

UNITED STATES NUCLEAR REGULATORY COMMISSION

PUBLIC MEETING

U.S. ARMY'S LICENSE APPLICATION FOR DEPLETED URANIUM

AT THE POHAKULOA TRAINING AREA, (PTA)

ISLAND OF HAWAII

HELD AT KING KAMEHAMEHA KONA BEACH HOTEL

75-5660 PALANI ROAD, KAILUA-KONA, HAWAII

WEDNESDAY, AUGUST 26, 2009 AT 6:00 P.M.

Present on behalf of
the Nuclear Regulatory
Commission:

KEITH McCONNELL
Deputy Director for the
Decommissioning and Uranium
Recovery Licensing Program

REBECCA TADESSE
Branch Chief
Materials Decommissioning Branch

JOHN HAYES
Project Manager for License
Review

CHRISTEPHER MCKENNEY
Branch Chief
Performance Assessment Group

BOB EVANS
Senior Health Physicist
Inspection and Enforcement
Program

UNITED STATES NUCLEAR REGULATORY COMMISSION

Also present on behalf
of the Nuclear
Regulatory Commission:

JOHN HULL, ESQ.
Office of General Counsel

JACK WHITTEN
Branch Chief
Decommissioning Inspection
Program

DAVE McINTYRE
Office of Public Affairs

SARAH MICHONSKI
Licensing assistant

Facilitator:

KU'UMEAALOHA GOMES

Hearing Reported by KURT FAUT, CSR #418

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1 Wednesday, August 26, 2009

2 --oOo--

3 MS. GOMES: Aloha, everyone. We're going to get
4 started so that we can get to the public comment part, which
5 I think a lot of you are here for, and to give some feedback
6 to the Nuclear Regulatory Commission folks who are a very
7 distinguished panel of people that I think you'll learn a
8 lot from.

9 Before we go anywhere though, before we start this
10 meeting officially, as all of you know, Kona at one time was
11 the seat of the government of the Hawaiian Kingdom. And
12 this is the place of our Ali'i. And we cannot start a
13 meeting without calling upon our ancestors to be with us
14 because this is their place.

15 And if you walk through the hotel here,
16 unfortunately you've got to go through the hotel to see
17 this, but you'll see the many different pictures, beautiful
18 pictures of our Ali'i from the Kamehameha Dynasty.

19 In the front of the hotel is Kamakahonu, which was
20 the place of Kamehameha the 1st, where his residence was.
21 So this is a very special place with a lot of mana, rich
22 mana. And so to give it respect, we'll open tonight with an
23 oli.

24 (Oli given by Ku'umeaaloha Gomes)

25 MS. GOMES: For our malihini, the oli is calling

1 upon our ancestors to be present with us this evening.

2 So without further ado, I'd like to introduce
3 Keith McConnell from the Nuclear Regulatory Commission. And
4 they will take over for the rest of the evening and present
5 their information to you. After they are done, we will open
6 it up for public comments.

7 MR. McCONNELL: Thank you-all for coming tonight.
8 On behalf of the U.S. Nuclear Regulatory Commission, I want
9 to welcome you here tonight to talk about the army's
10 application to the NRC to possess depleted uranium at two
11 firing ranges of Schofield Barracks and the Pohakuloa Firing
12 Ranges.

13 As indicated, my name's Keith McConnell. I'm
14 deputy director for the Decommissioning and Uranium Recovery
15 Licensing Program at the NRC. Just to give you some
16 background on what that program is, we have, along with our
17 regulatory partners, a regulatory oversight responsibility
18 over the decommissioning of all civilian nuclear facilities.
19 That can range from anything like a civilian nuclear power
20 station to a laboratory that uses radioactive material, like
21 for diagnostic and therapeutic purposes in medicine.

22 We also, and perhaps more relevant to tonight's
23 meeting, have responsibility for the licensing of the
24 production and possession of source material, what we call
25 source material. And source material is in general terms

1 uranium and thorium. So what that means is we license
2 production facilities. Most of them are in the western
3 United States. Those facilities produce uranium, which is
4 subsequently made into fuel for power reactors. And we also
5 license the facilities that just possess uranium or thorium,
6 and that's the purpose of the application that the army has
7 submitted.

8 Our purpose here tonight is to interact with you,
9 members of the public. The NRC has a policy to make its
10 licensing process as open and as transparent as possible.
11 One of the ways, one of the mechanisms we use to involve the
12 public in our licensing process is that when we get an
13 application like this in, which we know is of high interest
14 to the community, we do schedule meetings with the public to
15 gain information from them and allow them to provide input
16 into our licensing process.

17 And I would note that we are having a reporter
18 record the meetings. And there are two reasons for that.
19 One, it provides a record and allows you to put your
20 comments on the record; and second, it avoids the need for
21 us to take notes and not listen to what you're saying. So
22 that's the purpose of the reporter.

23 What we're going to do, if you could move on,
24 Chris -- that's the reason for the meeting. And what we're
25 going to do tonight is we want to make this, again, an

1 informal meeting, an informational meeting. We're in the
2 early part of our review of this application.

3 And so what we're going to do is provide you some
4 background information. Obviously the action precipitating
5 the NRC involvement was when the army submitted an
6 application to us. It actually was submitted last November.
7 There were parts of it that needed to be provided after that
8 that we didn't get until July. So in essence we hadn't
9 begun our review until early August.

10 We're going to provide you with some background on
11 the NRC. We don't have a big presence here in the islands,
12 and you may not know that much about us. So we're going to
13 provide you with some background information on who we are,
14 what we do, and how we do it. We'll talk about our
15 licensing process and then our inspection and enforcement
16 process. We'll give you an overview of the army's license
17 application and identify additional opportunities for the
18 public to become involved in our licensing process beyond
19 this meeting. And then at the end of the meeting, we'd like
20 to open it up for comments and questions and for you to be
21 able to speak to any concerns that you might have.

22 One thing I think that's important to note at the
23 outset, because it is confused sometimes, NRC is confused
24 sometimes with the Department of Defense or with the
25 Department of Energy. We're not a part of either of those

1 organizations. We're an independent regulatory body that
2 was created by Congress in the mid 1970s strictly for the
3 purpose to regulate and oversee civilian uses of nuclear
4 power, nuclear material.

5 UNIDENTIFIED SPEAKER: Excuse me. But when you
6 began your talk, I believe I understood you to say that
7 you're going to tell us who you are. I heard you say who
8 you represent and the position that you hold. But who are
9 you? What is your background? Give us a little bit.

10 MR. McCONNELL: Okay. Sure. My background is
11 I'm -- terms of education, I'm a geologist. I have a Ph.D
12 in geological sciences from the University of South
13 Carolina. I've been -- I've worked for the state of Georgia
14 as a geologist for ten years. I've been with the Nuclear
15 Regulatory Commission for twenty-five years. I've served in
16 various positions at the NRC, mostly in terms of either the
17 decommissioning or waste disposal parts of the organization.

18 And I've served in a number of different
19 policy-level jobs, usually as assistance to one of our
20 five-member commissioners. The NRC is basically an
21 organization of three thousand people. It's overseen by
22 five commissioners that are appointed by the President and
23 confirmed by the Senate. There's usually, depending on --
24 each commissioner serves for a five-year term. And
25 depending on the -- they're set terms. And depending on the

1 cycle, there's usually two members of one party and three
2 members of the other. The chairman of the commission is one
3 of those five commissioners. And again, he's appointed by
4 the President.

5 And our staff here, we have staff here from --
6 basically range in disciplines from health physics to
7 inspection, enforcement, and other engineering-type
8 disciplines. So I think that's -- for the people here, I
9 think that's pretty much -- did I answer your question?

