UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

PETITION REVIEW BOARD (PRB)

CONFERENCE CALL

TUESDAY

APRIL 5, 2005
MR. RECKLEY: Good afternoon, everyone. My name is Bill Reckley and I am the Petition Manager at the NRC for the 2.206 Petition filed by Nuclear Information and Resource Service, and Westchester County and Rockland County and a number of other Petitioners.

Given the large number and just for the sake of time, I'll only ask you to introduce yourself, if, during the connection to the bridge you feel, for some reason you weren't logged. Otherwise, I'll get the participants from the connection to the bridge.

Umm, with that, I'll turn the first part of this conference call and meeting over to Jim Lyons, who is the Deputy Director of the Division of Licensing Project Management, and is the Chairman of the Petition Review Board.

During the call, if you hear reference to PRB, that's the acronym for Petition Review Board. So, Jim.

MR. LYONS: Okay, thank you for the information. This tele-conference and meeting deals with the Petition filed pursuant to 10 CFR 2.206, on February 23 rd, 2005, by the Nuclear Information and Resource Service, on behalf of numerous public
interest groups and local government. The letters received on February 10th, from the legislature of Rockland County, February 22nd, from the Westchester County Board of legislatures, requested similar actions that are being considered along with the umbrella petition filed on February 23rd.

I would like to take this opportunity to thank Mr. Paul Gunter, the Nuclear Information Research Resource Service for coordinating this conference call and other matters with respect to this petition on the behalf of the other Petitioners.

The Petitioners have requested that the NRC take the following two actions. First, issue generic communications to all licensed nuclear power station operators to ascertain whether or not operators currently provide emergency power back-up systems to significant elements of their required emergency notification system.

These elements would include the emergency operation center, all sirens, repeaters and other systems, structures or components necessary to successfully notify the public in the simultaneous event of a nuclear power station accident or act of sabotage associated with the failure of the electricity grid, which is the sole power source to a
yet to be determined number of emergency notification systems.

And, two, modify all operating licenses to require that nuclear power station operators provide and maintain emergency back-up electric power to notification sirens, etcetera, preferably through adjacent or pole-mounted photovoltaic power-charged battery systems, or other means independent of a vulnerable, electrical grid system, so as to ensure the reliable operation and performance of required emergency notification systems.

In accordance with the NRC's Management Directive 8.11 on the 10 CFR 2.206 process, the purpose of this meeting and tele-conference is to give the Petitioners an opportunity to address the Petition Review Boards to provide additional explanations or supporting information for their Petitioner.

It also provides the opportunity for the NRC staff to ask any clarifying questions. Given the subject matter of the Petition, we also have representatives of the Federal Emergency Management Agency participating in this meeting and tele-conference.

The purpose of this tele-conference is not to debate this specific matter of the Petitioner.
After this phone call, the Petition Review Board will meet to determine whether the NRC will accept the Petitioner under the 10 CFR 2.206 process, or whether the issue should be dealt with under another agency program.

Petition Review Board's meeting today will not determine whether we agree or disagree with the Petition. The tele-conference is being transcribed, so anyone desiring to make a statement needs to first say his or her name clearly.

The transcript will become a supplement to the Petition and will be made publicly available.

Given the relatively large number of participants in this meeting and tele-conference, I am going to ask Bill Reckley and Paul Gunter to coordinate the statements from the various Petitioners.

As time allows, members of the public, Licensees and others on the line will be provided the opportunity to make comments or questions. With that I'll turn it back over to you, Bill.

MR. RECKLEY: Okay, one thing I intended to do earlier, can I actually confirm that someone from FEMA is on the bridge?

PARTICIPANT: Yes, sir.

MR. RECKLEY: Okay, thank you. The number
of Petitioners and public involved here, I intend to

First with the Petitioners wanting to make
(Inaudible) any clarifying remarks, additional
supporting information in support of the Petition,
I'll start with those here, present, at One White
Flint in Rockville, which is Mr. Paul Gunter and
Brendan Hoffman from public citizens.

