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APPEARANCES

Board Members present:

Board Member Thomas E. Johnson

Board Staff Members present:

Erin Conley

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

BY: Mr. M. Kyle Rominger
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On behalf of the Illinois EPA

BY: Ms. Deborah J. Williams
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EXELON CORPORATION

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PROCEEDINGS

(October 10, 2007; 1:08 p.m.)

HEARING OFFICER TIPSORD: Good afternoon.

My name is Marie Tipsord, and I've been appointed by the Board to serve as hearing officer in this proceeding entitled "In the Matter of Procedures Required by Public Act 94-849 for Reporting Releases of Radionuclides at Nuclear Power Plants: New 35 Ill. Admin Code 1010," docket number R07-20. To my left is Board Member Thomas Johnson. Also with us today is Erin Conley, our rules coordinator.

This is the second hearing to be held in this proceeding, and the purpose of today's hearing is to hear testimony in this matter. The second purpose of today's hearing is that this rulemaking is subject to Section 27(b) of the Environmental Protection Act. 27(b) of the Act requires the Board to request the Department of Commerce and Economic Opportunity to conduct an economic impact study on certain proposed rules prior to the adoption of those rules. If DCEO chooses to conduct the economic impact study, DCEO has 30 to 45 days after such a request to produce a study of the economic impact of the proposed rules. The Board must then make the economic impact study or DCEO's explanation for not

1 conducting the study available to the public at least 20
2 days before public hearing on the economic impact of the
3 proposed rules.

4 In accordance with Section 27(b) of the Act, the
5 Board requested by letter dated July 11, 2007, that DCEO
6 conduct an economic impact study for the above-referenced
7 rulemaking. The Board received a response on August 7,
8 2007, and it was docketed in our clerk's office. A copy
9 of both the Board's letter and DCEO's response is
10 available on the table to the right. I will accept any
11 comments concerning the decision by DCEO not to conduct
12 an economic impact study, if any, today.

13 At this point, does anyone here wish to offer
14 testimony today? Currently seeing no one, we'll move to
15 the IEPA, and I understand you have some documents you
16 want entered into the record?

17 MR. ROMINGER: Yes. At the last hearing the
18 Board requested copies of the reporting forms, so we
19 worked on those and have drafts. These have been shared
20 with IEMA and with Exelon, and those changes -- or any
21 comments they had have been incorporated. Do you need
22 any more than --

23 HEARING OFFICER TIPSORD: No, that's fine.

24 MR. ROMINGER: Okay. And we have one

1 entitled "Initial Report" for the initial report and then
2 a "Follow-up Report" for the follow-up report.

3 HEARING OFFICER TIPSORD: If there's no
4 objection, I will mark what has been handed to me and --
5 as "Draft, State of Illinois, Nuclear Power Plant
6 Radionuclide Release Report, Initial Report" as Exhibit 4
7 in this proceeding. Seeing none, it's marked as
8 Exhibit 4. And if there's no objection, I will mark
9 "Draft, State of Illinois, Nuclear Power Plant
10 Radionuclide Release Report, Follow-up Report" as
11 Exhibit 5. Seeing no objection, that will be marked as
12 Exhibit 5. Did you have anything else?

13 MR. ROMINGER: One other thing. While
14 working on the reporting forms, we noticed a change that
15 we'd like to propose to the rules. This would be to
16 Section 1010.204.

17 BOARD MEMBER JOHNSON: Thank you.

18 MR. ROMINGER: And this does -- this also
19 was sent to Exelon and they've had the chance to look at
20 that. These changes basically do two things. One, IEMA
21 requested to receive a hard copy of the follow-up report,
22 so this amends the rule to require that and inserts their
23 address on where their hard copy should be submitted.
24 The second one, the follow-up report has to be submitted

1 electronically and in hard copy, and this -- the second
2 proposed change would give an additional five days to
3 submit the hard copy so there was not such a time crunch
4 in getting both of those to us.

5 HEARING OFFICER TIPSORD: If there's no
6 objection, I'll mark this as Exhibit 6. Seeing none,
7 this is marked as Exhibit 6. Anything else, Kyle?

8 MR. ROMINGER: That's it.

9 HEARING OFFICER TIPSORD: Anything from
10 Exelon?

11 MR. BIELAWSKI: Yes. We have a little bit
12 of additional testimony from Mr. Karpa.

13 HEARING OFFICER TIPSORD: All right. Can we
14 have you sworn in?

15 (Witness sworn.)

16 ZIGMUND KARPA, produced, sworn and examined on
17 behalf of Exelon Corporation, testified as follows:

18 EXAMINATION

19 BY MR. BIELAWSKI:

20 Q. Mr. Karpa, are you familiar with Mr. Cobb's
21 testimony, prefiled testimony that he submitted in this
22 case?

23 A. Yes, I am.

24 Q. Would you care to comment on his testimony

1 as it regards to the background concentrations of tritium
2 at Braidwood Station?

3 A. Yes. Even though Exelon doesn't believe we
4 need to calculate background relative to these rules, we
5 do have issue with establishing background based on a
6 single sample, and we believe that a much more scientific
7 evaluation would have to occur in order to establish
8 background in each of those instances.

9 HEARING OFFICER TIPSORD: Okay.

10 MR. BIELAWSKI: No further questions.

11 HEARING OFFICER TIPSORD: Anything else?

12 All right. Let's go off the record and hang around for
13 about 15 minutes in case somebody from the public does
14 want to come, and we'll go off the record for a few
15 minutes.

16 (Brief recess taken.)

17 HEARING OFFICER TIPSORD: We've been off the
18 record for a few minutes to make sure that no members of
19 the public arrived who wanted to testify, and seeing
20 none, we'll go ahead and finish up our business.

21 The deadline for submission of public comments
22 prior to the Board proceeding to first notice will be
23 November 1, 2007. This date is set to ensure that the
24 Board can proceed to first notice in a timely fashion in

1 order to meet the statutory deadline of May 25, 2008. If
2 anybody has any questions, please feel free to call me.
3 I think that's it. We'll go off the record. Thank you
4 all very much. We're adjourned.

5 (Hearing adjourned.)

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1 STATE OF ILLINOIS)
) SS
2 COUNTY OF BOND)

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4 I, KAREN WAUGH, a Notary Public and Certified
5 Shorthand Reporter in and for the County of Bond, State
6 of Illinois, DO HEREBY CERTIFY that I was present at the
7 Illinois Pollution Control Board, Springfield, Illinois,
8 on October 10, 2007, and did record the aforesaid
9 Hearing; that same was taken down in shorthand by me and
10 afterwards transcribed, and that the above and foregoing
11 is a true and correct transcript of said Hearing.

12 IN WITNESS WHEREOF I have hereunto set my hand
13 and affixed my Notarial Seal this 16th day of October,
14 2007.

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Notary Public--CSR

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#084-003688

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