10 UNIDENTIFIED SPEAKER: Well, would you say then
11 you're a geologist?

12 MR. McCONNELL: I think that I'm more of a --
13 I'm a manager now, so I don't practice geology any longer.
14 I manage the program. I have staff. We have, in the
15 Decommissioning Program we have about fifty staff that
16 actually do the technical work, and --

17 UNIDENTIFIED SPEAKER: But no training in
18 medicine?

19 MR. McCONNELL: No training in medicine. I'm not
20 a medical doctor.

21 Okay. Moving on, what I'd like to do is -- did I
22 finish the thought that we are not part of the DOE, and
23 we're not part of the Department of Defense? Make it clear:
24 We're a separate entity from either of those organizations.

25 What I would like to do is introduce the NRC staff

1 that is here and who will be making the presentations along
2 with some other staff that are with us. Again, we brought a
3 fairly large component of staff, both from the Rockville
4 office, our headquarters office in Rockville, Maryland, and
5 from our Region 4 office in Dallas, Texas.

6 So with that, I'll introduce Rebecca Tadesse, who
7 is our materials decommissioning branch chief. The
8 application that the army submitted will be reviewed in that
9 branch.

10 We have Jack Hayes, who is the project manager for
11 the license review.

12 We have Chris McKenney, who is a branch chief in
13 the Perform Assessment Group, and Chris will provide you
14 with information on some of the health effects that are
15 associated with depleted uranium and talk about radiation in
16 general.

17 We have Bob Evans from our Dallas office, our
18 Region 4. They have responsibility for the Inspection and
19 Enforcement Program.

20 So in addition to those presenters, we have John
21 Hull from our office of general counsel.

22 Jack Whitten, the branch chief for the
23 Decommissioning Inspection Program in our Region 4 office in
24 Dallas, Texas.

25 We have Dave McIntyre back there from our Office

1 of Public Affairs.

2 And out by the desk we have Sarah Michonski, who
3 is our licensing assistant. She's helping us with the
4 organizational aspects of the meeting.

5 So again, just to reiterate why we are here, we
6 are here to inform you of the army's possession-only license
7 application and to listen to your comments and questions and
8 concerns. We will identify future opportunities for you-all
9 to participate in that process and then at the end of the
10 meeting -- or at the end of the briefings solicit some
11 public comments and questions and try to respond to any
12 concerns or questions you might have.

13 So with that, I think I'll turn it over to
14 Rebecca.

15 MS. TADESSE: Good evening. Thank you, very
16 much, for coming out to hear us. I'm the branch chief for
17 the Materials and Decommissioning Branch. I'm going to be
18 talking about just how the process works, how we do our
19 licensing, and our review process.

20 As Keith McConnell indicated, we're an independent
21 agency, federal agency, that is responsible for the
22 licensing and the safe use of radioactive material for
23 civilian use. We do that by licensing the use of the
24 radioactive material. We're responsible for inspection,
25 once the license has been issued, of the regions that

1 perform those activities. And we also are responsible for
2 enforcement. If the licensee does not fulfill its
3 responsibility, we would do enforcements. And that would be
4 discussed by Bob Evans.

5 Our main mission is to protect public health and
6 safety and the worker. In this case the army has an
7 application in front of us, and our responsibility is to
8 make sure that their application is adequate and will
9 protect the public, the worker, and the soldiers that are
10 going to be doing training in those facilities. We ensure
11 that by requiring the army to meet strict safety and
12 security environmental requirements that are stated in all
13 regulations.

14 We perform three separate reviews: The Safety
15 Evaluation Report basically addresses the security review
16 that we would perform as well as the safety review that we
17 would perform. Within the safety review, we have various
18 expertise within our office that would look at the health
19 physics part of it, the environmental monitoring.

20 They would look at geology, hydrology, air
21 sampling, various technical aspects. You'd go look at those
22 things, and the Security Department, you know, on what the
23 material is. We also have a number of individuals that
24 would look at this. And we will also do environmental
25 assessment on the application, and that would be documented

1 in our Environmental Assessment Report.

2 As you can see, our licensing process is fairly
3 detailed, and there's a number of locations where the public
4 could input. Once the license has been submitted, we do an
5 acceptance review. And there's a detailed technical review.
6 Before we start our detailed technical review, we come out
7 for the public to participate in terms of getting input from
8 the public. This is such a meeting.

9 An opportunity for a hearing: We have published
10 our Federal Register Notice. That was done August 13th.
11 And you have until October 13th to request for a hearing, if
12 you choose to. And we will take the notes from here. Also
13 you will have until October 13th to be able to provide
14 written comments to us. And Jack Hayes will be discussing
15 those areas.

16 Anytime we have meetings with the licensee, those
17 are required to be publicly noticed, and we provide bridge
18 lines for people to participate, if they choose to. And any
19 of our documents could be -- we publish them. It's publicly
20 available. Any submittals that come in to the NRC, it's
21 also publicly available.

22 You have a question?

23 UNIDENTIFIED SPEAKER: Could you please tell us
24 about the instances when you don't provide a license? We
25 would be interested to hear about when it is you don't

1 provide a license.

2 MS. GOMES: Can I ask you to hold the questions
3 until they are finished. When they are finished, then we
4 can go to the questions. Okay?

5 MS. TADESSE: So as you can see, there's a number
6 of places where the public has an opportunity to
7 participate. And at the end we will issue our final
8 decision.

9 So where are the areas? I kind of went through
10 that already, but the comment period, for example, for this
11 particular case, the army submitted the application in
12 November and supplemented it in July. We issued our Federal
13 Register Notice in August. So we have a comment period
14 which, you know, we will take written comments from the
15 public. We have the public meeting today, and we had a
16 public meeting yesterday, and we'll have another one
17 tomorrow. We'll take comments at that period as well.

18 And if you choose to, you could submit a hearing
19 request which in that Federal Register Notice tells you the
20 process how to submit a hearing request. And that hearing
21 request, if it gets granted, it's a formal process where our
22 Atomic Licensing Board reviews it. And if it gets accepted,
23 we'll have a formal hearing on that request.

24 So those are the areas that, where we involve the
25 public. And once the license has been in operation and

1 where they cease to use that material, we are required -- we
2 require the licensee to decommission that facility, and we
3 have our strict -- we have different requirements for the
4 licensee to follow to decommission, to clean up the
5 facility. They could follow our unrestricted use or
6 restricted use, and it's a very strict standard where the
7 public will be protected and the environment will be
8 protected. And those are the processes that we follow from
9 licensing until termination of the license.

10 With that, I will turn it over to Chris McKenney,
11 who will be discussing some technical issues.

12 MR. MCKENNEY: Thank you for coming out. I'm
13 going to discuss a little bit of background so that I make
14 sure everybody's got a little bit of where we are, with what
15 the material is that the army is requesting to have
16 possession of.

17 There are various elements out there that have the
18 ability to change into -- that will change over time into
19 other elements. Those are called radioactive elements. And
20 when they change, they give off radiation. If the radiation
21 hits a person, that will result in a radiation dose to the
22 person. When we talk about radiation doses, energy, being
23 hit by that, we use a unit called the millirem, which we may
24 mention in response to comments in talking about that, about
25 our limits and other things. That is the unit of

1 measurement. It's like an inch. It's just the unit that
2 we measure dose in when we talk about how much dose is
3 being given or how much the limit is.

4 What we're talking about here today is there's
5 three types of material we license: source, byproduct,
6 special nuclear material. What we're talking about here is
7 source material, which is uranium or thorium in this form.

8 There is also a component beyond safety, which is
9 always security of radioactive material, that we also
10 review. And again, what we are speaking here about is
11 depleted uranium and things like it.

12 Radiation is all around us. You have -- there are
13 a number of different radionuclides that are naturally
14 present, different elements between uranium, thorium, and
15 potassium and various other types of materials. They vary
16 widely over the world. How much is in any one spot? It all
17 depends on where you live, on what sort of things that are
18 around you.

19 This is a map of the mainland, which has, because
20 of all the different types of rock it has and soils, it has
21 large and different amounts of uranium naturally present in
22 the soils and in the rocks. If I had a map of Hawaii up
23 here, it would just be blue. Because there's -- because
24 Hawaii is mostly volcanic rock. It has very little natural
25 uranium in it.