Then up to the New York counties, then the
rest of the Northeast, and then the Southeast and the
Midwest and the West. And so if you could kind of
make an effort to hold your comments, then I'll turn
it over to Paul to start the first part.

MR. GUNTER: Thank you. Again, my name is
Paul Gunter, I'm Director of the Reactor Watchdog
Project for new grid information and research service.

We appreciate this opportunity and look
forward to the transcript. I'd like to begin my
remarks today by, first of all, pointing out again
that the August 14th, 2003, state blackout event
raised significant concerns regarding the reliability
of off-site power to nuclear power stations.

Loss of off-site power events are safety-
significant. And, in that the risk associated with
core damage increases when a Reactor Operator's
ability to cope with an accident or an act of sabotage is decreased due to on-line power supply safety system grid barriers.

It is further our understanding that, with regard to security issues, operational safeguard response evaluations, during the security evaluations for nuclear power stations, they basically assume that all site power systems in nuclear stations are disabled as part of the exercise.

However, recurring power blackouts are now both revealed to complicate and significantly degrade emergency response capabilities around many nuclear power stations.

That's the results of Licensees sole reliance on power emergency notification systems being power with electricity from the grid. The Petition has identified a number of these events, although it does not represent those events in total.

I would like to, at this time, for the record, put in an additional event that occurred after the Petition was filed on, actually on Three Mile Day, March 28th, 2005. The Point Beach Nuclear Power Station lost 59.32 percent of its population coverage.

So, and that was due to a power outage. So, I'd like to put that back into the record. The
Petition clearly states that recurring power failure to emergency notification systems are the result of adverse weather, earthquakes, mechanical failures, and could potentially result from acts of sabotage associated with a terrorist attack on a nuclear power station.

And it's pointing out a yet to be determined number of nuclear power station operators solely who rely on the electrical grid to power emergency notification systems.

And an unknown number of Licensees have already battery back-up supplies to emergency notification systems. However, NRC has not identified all of the nuclear power station operators that are vulnerable to emergency notification system power failures, nor has NRC established a standardized operational requirement for Licensees with emergency notification systems that have installed battery back-up systems.

Such as the duration of emergency operations, maintenance scheduled, and theft protection, etcetera. The NRC currently does not require that emergency notification systems be made operable independent of the electrical grid power system.
Instead, the NRC allows operators to ultimately rely upon mobile route alerting, which requires first responders, police, fire, etcetera, to go into neighborhoods within the emergency planning zone with loud speakers and bullhorns to alert the population to the emergency.

In context of the February 23rd, 2005, Petition, NRC has raised the question to the Petitioners of whether mobile, of mobile route alerting is an adequate compensatory action for widespread emergency notification failure.

In response, in such instances such as a fast-breaking accident or an act of terrorism, adverse weather or instances where first responder networks might be otherwise challenged with other duties or role conflicts and abandonment, such as evacuating their own families first, mobile route alerting would prevent significant uncertainty and does not provide reasonable assurance that populations will be alerted to an emergency is a timely fashion, as characterized under criteria identified in NUREG 0654.

Per NUREG 0654, Appendix 3-B-2, under criteria acceptance, quote, minimum acceptable design objectives for coverage by the system, it is designated, A, that the capability of providing both
alert signal an information, instructional message to the population of an area-wide basis through the ten mile EPZ within 15 minutes.

Additional notification system will assure direct coverage of essentially 100 percent of the population within five miles of the site. And, thirdly, special arrangements will be made to assure 100 percent coverage within 45 minutes of the population who may not have received the initial notification within the entire plume exposure EPZ.

In context of the February 23rd, 2005, NRC has raised additionally the question of jurisdiction in the matter of back-fitting emergency notification systems with independent power systems.

The Petitioners submit the NRC has jurisdiction to address the requested enforcement actions. The NRC issued the initial license to the Power Reactor Operators, per 10 CFR Appendix E-D-3 states that by February 1st, 1982, it is the responsibility of each Nuclear Power Station Operator to maintain a radiological emergency plan and, quote, demonstrate that administrative and, underlined, physical means have been established for alerting and providing prompt instructions to the public within the plume exposure pathway for transient and permanent
populations. Per the NUREG 0654, criteria for preparation and evaluation of radiological and emergency response plan and preparedness in support of nuclear power plants, Part E, entitled Notification Methods and Procedures, quote.

