reserve to
18 end early if no one was here, but I didn't think it
19 would be this early. And I'm sure some people left
20 work and went home for dinner and expected to come
21 back. So I think what we'll do is recess until 6:45
22 and see if anyone has shown up by then. And if not,
23 then we'll adjourn.

24 I might say before we recess that I
25 mentioned at the beginning that we have jurisdiction

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1 to review in a formal litigation process the safety
2 and environmental contentions that are brought
3 before us. And anything that was said tonight that
4 fits into the mode of the contentions that are
5 pending will certainly be addressed, but I would --
6 the transcript will be made. It will be part of the
7 public record, and it will be available to other
8 policy makers in the country, whether those are your
9 elected representative or administration or
10 different groups.

11 And I encourage, if, as many of you do,
12 you feel passionately about these issues and they're
13 not things within our jurisdiction, that you
14 continue your efforts to bring them to the attention
15 of people who do have the authority to deal with
16 them.

17 So with that -- it's 6:15. Let's
18 adjourn
19 until --

20 Yes, ma'am?

21 MS. PAUL: If people want to write in
22 with comments, is this it for tonight?

23 JUDGE FARRAR: No. They can submit
24 written statements of whatever length they want
25 until -- well, we're going to have the oral argument

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1 tomorrow, and we're targeting a decision by mid
2 September. So I would think they would want to have
3 them in before then. Send them to the same places
4 that were mentioned in the Federal Register notice,
5 and they will be -- we will see them, and they will
6 be made part of the record.

7 MS. PAUL: So if someone spoke tonight,
8 they can also continue to send in comments?

9 JUDGE FARRAR: Right. Are you going to
10 let me take a recess, or are you going to keep
11 asking questions?

12 (General laughter.)

13 JUDGE FARRAR: All right. Let's take a
14 recess until 6:45.

15 (Whereupon, a short recess was taken.)

16 JUDGE FARRAR: Well, it's a little after
17 6:45, and we have no new customers. I tried to
18 twist a couple of arms of people who thought they
19 might want to say something, but they're going to
20 send in written statements.

21 So I thank you all for coming. We
22 appreciate the statements that all of you made and
23 the dedication you bring to the matters you believe
24 in. Again, I encourage you to come to the oral
25 argument tomorrow.

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1 And at that point, it being 6:50 and
2 nobody else appearing, we will adjourn this limited
3 appearance session. Thank you.

4 (Whereupon, at 6:50 p.m., this limited
5 appearance session concluded.)
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CERTIFICATE

This is to certify that the attached proceedings before the United States Nuclear Regulatory Commission in the matter of:

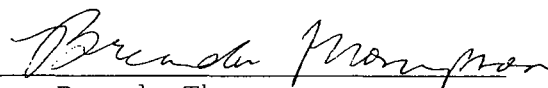
Name of Proceeding: Shaw AREVA MOX Services

Limited Appearance

Docket Number: 70-3098-MLA

Location: North Augusta, SC

were held as herein appears, and that this is the original transcript thereof for the file of the United States Nuclear Regulatory Commission taken by me and, thereafter reduced to typewriting by me or under the direction of the court reporting company, and that the transcript is a true and accurate record of the foregoing proceedings.



Brenda Thompson
Official Reporter
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