1 Having all those radiation -- having all the
2 radioactive material around us that we do have, that means
3 that you get -- each person gets radiation dose from various
4 areas around them, such as -- and it all depends on what
5 type of house they live in, where they live, what altitude
6 they live at, and other things like that, how much medical
7 exposure they get.

8 Depleted uranium is a specific type of product
9 that comes out of the enrichment process to make nuclear
10 fuel. Natural uranium has three different types of uranium
11 in it, and they are differentiated by the number of protons
12 and neutrons in them. There is -- but to make nuclear,
13 they have -- mostly 234 and 238 is present in nature. Less
14 than one percent of that is the type 235. 235 is what you
15 need to use in nuclear reactor fuel.

16 So what they do is they take the 235 out of some
17 uranium and put it in other uranium to enrich the uranium to
18 make nuclear fuel. The uranium that's left behind that has
19 less 235 in it is called depleted uranium. So it's the
20 result of enriching this other uranium or to make it into
21 nuclear fuel.

22 And then, next slide please, the DU is depleted
23 uranium that's been produced, has been used in a variety of
24 applications over the years, both civilian uses, such as
25 weights in airplanes, such as shield material, and has been

1 used in various military applications from -- because of
2 various characteristics that the uranium has, from the
3 density of material and also other characteristics of it,
4 such as its hardness and its material.

5 In this case when we're talking about the
6 application for the army here, the material used in Davy
7 Crockett was mainly being used for its mass and weight to be
8 used not for any of its other characteristics, like
9 penetrators -- please wait until the end for comments or
10 questions.

11 The depleted uranium has had most of the more
12 radioactive portions of uranium taken out of it, and it's
13 other things that may be with uranium. But because it's a
14 metal and a heavy metal, it has -- like a number of things,
15 there's chemical effects from exposure to -- can be chemical
16 effects from exposure to it as well as radiological.

17 And in a number of ways, the chemical effects can
18 be worse than the radiological for large intakes of it. We
19 actually have two different limits for uranium for workers.
20 We have a radiation limit. So if they reach that first,
21 that would be controlling. And we also have a chemical
22 limit, because they may be exposed to that, and that would
23 affect their kidneys.

24 For our public exposures, we generally have only
25 the radiation limit, because the public exposure limits are

1 so low that those limits protect already the chemical
2 effects because we have the radiation dose limits for the
3 public so low.

4 And that ends my presentation. John will go
5 through and talk about our general licensing process today
6 for the matter that's in front of us from the army.

7 MR. HAYES: Can you hear me all right? If it's
8 all right with you, I won't use the mic. I'll just move
9 around here. I'm going to provide you five items of -- I
10 think might be of interest to you. The first is an overview
11 of the army application. The second item is documents
12 associated with the application that may be of interest to
13 you. The third item is NRC's review activities to date and
14 the status of those review activities. I also want to
15 present to you how you can participate in this process with
16 the NRC. And then finally, how you can obtain documents
17 which may occur in the future, both the army's documents,
18 but the NRC's documents also. Next slide, please.

19 Now, with respect to the army's application, it's
20 for a possession-only license. And it's going to cover a
21 number of army locations. Here's a listing of the
22 locations. In addition to the ones here in Hawaii, which
23 are Schofield Barracks and Pohakuloa, you also have Fort
24 Benning, two in Kentucky, in Texas, Washington State, and
25 Kansas.

1 Now, the application that the licensee, that the
2 army has made is, first of all, they came in with a generic
3 application, a generic application which covered both the
4 physical security plan in general for all facilities and
5 also a general radiation environmental monitoring program.
6 Now, what they did for the two sites in Hawaii, they also
7 proposed a specific radiation monitoring program for each of
8 the two sites in Hawaii.

9 Now, as they add the additional depleted uranium
10 sites, for example, let's say Fort Carson, they will come in
11 with a specific radiation environmental monitoring program.
12 So you will have a continued edition of those specific
13 radiation monitoring programs, taking into account the
14 pathways associated with a particular site. Next slide,
15 please.

16 Documents that may be of interest to you: I've
17 listed here four documents that may be of interest to you.
18 Now, the NRC has a web site, a public web site where you can
19 get access to particular documents. And that's called
20 ADAMS. Now, if you look up here, the first document has an
21 ML number, 090070095. If you go to the web site, put that
22 number in for ADAMS, you can come up with that document.
23 Also this CD has all the documents that the NRC has of
24 interest right now from the army. Take one of these CDs
25 home with you if you want an electronic version of the

1 documents.

2 Next slide, please. Okay. What is the current
3 status of our review? The NRC has just started our review.
4 Okay? When we have completed our review, we will issue a
5 Safety Evaluation Report. And then we will also be issuing
6 with that report a environmental assessment in order that we
7 commit fully with respect to our National Environmental
8 Protection Act requirements. Next slide, please.

9 Status to date: In November 6th the application
10 came in. In July of this year we received a generic
11 physical security and radiation monitoring plan along with
12 the specific ones for the Hawaiian sites. On August 3rd we
13 accepted the army's application for review. On the 13th of
14 August we published in the Federal Register the notice of
15 the army's application for a license, and we offered the
16 opportunity for people to request a hearing, if they decide
17 that they want to intervene into this process. You have
18 sixty days from August 13th to provide your comments or to
19 request a hearing with respect to this federal action. Next
20 slide, please.

21 What else have we been doing? On the 24th,
22 Monday, we had a technical meeting, a Category I meeting
23 with the army where the army presented their overall
24 approach to this particular action. Last night we had a
25 public meeting similar to this at the Schofield facility, or

1 near the Schofield facility, I should correct. We're having
2 a meeting here this evening. And then tomorrow night we're
3 having a meeting at the Hilo High School.

4 As Rebecca mentioned, as I want to reiterate
5 again, you have October 13th, to that date, to provide
6 comments or to request a hearing.

7 Next slide, please. Okay. Who does this review?
8 Okay. We have -- let me refer to sort of a panel of
9 technical experts that are typically involved with our
10 licensing actions.

11 We have people who are experts in the atmospheric
12 science with respect to radiation protection, to ground
13 water, surface water hydrology. We also have people who are
14 involved with archaeological uses of the land, terrestrial
15 ecology. We take a panel of experts and, depending upon the
16 particular application, they review it, and they assess the
17 adequacy of the application. Next slide, please.

18 If you have comments, this is my address. You can
19 send those comments to me. You can email 'em, you can fax
20 'em, you can write 'em and send 'em. Okay? Again, I want
21 to reiterate: If you want to request a hearing, you do not
22 send it to me. In the Federal Register Notice there is a
23 procedure for going about the filing of a hearing request.
24 And the hearing request is to be done electronically, unless
25 you ask for an exception to that. If you want a hearing,

1 please make sure you follow those guidelines. Next slide,
2 please.

3 I want to summarize in terms of what we do and in
4 terms of our review. The NRC will independently determine
5 if the army's physical security and radiation monitoring
6 plan will protect public health and safety. We will be
7 inspecting, and Rob here will describe the inspection
8 program, the implementation of those physical security and
9 radiation environmental monitoring plans.

10 We will assess the adequacy of those plans as data
11 is received from the results that the army does with respect
12 to their monitoring. And finally, the NRC is going to take
13 the action it believes is necessary to protect public health
14 and safety as that is our charge.

15 Okay. I mentioned to you the ADAMS site, and the
16 fact that it is a public site available to get any documents
17 that the army submits or the NRC puts out. Now, the ADAMS
18 site sometimes is difficult to use. But here's the items
19 that you want to remember, and that's this docket number
20 right here. When you go to the ADAMS site, if you put this
21 docket number in, this 04009083, you will get all the
22 documents associated with this particular action.

23 I have a couple other slides. We're not going to
24 run through them because you have them -- you're going to
25 have them on the CD. You also have them in your paper

1 handout, so that's -- I think that's the efficient way.