It shall be the Licensee's responsibility to demonstrate that such means exist, regardless of who implements this requirement.

It shall be the responsibility of the state and local governments to activate such a system. That's on Page 45. The NRC is the federal agency with sole jurisdiction under 10 CFR 50.47, emergency plans governing, quote, the operating license for a nuclear power reactor will be issued unless a finding is made by NRC that there is reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency.

NRC has sole jurisdiction to modify, suspend or revoke operating licenses, given new information regarding that reasonable assurance that adequate measures can be and will be provided.

We contend that the events documented in the Petition constitute new information that reasonable assurance can no longer by assured or provided. With regard to NRC versus FEMA jurisdiction
over emergency planning issues, according to 10 CFR 50.54(S)(3), quote, the NRC will base its finding on a review of the FEMA findings and determinations as to whether state and local emergency plans are adequate and capable of being implemented.

And on the NRC assessments, as to whether the Licensee's emergency plans are adequate and capable of being implemented. Nothing in this paragraph shall be construed as limiting the authority of the Commission to take action under any other regulation or authority of the Commission, or at any time other than specified in this, end quote.

So, the regulation expressly states that NRC jurisdiction is not bound to the FEMA findings or any other authority. That, I believe, concludes my initial remarks.

MR. RECKLEY: Okay, thank you, Paul. Brendan did you have anything?

MR. HOFFMAN: Yeah, I have a little bit that I would like to add. I'm Brendan Hoffman from Public Citizen. First of all, I'd like to second what Paul said.

Public Citizen would whole-heartedly support those points. And I'd really just like to emphasize two of those. First of all, the loss of
off-site power, the loss of power to the sirens and
the risk of a radiological emergency at a nuclear
plant, we're not really talking about two random, the
confluence of random events here that perfectly may
take place at the same time some day.

One event can be an initiator to the
other. Loss of off-site power, as acknowledged in
Regulatory Issue Summary 2004-05, which was issued on
April 15th of last year, states that the loss from
off-site power events are considered to be a precursor
to station blackout.

And a station blackout can contribute up
to 74 percent of the overall risk at some nuclear
plants. So at exactly the time when you would want to
have sirens operable, that's exactly the time when
you're most likely to have a radiological emergency at
that plant.

Second point that I would just like to
emphasize is with regard to severe weather. Severe
weather obviously can play a role in loss of power
events.

And given that the back-up plan at a lot
of these plants is to have patrols go around and
manually notify people in neighborhoods surrounding
the plant that there is an emergency, those same
severe weather events could lead to a loss of power at
the sirens and at the stations, are the very same
weather events that can interfere with the ability to
do those manual notifications.

So really I would just like to say that
this is a very common sense proposal that's on the
table here today.

MR. RECKLEY: Okay, thank you. I'd like to
start next with Westchester County. You had expressed
an interest in providing us additional information.

And for those on the phone providing
comments, would you please, as you start, restate your
name and organization and then provide your comments.

Westchester? Is somebody on from the
Westchester County Board of Legislators? Okay, we'll
come back to Westchester. How about Rockland or
Putnam Counties?

MS. JAFFEE: This is Ellen Jaffee, Rockland
County Legislator.

MR. RECKLEY: Okay, did you have a desire
to express any additional information?

MS. JAFFEE: Well, I did want to at first
indicate that we, I support the comments made just
prior to my coming on and the Petition.

We're very concerned in Rockland about the
ability of providing ample and appropriate and timely emergency notification systems, considering the issues that we've had with the backup power and the failure on several occasions of providing that backup power. And the failure of the notification systems.

We have great concern about whether the mobile route alerting is an adequate action that would provide appropriate notification and in the event of a system failure.

Many of our first alert folks who would be doing this would be certainly involved in responding to other kinds of emergency calls at a time like this, and I don’t think that's adequate at all.