2 Those are two of 'em.

3 There's one other thing I want to do with respect
4 to your public feedback and how you can participate. Sarah
5 has back here a public feedback form. That's for this
6 evening's meeting. This is where we request that you
7 provide us feedback. Was this meeting effective, in your
8 mind? Was it ineffective? Tell us where it was effective;
9 tell us where it was ineffective. If you flip over to the
10 back side, it's already pre-addressed to be sent to me. You
11 don't have to sign it. You don't have to put any post date.
12 It comes to us, we look at these results and evaluate how we
13 must adjust our program. So again, take the feedback form
14 and provide us your comments.

15 MR. EVANS: Good evening. My name is Rob Evans.
16 I'm a senior health physicist, by title, out of the
17 Arlington, Texas office. It's in the Dallas-Fort Worth
18 area. If you're interested, I have a degree in nuclear
19 engineering. I'm a licensed professional engineer,
20 certified health physicist. And I've been conducting these
21 types of inspections for sixteen years.

22 In general, the NRC would not issue a license to
23 an entity unless we felt that the entity had integrity.
24 Because the way the NRC regulations are written is that the
25 licensee is responsible for compliance with the regulations.

1 What we do out of the NRC office, the Region 4 office, is we
2 conduct inspections, field inspections at the sites, at the
3 facilities to verify compliance. So we have a mantra that
4 we actually use: Trust but verify.

5 So when we actually do inspections, we verify
6 compliance with commitments that are made, in this case it
7 would be the U.S. Army, the regulatory requirements, as well
8 as any procedures that they would have to comply with. An
9 example would be an environmental monitoring procedure. If
10 they set up a program for environmental monitoring, we would
11 verify that that monitoring program is actually implemented.

12 This type of facility is scheduled for a two-year
13 inspection interval. The inspection frequency can actually
14 change based on performance. So after a history has been
15 established, if they have good performance, we may extend
16 the inspection interval. If they have poor performance,
17 whoever the licensee happens to be, we may reduce the
18 inspection interval.

19 As part of the inspection process, we also take a
20 look at their past performance, like previous violations or
21 previous program area weaknesses, and then we would
22 concentrate on those areas to make sure that they have been
23 brought up to our level of standards. We would also take a
24 look at a facility if there was any particular significant
25 changes in staffing or procedures.

1 As part of any particular inspection, we look at
2 records, we observe performance, and we conduct surveys. In
3 almost every situation, we would take a look at occupational
4 exposure records as well as environmental monitoring sample
5 results. For occupation exposures, if a given licensee we
6 see handling radioactive materials, those individuals may
7 actually get a radiation dose. And we would confirm that
8 the licensee is doing what they're supposed to do to
9 monitor, and we would verify that no individual exceeded any
10 particular limit.

11 The same with environmental monitoring. We would
12 take a look at -- if they were required to take water
13 samples, air samples, we would verify they took the samples
14 at the required frequency, and we would make sure that none
15 of the sample results exceeded any regulatory limit. Or in
16 rare situations, where they do, to make sure that it was
17 properly reported to us, and they took whatever action they
18 had to take.

19 As part of the inspection program, we try to stay
20 in touch with the licensee to get an idea as to what's going
21 on at the facility. And if anything significant happens at
22 the facility, then we try to be there to observe that
23 performance. Like in this particular case, for the U.S.
24 Army, if they were to conduct a significant removal action
25 of DU, Depleted Uranium, from the facility, then we would

1 probably be involved in that by observing the performance.
2 We would actually verify that the program has been properly
3 established for safety of the workers, and then we would
4 watch the performance of the removal action. We also
5 perform radiological surveys. Next slide, please.

6 Depleted uranium is different from a lot of other
7 radioactive materials for munitions. In some situations you
8 can go out into an area, and then you can actually see it on
9 the ground. You can physically see it. And if you see it,
10 then sometimes one of the immediate actions would be to
11 basically pick it up using proper safety procedures and
12 protocols, and they would remove it at that point.

13 However, sometimes with DU munitions, you may not
14 be able to actually see it, so you have to monitor using a
15 radiological survey meter. And I brought one, as an
16 example. And after the meeting, if you're interested, I can
17 give you a demonstration of how it works. But essentially
18 the way it works, if you would survey the ground, you would
19 have a natural background level. And at any point that you
20 exceeded the action level, then that area would be flagged
21 to come back for further investigations and possibly clean
22 up. And then ideally the entire area would be scanned using
23 this type of meter to make sure that the entire area is free
24 of excess radioactive material.

25 We also, as part of that, go out while they are

1 doing the surveys and we would do surveys side-by-side to
2 make sure that their results are comparable to our results.
3 As part of the process, we may collect water samples and
4 soil samples concurrent with them collecting the samples.
5 We no longer maintain the capability of analyzing
6 laboratory-type samples. So we send them off to Oak Ridge
7 Institute for Science and Education, part of the Oak Ridge
8 National Labs Program, for analysis. They are official
9 contractors, and they're highly respected in the industry.

10 I want to shift gears for just a moment, and I
11 want to talk about enforcement. The NRC has an enforcement
12 program to emphasize the importance of compliance with
13 regulatory requirements. The way the program is supposed to
14 work is that the enforcement program encourages the
15 licensees to find and correct their own problems. So if a
16 licensee has a problem, an example might be a missed air
17 sample, then if they identify it and correct it, then we
18 would take that into consideration at some point in the
19 future when we do the inspection. However, if we identify
20 the problems, then we would be a little less forgiving with
21 regards to enforcement.

22 There are three primary enforcement sanctions that
23 the NRC has available. The first and most common is a
24 Notice of Violation; the second is a civil penalty for some
25 of the more significant issues; and the third is orders

1 which would, legally binding, would compel a licensee to
2 take an action. Next, please.

3 Violations basically consist of noncompliance with
4 regulations and/or license conditions. And sometimes
5 they're reported to the NRC. Usually though we find them
6 through inspections, and occasionally we find them through
7 investigations. I conduct inspections. Investigations is a
8 little different. We have a group of people that would
9 follow-up on examples of wrongdoing. That would be a
10 special situation of where a violation may occur.

11 A violation may or may not be cited. We may or
12 may not actually issue a violation. Whether or not we issue
13 a violation depends on its actual and potential safety
14 consequences. An overexposure to an individual, for
15 example, is an actual safety consequence. Having a problem
16 that could have resulted in overexposure is a potential
17 safety consequence. We also may issue a violation if it has
18 an impact on the regulatory function. In other words, if
19 they submit information that is inaccurate, and we make a
20 decision based on that inaccurate information, then that has
21 impact on our regulatory functions. And finally willfulness
22 as to whether or not the individual knew what they were
23 doing was against regulations.

24 Violations were given a severity level. Basically
25 it ranges from Roman Numeral I to IV, most severe to least

1 severe. The Severity Level IV is the most common. We also
2 have several categories: A non-cited violation, which is
3 basically where the licensee identifies and corrects the
4 problem themselves, and we then elect not to issue a
5 violation; and then the final category would be a minor
6 violation where it's administrative in nature, and we feel
7 there's no safety significance. A late report would be an
8 example.

9 In summary, noncompliance with regulatory
10 requirements could result in enforcement actions. It just
11 encourages compliance with regulations.

12 What I'd like to do now is I'd like to turn it
13 over to Keith McConnell for some concluding remarks.

14 MR. McCONNELL: We're just going to open it up
15 now for comments and questions and concerns and we're going
16 to try to move this mic over to the table so we can answer.

17 MS. GOMES: For those of you who haven't met me,
18 my name is Ku'umeaaloha, and I'm the facilitator for this
19 evening. And I just want to go over some things. First of
20 all, we have Malia, who is here. And Malia is the 'olelo
21 Hawaii translator. So if you want to 'olelo Hawaii, those
22 of you who are Hawaiian kanaka maoli, we do have a
23 translator. You can 'olelo in Hawaiian, and she will
24 translate into English.

25 I want to remind people that this is a respectful

1 environment, and that this is your opportunity to voice your
2 concerns to the NRC about the regulations and the monitoring
3 process that they are responsible for the licensee, the
4 army, regarding DU.

5 Also we'll start off with four minutes a person.
6 And if we have time left over, then we can go another round.
7 This meeting is supposed to get over at eight-thirty, I
8 remind folks. I ask you to please adhere to the time limit
9 so that others can have the opportunity to speak also. I
10 will also, as the facilitator, remind you when it's two
11 minutes, when you have a minute, and then when it's pau.

12 I will also -- I have the card that you filled
13 out, so I will call on people, the first person, and then
14 also name the second person so that person can prepare to be
15 up here. I will bring the mic to you, so you can move out
16 to the aisle here.

17 So the first person to share his comments is
18 Marshall Blann. And kala mai ia'u if I don't pronounce your
19 my name correctly. And following Marshall is State Senator
20 Josh Green.

21 UNIDENTIFIED SPEAKER: When do we do the
22 questions?

23 MS. GOMES: This is the public comment right now.
24 Did you fill out one of these?

25 UNIDENTIFIED SPEAKER: No. But you said that

1 after they were done, we would have a chance to ask
2 questions.

3 MS. GOMES: That what it is. That's what this is.
4 Did you fill out one of these?

5 UNIDENTIFIED SPEAKER: No.

6 MS. GOMES: Okay. So you go ahead and fill out
7 one of these, then you can have a turn.

8 What time is it now? It's six fifty-four.

9 MR. BLANN: Well, thanks to the members of the
10 NRC for coming and giving us a chance to ask our questions,
11 make our points. I found interesting the fact sheet you
12 sent out to us, but it looks to me like the medical
13 information is ten to twenty years old.

14 If I look at some of the journals I've pulled off
15 from the world expert on Google, the Journal of Nuclear
16 Medicine, 2006, he's from McGill University, a researcher,
17 there are statements that most of the information available,
18 discounting delightfully any significant effects resulting
19 from the use of DU. And it's based on human and
20 epidemiological studies, et cetera.

21 However, the newer body of literature has been
22 developed positively demonstrating the adverse effects from
23 the chromosomal level of fetal development from in-vitro
24 studies.

25 Says that the samples may prove inaccurate. DU

1 stored long-term in bones causes -- since the detrimental
2 effects of the DU, et cetera. Well, it's right there. In
3 conclusion, reports dismissing the adverse effects of DU are
4 based on erroneous assumptions and older literature, which
5 seems to be what I read in your handout. So substantial
6 evidence currently support concerns over DU toxicity in the
7 use of military settings.

8 You made some reference to records of radiation
9 exposure. So let me say from my own experience through
10 that, the government doesn't do a very good job keeping
11 their records. I've been waiting seven years now for them
12 to get their act together, and each time -- you'll be
13 hearing from us momentarily.

14 On your removal or dismantlement of radioactive
15 components, I wonder who's going to do that. I can't see
16 the army removing anything. I think they've been collecting
17 it for thirty-eight years up there.

18 Okay. Finally, I wanted to say that the army
19 supposedly is setting up equipment to monitor the radiation
20 on their site. Now, this material, from what I read in the
21 medical journals, is very bad stuff. It's poisonous, from a
22 radiological point of view. It can cause birth defects and
23 so forth. What I worry about is some sort of a fluctuation
24 in the weather, like a hurricane. They do happen. And they
25 blow all this stuff off the site and go to Waikoloa Village

1 and down to the Waikoloa Resort.

2 Now, the army can tell us our monitors did the
3 job. They told us we just had a catastrophe. So all you
4 folks can move out to another island now because you're
5 contaminated. So I worried that monitoring is only going to
6 tell us they had a problem, but by then it's too late. So I
7 think I've probably taken about my four minutes. And again,
8 I do thank you for coming, letting us get some answers.

9 MR. McCONNELL: If you wouldn't mind, would you
10 provide us the references that you cited?

11 MS. GOMES: If you want to, you can leave those
12 at -- can he leave it in the back?

13 MR. McCONNELL: Yeah.

14 MS. GOMES: -- at that desk with Sarah.

15 The next person is State Senator Josh Green,
16 followed by Marya Mann.

17 SENATOR GREEN: Aloha. Thank you for coming to
18 our community. My name is Josh Green. I have an interest,
19 two-fold, in the proceedings today. We do appreciate very
20 much that you've come. As state senator, I have some
21 policy- and process questions, and my other hat is that I
22 work too. I'm a physician here in the community. I do it
23 as a full-time doc, still. I take care of people.

24 And I'd like to start with the health concerns
25 that I have. I can't speak to the specific statistics, but

1 we have heard that we have clusters of cancers here in West
2 Hawaii. And what I'd like to do is ask you to spend some
3 time communicating with our director of health Julie Fukino,
4 to get that information to see if that would impact, I
5 guess, the scope of the license that you give.

6 I have a quick question. Just from a procedural
7 standpoint, how do our public comments impact your decision
8 about licensure? What's in the process? Would you ask them
9 to amend it if something has come up tonight or tomorrow in
10 the conversation that you think wasn't adequate? Or is it
11 kind of a thumbs-up or thumbs-down? How does that work?

12 MR. McCONNELL: In the past, I can give you an
13 example from the past. What we gain from these meetings is
14 insight into what is, one, the feelings and concerns of the
15 local community. But in many instances we gain information
16 that we didn't know existed otherwise.

17 And it's not the fault of the applicant. There's
18 a lot of information out there, and sometimes they're not
19 aware of it. So we use all of that. And we'll take the
20 record back and study that record. And the information that
21 gentleman cited, we'll use that too. So it all feeds into
22 our review.

23 SENATOR GREEN: Just a little bit of an ironic
24 statement because the army was unaware of the depleted
25 uranium, or so they said, completely, up until two years

1 ago. So I think you'll have to understand if we suspend our
2 level of confidence in their capacity to tell you. Because
3 your map, as you said, was all blue. If it's Hawaii, there
4 was only blue, with no depleted uranium until the Davy
5 Crockett shells were utilized.

6 Another concern I have, and I guess I'll end on
7 this concern because I'm sure a lot of my points will be
8 reiterated by our community members, and I think this is
9 very important to the process that you're going through, and
10 that's in public hearings at the capital over the last two
11 years in discussions with the military, they've been very
12 respectful and really forthcoming with information that I've
13 asked about since the discovery was acknowledged. Up at
14 Pohakuloa they still do bombing runs. They're still
15 dropping two thousand pound dummy bombs into the site.

16 And because it's unclear how many rounds were
17 fired -- I know that that's come out in discussion. We
18 don't know exactly how many shells are out there -- and they
19 continue to drop the two thousand pound bombs, it may not be
20 just a hurricane that disperses some material, harmful or
21 not. It could be a large bomb that hits it.

22 And from the documents that you provided us, we
23 know that at six hundred degrees centigrade that's going to
24 be ignited, I think, is the word that's here. So my concern
25 is that if they're able to continue to do their bombing

1 exercises, how can we have a legitimate and meaningful
2 regulation of this site? Because it's a very dynamic site.

3 And I'll close with it was mentioned by the
4 gentleman right before that you would come and observe if
5 there was some concern that was going on, such as someone
6 not doing a fair or accurate monitoring or you had other
7 violations or concerns that might come, from a regulatory
8 standpoint. With such a dynamic site, it stands to reason
9 that without a very clear map of where the actual depleted
10 uranium is, the problem is going to be there's going to have
11 to be some pretty significant oversight, unless they're
12 willing to stop the bombing entirely until this whole issue
13 is resolved. So if you could take that up, we'd be
14 grateful.

15 MS. GOMES: Mahalo. Marya, followed by George
16 Graywolf.

17 MS. MANN: My name is Marya Mann. I'm a Ph.D.,
18 psychologist and writer here in Kailua-Kona. Thank you for
19 listening to our comments. What I want to say is future
20 generations are counting on us. They say it's not the snake
21 bite that kills. It's the venom. The act of dumping
22 radioactive toxins in Hawaii was not malicious. It was an
23 unconscious act. It was like a snake bite. When the beast
24 strikes out he's aware only of his own survival in the heat
25 of battle, but accidentally wounds himself, not realizing

1 the poison he's used will harm the entire species in ways we
2 don't want to envision.