And the comments before made that very, very clear and I feel that they were appropriate. And we do believe that the NRC is, has the jurisdiction to address the actions that are being requested.

And we in Rockland County have great concerns about the adequacy. At this time I just want to have our voice heard and that you are notified of our great concern about the notification system.

MR. RECKLEY: Okay, thank you very much.

MR. KAPLOWITZ: Mike Kaplowitz, Westchester County in the room.

MR. RECKLEY: Yes, sir, go ahead.
MR. KAPLOWITZ: Good afternoon. Hello, Ellen Jaffee.

MS. JAFFEE: Hi, Mike, how are you?

MR. KAPLOWITZ: Good, good, Westchester, sorry I came a little late, I assumed that W came after R. Certainly host county for Indian Point and this really is almost as much a matter of common sense as anything else.

You just need to have backup, electrical backup, power backup to these sirens. August 14th, 2003, you need to say no more on the east coast.

It would be ironic, of course, to have a siren system in place that you spent a lot of time and money on, have a diversion that takes out a power grid and knocks out the 60 some odd sirens just in Westchester.

And then a purposeful or otherwise event at Indian Point, that would require the use of those very 60 sirens and not have them, of course, available simply for lack of power.

And just at the time that the mobile route alerting entities and individuals and cars and people would be taken with the lack of power or the incident at the plant would be the very time they would not have the ability to go out and, on a mobile route
alerting basis, also, be the mobile routing alerting people.

So I think without question, in the world of technology and solar panels, you know, not to have a backup to this communication system is frankly crazy. And I'm glad we're having this meeting, but hopefully we can at least, you know, maintain as a matter of common sense and technological sense that we just, you know, the NRC just needs to order it to get it done, and let's move on to other problems.

MR. RECKLEY: Okay, thank you, sir. Putnam County or any other New York county?

MS. JAFFEE: Well, I guess, this is Ellen Jaffee again. I just wanted to add that I think that it would be appropriate to, for the NRC to respond immediately and insist on the capability within an alert signal that would provide alerting our residents in the area of Rockland County and throughout the Indian Point area.

Immediately the, I think it's been outrageous that this, among so many other issues that continue to be raised about the appropriate notification and the appropriate response to an emergency at Indian Point. So I just want to follow up with that. Thank you.
MR. RECKLEY: Okay, thank you again. Anyone else in the New York area? Any other Petitioner from the New York area?

(No response.)

MR. RECKLEY: Okay, any other Petitioner from the Northeast?

MS. LEE: Hi, this is Michele Lee at the Indian Point Safe Energy Coalition. I just wanted to add that the NRC grants the petition that there should be standards that are sufficient to really handle the problem.

And to ensure that there's, umm, you know, what I'm talking about is there a quest for standardized operational requirements that do have the battery backup systems.

Such as adequate duration of emergency operation and schedules that protection, things of that nature. Thank you.

MR. RECKLEY: Okay, thank you. Anyone else from the northeast?

MR. EPSTEIN: Yeah, this is Eric Epstein, the Chairman at Three Mile Alert. I would like to echo what other Petitioners have said.

We strongly support the Petition and feel the NRC does have jurisdiction. We monitor the Three
Mile Island, Peach Bottom and Susquehanna plants.
We'd like to point to the fact that siren performance
in our area, anyway, has been adversely impacted by
deregulation and other staffing issues.

And I can't speak for other Petitioners,
but we have lost two of our EOF Centers because they've been consolidated into one.

We have lost staff, and I'm sure the NRC is aware that we've had a number of incidents including criminal charges against Exelon employees for fabricating siren testing.

We had an Operator in York County who fell asleep and hit a space bar and shut down 28 sirens. So I'd like to at least sensitize other Petitioners, as well as the NRC, to the fact that we feel human performance can obviously impact siren performance.

And it just reinforces the need to have backup power. The other problem we have here is public confidence. So getting sirens to work and function when they're supposed to and having backup power would do a lot to restore public confidence in the NRC.

MR. RECKLEY: Okay, thank you.