3 But if today the event of weapons of mass
4 destruction has left scars, allowing a nuclear hazard to
5 remain in Pohakuloa Training Area in Hawaii or any further
6 proliferation of pollution in Hawaii would be an assault on
7 our lives, our liberty, and our freedom to live healthfully
8 and peacefully.

9 This is a fragile island. Unique life forms found
10 nowhere else in the world abound here. Our island is a
11 natural treasure and should be protected in the spirit that
12 the U.S. military is its mission to protect the U.S. and its
13 citizens. I would like to direct our attention so that we
14 can actually produce our desired results, which is
15 protection of health, peace and freedom in our world.
16 Right? Let's see if our efforts are realizing their
17 purpose.

18 Are we free to be healthy? Lethal depleted
19 uranium, DU, is a radioactive substance with a half-life of
20 four-and-a-half billion years. DU had been allegedly lost
21 and found by the army in at least four locations on the Big
22 Island over the last two years after officials have assured
23 us for many years that there was no DU there.

24 The U.S. Army and state health officials stopped
25 looking for more DU then because the Big Island terrain of

1 undulating ridges and swirling lava rock laid down by the
2 towering Mauna Kea Volcano have made the tiny shards hard to
3 find.

4 No one knows yet how much more military debris and
5 nuclear toxin may be discovered in Hawaii or how dangerous
6 it really is. But one only need look at the photos of
7 infants poisoned by the effects of DU weaponry used by the
8 U.S. military in Afghanistan to be woken up forever. It
9 will change you.

10 You can go to www.afghanistanafterdemocracy.com
11 and find out how our depleted uranium weapons have affected
12 people in other places around the world.

13 I can't believe any sane person would want their
14 government to use or allow this nightmare toxin anywhere,
15 much less in their own backyard. If the NRC, the army, and
16 our state health department really want to protect our
17 health and the health of our devoted, heroic soldiers in the
18 military, they can begin by responding to the legitimate
19 health concerns of the people.

20 Hawaii County Council requests for gathering
21 accurate statistics and testing people whose ailments look
22 suspiciously like radiation poisoning, people who live here
23 in Hawaii who have made requests, have been rebuffed. Why,
24 when we are doing what is natural to us to protect our
25 families, is the U.S. military seemingly working against us,

1 when we all want health, peace and freedom?

2 In Hawaii, nurses report one in seventeen infants
3 are being born with one or more birth defects. . They don't
4 know all the reasons why infants are born armless, footless,
5 finger-less, thumbs growing out the center of their palms
6 with intestines misplaced and deformed faces -- I can hardly
7 say it -- deformed faces. But it happens more frequently
8 where parents and children have been exposed to radioactive
9 depleted uranium.

10 The Health Department apparently does not know if
11 the rate of birth defects is going up or down in Hawaii
12 because the most recent state health surveys that I've heard
13 about were conducted by someone phoning random households
14 and asking: Is anyone sick? Telephone surveys are not hard
15 data. We need to collect accurate statistics from health
16 care providers, hospitals, schools, and clinics carefully
17 evaluating for radiation markers, cancers, leukemia, and
18 respiratory ailments.

19 I just want to go on here to say that I think
20 there is a difference between chemical and radiation
21 problems from depleted uranium when DU particles lodge in
22 the lungs and bathe the surrounding tissue with radioactive
23 alpha radiation. There is a radioactive response that can
24 change the genetic makeup of the human being.

25 Once DU exposure has occurred, genetic

1 misinformation enters and burns the sperm. It can be passed
2 to one's mates during intercourse and causes birth defects
3 in children. It makes no difference if you're a Republican
4 or Democrat, a Jew, a Hawaiian, a Liberian, or a
5 Libertarian. DU particles follow their radioactive destiny
6 which lasts an astounding four-and-a-half billion years
7 before uranium deteriorates to lead. I don't know how
8 you're going to terminate a license like that.

9 MS. GOMES: Next person is George Graywolf,
10 followed Doug Fox.

11 MR. GRAYWOLF: Thank you, everyone, for coming.
12 And I know that we have come from all over the island. We
13 ourselves came from Puna because we feel so strongly about
14 this. And I feel a little bit conflicted about speaking
15 here because I feel like all of us are enabling a process
16 along to -- I can see you've all been brought here from
17 somewhere, expensive tickets paid and everything else, so
18 it's a big program to convince us that this is already a
19 decision that you're very positive about.

20 We all feel as though there's already so much
21 violation made here that we wonder about your motives of
22 coming. Aloha is about the heart, this is about Pele, this
23 is about Genesis. We do not want genocide going on around
24 here. The world is in a very serious position. And you
25 guys feel like you're apologists, and you must feel like

1 you're apologists because this industry is a demonic thing
2 on this earth.

3 We should have been ashamed after Hiroshima. But
4 you know what? Our economy makes us kill people to make the
5 money worth something. We didn't overcome the Depression.
6 That was caused by a bankruptcy, by the way, which is what
7 we're going through right now. We didn't overcome the
8 depression with the WBA. We overcame the Depression by
9 financing Adolf Hitler and the allies.

10 The people that these corporations work for are
11 not these people here. The people that you guys work for
12 are the biggest terrorists in the world. But I'm ashamed of
13 my country. Where did it go? I believed in civil rights,
14 civil liberties, peace, justice. I didn't believe in
15 invasions. I didn't believe in stealing people's oil,
16 killing for bread. But we didn't overcome the Depression.
17 We have a war economy. We've spent a massive amount of
18 money on this industry because this industry is guilty of
19 killing so many people that it's not a peaceful thing. You
20 guys haven't figured out the first place to store the waste.
21 I've spoken enough.

22 MS. GOMES: Mahalo.

23 Now Doug.

24 MR. FOX: Aloha ka kou. I just want to say one
25 thing, first of all, you represent the United States. And I

1 think, for those of you who don't know, we ought to just
2 preface it by saying that the United States is here because
3 of their military and because of the theft of the Hawaiian
4 Kingdom in 1893 at the point of a gun. And the Hawaiian
5 Kingdom has never relinquished title to these lands. Those
6 are ceded lands at Pohakuloa. So we're talking about lands
7 that don't even belong to you, yet were trashed by the
8 United States, another agency.

9 And I don't mean to be offensive to any of you.
10 These are facts that you must consider because they're legal
11 facts. And this is a de jure situation, first and foremost.

12 Secondly, I can't go into a lot of the technical
13 problems, and we do need a citizen input, and we are going
14 to need a hearing here. It's going to take a lot of time.
15 We can't do this in a three-minute sound bite. I know that
16 you just started on this because you received the
17 application recently. I would just like to see how far
18 along you are on your investigation. And I'd like to ask
19 any of you from the NRC if they could identify for me the
20 location of the aerial cash box at Pohakuloa. Is there any
21 of you that know where that is, have seen it in the
22 documents?

23 MR. McCONNELL: I sorry. I didn't . . .

24 MR. FOX: I'm asking you -- I just want to get a
25 quick idea about how much you know right now. Because it

1 does seem that the citizens here know a lot more about this
2 situation. A lot of this has been dis-info'd by the
3 military. I'd just like to know how far along you guys are
4 right now. Is there anybody on your team who could identify
5 for me the location of the aerial cash box?

6 Because it's very pertinent, as Josh said, that
7 the DU out there is getting smashed into smithereens. We
8 know that it's pyro -- we know that finely pulverized
9 uranium can ignite spontaneously at room temperature. We
10 know that the ignition temperature of solid uranium is under
11 four hundred degrees. We know that brush fires burn at up
12 to thirteen hundred degrees. And we know that uranium, when
13 it burns, burns at thirty-five hundred to forty-six hundred
14 degrees Fahrenheit, which could easily set off and ignite
15 other particles.