MS. SHAPIRO: Hello, this is Susan Shapiro from Rockland Citizens Awareness Network. I'd like to
concur with what everyone has just said and also make
the point that if you were relying on our first
response and go and alert people in these areas
without proper backup electricity for the sirens, then
basically the public will not be notified.

And then you would be operating, the NRC
would be allowing Indian Point, for example, to be
operating without its proper, without proper
regulation and without proper protection for the
public health and safety of the region.

So we are requesting that you quickly
enact this and make it happen.

MR. RECKLEY: Thank you. Anyone else from
the northeast?

MS. RAINWATER: Yes, this is Lisa Rainwater
at River Keeper. And we were under the understanding
that there was a question as to whether the NRC
actually had jurisdiction over this matter and we
apologize for being a bit late,

But if you could clarify that in
concluding comments or make reference to that during
this call that would be greatly appreciated.

MR. RECKLEY: Okay, I don't know that it
was phrased exactly that way. I initiated this, I
guess. This is Bill Reckley. I simply, in talking
with Paul Gunter, as far as organizing this call, mentioned that an issue is that you have two federal agencies involved.

And I don't think I, but if I said it I did not mean to state it as firmly as NRC doesn't have jurisdiction. It was just a matter of coordinating between two involved federal agencies.

Did River Keeper have anything else, and especially additional information or supporting information that wasn't in the Petition?

MS. RAINWATER: Well, I mean, it's well known to those working on the issue and I think with the NRC and FEMA as well that since the Witt Report came out in spring of 2003, and the counties have refused to certify these plans for the last three years, that in the eyes of the public (Inaudible) to operate without a backup emergency evacuation plan.

The siren issue that we're faced with at this point only compounds that problem. And so I would concur with my colleagues sitting at the table with me right now, that we hope that the NRC and FEMA, if in fact they also have jurisdiction over the issues, work in a very quick and speedy manner in order to address these concerns and ensure public health and safety.
MR. RECKLEY: Thank you. Any other Petitioners in the northeast?

MR. DOPRAY: This is Raymond Dopray (Phonetic), I'm a New York City Fireman. I'm also a volunteer in Rockland County.

And just to chime in and reiterate that it's vital that these sirens work. As a professional first responder in the Bronx, we have our own issues with computer networks, what have you, to alert us that there's an event that we have to respond to.

But, around here, like in Westchester, a lot of these companies are volunteers and they depend solely on these sirens to respond. So it's absolutely vital and I just wanted to say thank you for having me on the call.

MR. RECKLEY: Okay, thank you, sir. Any other Petitioners from the Northeast? Southeast? Midwest? West?

MS. BECKER: Yes, this is Rochelle Becker with the Alliance for Nuclear Responsibility in California.

And in 2003, our sirens did not work. Fifty-six of the 131 sirens did not work, when we had an earthquake in this community.

To assume that our first responders are
going to be able to get to people with rock slides and
fissures and gas breaks is irresponsible. And we
wholeheartedly support the Petition going forward and
the NRC adopting all recommendations. Thank you.

MR. RECKLEY: Thank you. Any other
Petitioners from the West?

(No response.)

MR. RECKLEY: Okay, at this time, are there
any questions from either the NRC staff collected here
or people on the lines, of the Petitioners?

(No response.)

MR. RECKLEY: I see none here. FEMA did
you have any questions that you wanted to pose to any
of the Petitioners?

FEMA PARTICIPANT: No, sir, not at this
time.

MR. RECKLEY: Okay, thank you. How about
regional, NRC Regional Offices?

NRC PARTICIPANT: No questions from Region
1.

MR. RECKLEY: Okay, given that this is a
little different than the normal Petition Tele-
conference, in that it's also a Public Meeting. Are
there any citizens, not Petitioners, who believe they
have anything to add to the discussion or questions
they would like to pose. And we'll go in the same

general order we went before.

Anyone public, members of the public from

the New York area?

MS. SHAPIRO: This is Susan Shapiro again

from Rockland County. I think that we, not many of

us, already spoke. But what I would like to request

is that in addition to having this meeting, that the

NRC would have a meeting in our area to discuss the

entire evacuation plan.

And I know that's not what's on the table

right now, but I'd like to present that.

MR. RECKLEY: Okay, we'll pass that onto,

to those responsible here and in the regional offices

and they'll want to contact you separately, I believe.

Any other members of the public from the

northeast? Southeast? Midwest or West?

MS. BECKER: This is Rochelle Becker with

the Alliance of Nuclear Responsibility, again. And I
did also mean to mention that when our 56 of 131
sirens didn't work during an earthquake, the NRC gave
the utilities here a (Inaudible) for emergency
planning.

And the reason was that the sirens had
worked the other 364 days of the year, so the days
that they didn't work was just a glitch. And we're
just wondering what it takes to get something other
than a (Inaudible) when your sirens don't work during
an emergency.

MR. RECKLEY: Okay, actually, the NRC
people collected here aren't involved in that
particular issue, so I don't think we're able to
answer that question. Let me take it and we'll get
back to you separately.

MS. BECKER: Okay.

MR. RECKLEY: Any comments from either
Licensees or NEI, if you're on the line?

(No response.)

MR. RECKLEY: In hearing none, I'll turn it
back over to Jim Lyons to wrap this up.

MR. LYONS: Thank you, Bill. I'd like to
thank Paul and Brendan for coming here to our offices.
In a way it's helpful to have people here in the room
and to talk to.

I appreciate everybody who has
participated in this conference call for sharing their
views and sharing their information. It's very
helpful for us to gather this information.

We'll use this as we deliberate on, first,
whether or not to accept this as a 2.206 Petition or whether to address it in some other form, to the Agency.

But we will address these issues, one way or the other. Either in a 2.206 arena or in another process. And so, you know, I just want to let people know that these issues will be addressed, at least in some form as the Petition Review Board.

Once we make that determination, if we decide to proceed, then we will develop a plan for addressing the issues and getting back with you.

We'll keep you informed of our progress as we move forward and hopefully we know we can come to a quick resolution to this issue.

MR. GUNTER: Jim, could I ask you a question?

MR. LYONS: Sure.

MR. GUNTER: This is Paul Gunter. Can you give, or someone with the 2.206 process give us just an overview of what would transpire if the Petition is accepted? What are your procedures?

I understand that, in fact, this would, if it's accepted, would convene a Hearing? Is that, can you, can you, can you give us a –

MR. LYONS: No, it would not convene a
MR. GUNTER: Well, can you give us a thumbnail sketch, if you would, of how, how events would unfold toward the resolution, given if the Petition is accepted?

MR. LYONS: Let me see if I can do that, and I'll have the other staff here to correct me if I go astray.

But once we decide that a Petition should be on a 2.206 process, we then develop a plan for resolving those technical issues, for answering the issues, and determining whether or not the action that is requested will be taken.

And if we decide that the Petition should be granted and that that action should be taken, then we would notify you of that and we would take that action.

If we determine that we weren't going to take the action that is requested, we would inform you that we weren't going to take that action. We'd inform you of our reasons and we would, and if we took other action that in, in maybe in lieu of the action you requested, we would inform you of that.

So I think that's the basic. Herb Berkow probably -
MR. BERKOW: Herb Berkow, just some clarification. The fact that we may accept this for review under the (Inaudible) doesn't mean that we're going to grant the request.

(Inaudible) position would be fully described and will direct the decision, and is our basis for granting it or not granting it.

*(36:19)*

And we would get the comments and (Inaudible). What I would like to suggest is that we give you a copy of our Management Directive 8.11, which explains in detail the entire process.

MR. GUNTER: I have a copy. I guess what I'm driving at is how, how do you develop a relationship with technical staff? And are we, the public, privy to communications between the Review Board and technical staff in discerning whether or not this is a viable Petition and what actions you're going to take.

I mean that's, we wanted, we, in order to have confidence in the process, we need to see your deliberative process on this particular issue. And I think that with the broad public involvement and concern, that it would behoove the Agency to provide us with a transparency to see the deliberation and I'm
wondering if that's something that you can accommodate and can be accommodated under the Management Directive?