16 And the army's only been talking about migration
17 of the material falling down into the cracks. But what
18 about the material that's been burned up there? They have a
19 fire department up there. They have flares; they have
20 spotting rounds; they have howitzers, explosions. You have
21 chemical oxidation of uranium. And it's already been
22 dispersed into the dirt. You can't even clean it up, and
23 you can't turn it off.

24 So what are you going to do? Are you going to
25 create a toxic nuclear waste dump on our island? What kind

1 of people do this kind of thing? You stole our island; you
2 stole our land, and you trashed it. You represent the
3 United States. Now, come on. I'm asking you: Do any of
4 you people have any sense of responsibility for your
5 government, for what your government's done here?

6 I don't think you can clean it up. And so you're
7 going to need to have a hearing. This is going to have to
8 be aired out. And you're going to have to work with the
9 citizens because you don't even know the situation here.
10 None of you can even say. You don't know about this stuff.
11 We asked. You don't know. You can't answer. So please get
12 informed. Thank you, very much.

13 MR. McCONNELL: Just to answer, I think the first
14 part of the question, which is where we are in the stage of
15 our review, I think we've indicated that since it's the
16 early stages of the review, generally it's been our practice
17 to take nearly a year to review these applications. Some
18 takes less; some take more. In terms of the other question
19 about the particular location, we've been at the site. I
20 think our Region 4 office has been there a number of times.

21 Rob, do you want to . . .

22 MR. EVANS: It's -- when we go out to the
23 facilities and we're doing -- when we conduct surveys,
24 anything that's radioactive is detected by the meter. It
25 may be depleted uranium; it may be Davy Crockett which we

1 were talking about; may be something else.

2 But if the -- in this particular case, the army,
3 if they do a complete survey of the facility, and supposedly
4 at some point in time, if they're going to free-release the
5 facility, they will have to do surveys of the facility, at
6 that point anything that's identified then will be cleaned
7 up.

8 In the mean time they plan to set up a monitoring
9 program to make sure that anything that's at the facility
10 essentially stays at the facility, like, for example, the
11 air-sampling program. At strategic locations they plan to
12 have air samplers that will monitor for anything that's
13 airborne.

14 As part of the inspection process -- as part of
15 the licensing process we will approve the locations of where
16 the air samplers will be. As part of the inspection process
17 we will verify that they're actually conducting that
18 environmental monitoring.

19 MS. GOMES: The next person is Jasper Moore,
20 followed by Alfred Spinney.

21 MR. MOORE: Well you know, we came over from the
22 Hilo side. And the whole time I'm thinking what words to
23 say to you. I mean, I run it through my mind, and I think
24 okay, who are these people, what words need to be said to
25 them so that they will understand that we don't want any

1 more DU on this island. And I don't think there are any
2 words. Because the way things have been phrased so far, it
3 sounds like a done deal.

4 And in my mind I'm thinking to ask them: Have you
5 ever denied the army's request? Do you have a license for
6 DU anywhere? Did the army request a license for DU in Iraq?
7 If it's so safe, then why are those people having such
8 troubles with it, and why are we needing a license? And on
9 and on it goes.

10 I think of Hiroshima. I think, wow, this is the
11 same gang, the same mind-set, the same -- well, words, right
12 there, stupid thinking. Nuclear war. Ask Madam Curie if
13 it's such a good idea. Didn't we amputate her arm, and she
14 eventually died from radiation? I mean, as I sit here
15 looking at you now, I see you naked, sitting there with no
16 clothes on.

17 And I wish you were, because you're pretending to
18 be a scientist, and you a geologist, and you a doctor. And
19 this man here is right. We know more about this situation
20 than you do. We have done a lot of homework. We're not
21 stupid. We don't want you here. You're not welcome. You
22 made a mess everywhere you've gone. How are you tied up
23 with General Electric and Toshiba with their nuclear
24 reactors? Bigger, larger.

25 Two minutes. I've got two minutes to try to

1 convince -- who are you? Twelve hundred of you saying we're
2 doing this. Are you the voters on this? Who gave you the
3 power to go around and make somewhere so dirty that it can
4 never be cleaned up? DU, don't use. DU, dirty underwear.
5 There's nothing pleasant about it and nothing right. Go
6 home. Tell them we don't want it. Don't come back. Stay
7 away. We don't want you here, none of it.

8 MS. GOMES: I want to remind people that the NRC
9 is here to take your concerns. We have a court reporter
10 here. Last night, at last night's hearing the folks there
11 raised some very important issues that the NRC did not know
12 about relative to the geographical location.

13 And those were the kinds of things that were very
14 very important for them to hear. As well as another person
15 talked about the need to have materials interpreted into
16 different languages so other people who were concerned could
17 understand. So I want to remind you that your concerns will
18 be taken very seriously, so make sure that you're focused on
19 those so that they can address them. Also, the folks
20 here --

21 UNIDENTIFIED SPEAKER: Are you saying that my
22 concerns, what I had to say, was not --

23 MS. GOMES: I'm not talking to you. I'm just
24 making a general statement.

25 UNIDENTIFIED SPEAKER: That's what it sounds like.

1 MS. GOMES: It's not about you. Also, the folks
2 here on the panel are here to address any questions you
3 have. If things weren't clear in the slide show, they can
4 get very -- more specific with it.

5 The next person is Alfred Spinney, followed by
6 Russ Robinson.

7 MR. SPINNEY: I don't come with aloha. I am
8 Kanaka Hawaii, and I am addressing the panel. This is a
9 respectable country. Yeah. Are these minutes -- will they
10 be available? Because somebody has to hold this liability
11 that's bouncing around here.

12 Are you going to be responsible for the actions of
13 the United States Army? Will it be you? We've been
14 gathering the vast body of evidence to set up a recourse for
15 what was done in 1893 to the people of the Hawaiian
16 Archipelago, its government, its lands. Until this day, we
17 are dealing with the same military armed forces.

18 I need to ask you; and you, quite frankly, should
19 answer. Will you hold that liability for the United States
20 military forces? Are you prepared for this liability? Will
21 you be responsible for their actions now and in the future?
22 Can anybody answer?

23 MR. McCONNELL: Well, I think those are issues
24 that are much broader than we, as a panel, can address.
25 Those need to be, I think, addressed in the legal and the

1 political arena, much beyond what we, you know, have any
2 role in.

3 MR. SPINNEY: Is this is a formal meeting? This
4 is formal. Did you bring in -- it's an informal meeting?

5 MR. McCONNELL: It's an informal meeting. But we
6 are trying to, using the recorder, document your concerns,
7 those concerns will go up on the web site as part of the
8 meeting record and will be included in the licensing package
9 that is available on our web site and through our ADAMS
10 system.

11 MR. SPINNEY: My concern, because this is
12 informal, would now be more of a personal. I'm not here in
13 my official capacity. I'm understanding that you folks are
14 in the community to seek the community output. So now you
15 have come into my community with this. So my questions are
16 very simple: What is this minutes going to be used for?
17 Will it be used with the legal sense? Have you brought an
18 attorney? Is there a legal attorney here now?

19 MR. McCONNELL: Yes.

20 MR. SPINNEY: Is he here? I'll give him a chance
21 to answer these questions.

22 MR. HULL: I would reiterate what Keith just said,
23 that it's beyond our authority as to whether the military
24 can stay in Hawaii. You're raising very large issues that
25 are beyond the scope of what we're dealing with.

1 MR. SPINNEY: Okay. Well, the question is simple:
2 You are an agency of United States. You are deciding
3 whether or not to give a license to possess these deadly
4 chemicals, these metals, these heavy metals to an occupying
5 force, the United States, with a history -- what's
6 Kahoolawe? What's the status of Kahoolawe? What's the
7 status of Pohakuloa right now? You have any status on
8 Makua? Is there any evidence that you have gone into these
9 areas?

10 Can you give us some indication that your
11 participation with the United States Armed Forces has done
12 any good? They bailed out of Kahoolawe and didn't clean it
13 up. They ran out of money. What can we do now? Can you
14 elaborate on that? I'm not too sure I got all of your
15 points there. So if you wouldn't mind just reiterating what
16 you said.