MR. BERKOW: Well, the Management Directive does provide for a separate meeting with the Petitioners, if we believe that that is necessary for us to do our review.

I think that you would like to be interactive with the staff throughout our entire –

MR. GUNTER: Not necessarily interactive, but it's about transparency of the deliberative process. That's the concern.

MR. RECKLEY: This is Bill Reckley again. The process tries to build that in. Obviously, whenever an organization has discussed, and some of those are internal and some of those are public meetings, in terms of interactions with the technical staff, the technical staff are actually part of the Petition Review Board.

So that interaction is ongoing in real time. Once we reach the next decision of either accepting or not accepting, then we talk to you, Petitioner, before we send you any piece of paper.

And so we will interact with you throughout this process. Herb mentioned that when
it's accepted and we (Inaudible), we talk to you in real time, as we're doing that, as to the status and what our position is. You get an opportunity to comment on any draft Director's Decision that's prepared.

And so, in terms of interactions, I think, if you look through the Management Directive, at almost every step, there's an opportunity for the Petitioners to interact with the staff, provide additional information, comment on what our meanings are at the time.

MS. SHAPIRO: Can I ask what is the, Susan Shapiro. What is the time frame of this, as we're listening to this call right now, there appears to be no opposition to this Petition.

And if there's no opposition, what would the time frame be to have a resolution of this.

MR. BERKOW: This is Herb Berkow. (Inaudible) by the staff as an indication that we've decided to accept the Petition. That will be decided in a closed PRB session following this meeting.

MR. GOLDBERG: As Jim said in the beginning, the purpose of this meeting is not to discuss the merits of the Petition, it's only to give the Petitioners an opportunity to give us whatever
additional information and justification they have.

    There are no decisions made in this meeting. But to further answer the question in terms of time frame, if it's accepted under Management Directive 8.11, then an acknowledgment letter will go out which states that is being treated (Inaudible).

    And the Management Directive provides a goal to the staff to have a proposed directive decision I think 120 days from the acknowledgment letter.

    So you can expect that if it's accepted as a Petition, when you get that acknowledgment letter, the staff will be attempting to have a proposed directive decision available for comment within 120 days of that acknowledgment letter.

    MR. RECKLEY: That was Jack Goldberg from Office of General Counsel.

    MR. BERKOW: Herb Berkow again. Our process requires that the Petition Manager keeps the Petitioners informed on a regular basis of our progress, or of any schedule changes or any problems that might come up.

    MR. LYONS: Okay, this is Jim Lyons again. I guess, with that, if there are no other questions –

    MR. EPSTEIN: Jim this is Eric Epstein, I
just have a very brief request.

MR. LYONS: Okay.

MR. EPSTEIN: Because I'm not really sure how this process works out. Is it possible to gain identification of the people that are participating?

And is it possible for anybody who is participating who opposes this Petition, to identify that position now?

MR. LYONS: Well, the staff is, again, as we've said a couple of times, not really taking a position. And so in response to that part, I guess, the answer would be no.

In terms of participation, that will be identified in the transcript, the people who were on this call and the people who spoke.

MR. EPSTEIN: I guess my question to you is that nobody, for the record, has identified opposition to the Petition, during this –

MS. FAISON: This is Charlene Faison from Entergy. We are not in agreement with this Petition, for the record.

MR. LYONS: Yeah, but a bit of a tangent here again. This, you know, really this is a call with the Petitioners to try to get additional information.
And that's really the sole purpose of the call.

MR. RECKLEY: And as provided in the Management Directive, this is not an opportunity to debate the merits and to argue various positions. It's totally irrelevant if anybody expresses they're disagreeing or not. The Petition is here, we can supplement it by this PRB Meeting transcript, and this information is provide toward the Petition and the staff will evaluate the merits of it and reach a decision.

It doesn't matter whether anybody else expresses agreement or disagreement.

MR. BERKOW: This is Herb Berkow. Let me ask Paul Gunter a question. Would it be useful for us to make copies of our Management Directive available for Petitioners?

MR. GUNTER: If you want to give me the, I have the URL for the Management Directive. I can submit that to the server. I'll do that.

MR. BERKOW: That would be useful.

MR. KAPLOWITZ: Hi, I'm Mike Kaplowitz, County Legislator, Westchester County. Just a little curious to the Entergy Representative. Could she state the reasons that Entergy is opposed?
MR. RECKLEY: We would really prefer not to get into that kind of discussion. Again, the purpose of this call was to seek if there was additional information. And as Jack Goldberg from (inaudible) mentioned, it's basically not a debate here between either the staff and the Petitioners, and especially not between Licensees and the Petitioners.

MR. KAPLOWITZ: No debate, sir, I understand. She just made an affirmative statement and I just wanted her to flush out the rest of that statement.

MR. RECKLEY: And I'll ask her not to.

MR. KAPLOWITZ: Could you ask her if she, let her at least decide not to?

MR. RECKLEY: That's not part of our process for this call.

MS. BECKER: Rochelle Becker, Alliance for Nuclear Responsibility. If this call is going to Petitioners and the utility, of course, is sitting there listening, I'm wondering if you had meetings with the utilities in which there will be a transcript and a way we'll be able to listen in as well.

MR. RECKLEY: If we have any interactions with anyone else, it will be in a public forum and you would be invited to participate.
MS. BECKER: Would we be able to see their opposition in writing, then?

MR. RECKLEY: If the Petition is accepted and they choose to submit something in response to our acceptance of the Petition, then that would be part of the public record, yes.

MR. KAPLOWITZ: Sir, if I might, this is Mike Kaplowitz again. I appreciate your point of view and all, but you asked our opinion, you then went to citizens and asked for their opinion.

You allowed the Respondents to make a statement. At least can I ask the lady whether she would be willing and able to at least continue her comments, since you have us all full reign and we appreciate that.

She should have equal reign since she's, and further more, since she's had the benefit of hearing our comments, it's fair and reasonable, frankly, that we have the benefit of hearing her.

MR. RECKLEY: And I'll just, I'll answer that one last time. That if we accept the Petition there will be a notice in the Federal Register, and everyone, including Licensees, would have an opportunity to comment.

We're really trying to avoid this turning
this into a broad base debate of the issue, because
the point here is to submit additional information for
the staff to consider in its initial decision whether
to accept it as a Petition, and then we go on to the
next step.

MR. DOPRAY: This is Raymond Dopray from
the Fire Department of New York, again. I have to
agree with Mr. Kaplowitz and Ms. Shapiro and the
fellow from the Three Mile Island organization. It
sounds like you are avoiding the issue.

MR. RECKLEY: I would ask everyone to meet
their obligations and read the Management Directive.
Staff is following the Commissions Policy in
conducting this meeting.

And the Petitioners and the members who
are permitted, have an obligation also to adhere to
the Commission's policy on the conduct of this
hearing.

MS. RAINWATER: This is Lisa Rainwater at
River Keeper. Just as a question, what is the policy
in terms of allowing Licensees to sit in on these
phone conversations.

And if there is a policy, and is there
also the ability for them to make comments, which this
woman from Entergy was cut off.
So I guess we need clarification as to what NRC's policies are for this.

MR. RECKLEY: In the policy they are allowed to listen in and ask questions, but not, they are not to make statements.

PARTICIPANT: Purely out of intellectual curiosity the words out of her mouth were which of those twos? Is it an assertion that a statement rather than a question that she asked?

MR. RECKLEY: That's because she was responding to assertions that no one opposed the Petition, and she was just correcting that statement. That's the extent of her statement.

MS. BECKER: That is correct.

MR. RECKLEY: Again I feel somewhat responsible for losing control here, but I think we were trying to wrap this up. Jim?

MR. LYONS: Again, yeah, I'd like to thank everybody for their participation. We will be getting back to the Petitioners on our decision of whether or not we're going to accept this as a 2.206 Petition.

And with that, I again thank everybody and say goodbye.