17 Yeah. We have a history of U.S. Armed Forces
18 dropping these bombs on our islands, on this independent
19 nation I call home. Has it been cleaned up? There's a
20 history of this depleted uranium. Can you give me some
21 status as to your organization's participation in the clean
22 up of those bombings that have been practices?

23 MR. McCONNELL: To the extent I understand your
24 question, it seems it's the entire bombing campaign that's
25 done, the practice bombing that's done. We would have no

1 role in that. Our only role would be tied to the depleted
2 uranium and, in this particular case, the Davy Crockett
3 weapons system. So I think it's just a small part of the
4 question that you're asking, and --

5 UNIDENTIFIED SPEAKER: I don't think you're
6 understanding there, but --

7 MR. McCONNELL: I'm not understanding the
8 question.

9 UNIDENTIFIED SPEAKER: -- the relation is that
10 when dummy bombs are dropped on the depleted uranium and
11 aerosolize, that can release toxic emissions. Dummy
12 bombing can increase the lethal consequences.

13 MS. GOMES: He's also referring to the fact that
14 Kahoolawe, which was -- had been bombed for so many years,
15 and the cleanup was inadequate, and no more money was given
16 by the U.S. Congress. So what he's asking is: What is the
17 NRC's role in monitoring, you know, some place like
18 Kahoolawe? Because the Native Hawaiians here all understand
19 that that island, which is sacred to people, was
20 inadequately cleaned. And no more money was given. So he's
21 asking: Was NRC involved in that process?

22 MR. McCONNELL: To my knowledge we were not
23 involved because there was no license for that activity, and
24 therefore we had no role. And certainly we as individuals
25 or as an agency would not have a role in terms of any sort

1 of appropriations that would be needed to clean up that
2 facility. That's, again, much beyond what we could address
3 here. I do apologize for not understanding your question.

4 MR. SPINNEY: In closing then, would that be
5 against your mandate, addressing these depleted uranium uses
6 with the U.S. military? Is your mandate not allowing you to
7 investigate these incidents? These are international
8 incidents.

9 MR. McCONNELL: Only to the extent that it would
10 involve quantities of depleted uranium that would be
11 licensable by our agency would we become involved. And
12 that's when we would become involved. And if you have
13 information to that effect, I think we'd be interested if
14 you could provide it to us.

15 MR. SPINNEY: There'd be a large liability
16 insurance policy. That's all I have to say. Thank you.

17 MS. GOMES: Mahalo, Alfred.

18 The next person is Russ Robinson, followed by Luna
19 Kanawai Hauanio.

20 MR. ROBINSON: The issue of vaporized or ionized
21 or somehow mobilized uranium from bombing, bombing that
22 continues, we hear going on because the navy's planes fly
23 over our houses routinely on their way up and on their way
24 back, that issue has been brought up. And I want to bring a
25 issue with it.

1 Several times it's been asked: What's the area
2 you're going to study? And the licensed area's the best
3 answer I've gotten. But what about the rest of the island?
4 What about material that's already been vaporized, already
5 been blown by the tradewinds west and southwest? How are
6 you going to find that? What area are you going to extend
7 into to make sure that the damage hasn't already been done,
8 and there isn't a ticking time bomb out there of uranium
9 sitting around?

10 And then finally I would make a comment to
11 everyone here to be civil and not to be divisive, and not to
12 try to connect fission reactors with this issue. Because as
13 a geologist myself with thirty-five years experience on the
14 mainland, I know something maybe most of you don't.

15 The first nuclear reactor to go critical in the
16 world was not on the North American continent, not on the
17 European continent, but was in Africa. It went critical two
18 point two billion years ago, long before the dinosaurs, long
19 before the trilobites ruled the world five hundred million
20 years ago, and certainly a long time before us. It was a
21 natural thing, if you will, created by God, from uranium,
22 which is created in the stars, created by God.

23 So radiation, uranium, are naturally occurring
24 things. We as humans must learn about our world. We must
25 defend ourselves against some of these things that are very

1 natural and very deadly. We well know rattle snake venom
2 and cobra venom is one hundred percent natural, and it can
3 kill you.

4 MS. GOMES: Mahalo.

5 Luna Kanawai Hauanio.

6 MR. HAUANIO: Hi. Aloha, everyone. Thank you,
7 very much, for giving me this opportunity to speak to you
8 folks tonight. My name is Luna Kanawai Hauanio. I've been
9 on this rock for little over forty-six years, and I been
10 involved with lot of fisheries, a lot of land management
11 here on the Kona Coast, which, if you take a picture of the
12 island of Hawaii, it's pretty much on the west side, north
13 and south.

14 I'm concerned about various issues with what's
15 going on with feral animals as well as our fish life, and
16 how, as Hawaiians, we can be self-sustainable and maintain
17 the stock and maintain the quality. There is several things
18 that kind of -- maybe I don't know because you folks
19 probably have the information. One of the things is I was
20 wondering if you folks enforce any Title 18, just like any
21 kind of criminal mandates that you folks enforce.

22 My understanding you were going over the
23 enforcement side. Because, you know, when I call the
24 police, you know, they come like, you know, forty-five
25 minutes later, you know. So I want to know if that's the

1 kind of response time that I'm going to get now from you
2 folks. Because time is of the essence.

3 A lot of times we have a situation where rescue is
4 needed. Is that what your vision sees that this might
5 happen, that we may need rescue? Do you come down and take
6 care of us?

7 So one of the things that I would like to kind of
8 point out. You know, if you hunt -- I don't know how many
9 of you guys hunt here in Hawaii. Within the last fourteen
10 years, I've noticed an increase of cavities full with bumps
11 and stuff, and we had to throw the animal away. I don't
12 know if anyone else been experiencing that. I am concerned
13 that our, you know, our necessities, our wildlife is
14 being -- you know, there's something going on out there.
15 They travel, you know, over the hills, over the mountains
16 here and back. So if we cannot hunt, we got to find out
17 what's causing them to get sick.

18 The other one is when you folks have your process,
19 all your contested-case hearings and things like that, are
20 you folks having it here, or do we have to fly to the
21 mainland? How does that work? Can somebody tell me that?

22 MR. McCONNELL: John?

23 MR. HULL: If there is indeed a hearing, it would
24 be here, either near the Schofield site or near this site,
25 if there is a hearing. Obviously we don't know at this

1 point if there will be one or not.

2 MR. McCONNELL: And just to answer one of your
3 prior questions, we have a mechanism, and Rob kind of
4 referred to it, which is orders. If there is an immediate
5 health and safety concern, there is the potential for NRC to
6 take immediate action through an order to that licensee.

7 MR. HAUANIO: I notice you mention how, on the
8 review process, that you're doing safety eval reports and
9 your environmental assessment. Why not an environmental
10 impact statement?

11 MS. TADESSE: Based on -- we have Part 51 now
12 which determines what level of assessments that needs to get
13 done. We start with an environmental assessment. And if we
14 don't find -- finding of no significant impact, then we move
15 to the EIS, the environmental impact statement. But to
16 start with, we start with an environment assessment. And
17 then whatever the result, if it's not, a finding of no
18 significant impact, we then go to an EIS. So it's a
19 stepping process.

20 MR. HAUANIO: And you know, Rob, you mentioned
21 about your testings and your intervals. One of the things
22 that we're having here up in Mauna Kea is we're having
23 huntings they have to stop because they have to keep their
24 games out of those natural hunting areas. Now it's
25 Pohakuloa. But the reason why they gave to eradicate the

1 animals from that area is because of the endangered birds
2 that's happening there. So I don't know if anybody
3 mentioned that. So you know, we have endangered birds
4 there, and it's like what devices? Are these adequate
5 enough to protect our birds? So anyway, thank you.

6 MS. GOMES: Mahalo.

7 The next person is Soli Nehiu followed by Barbara
8 Moore.

9 MR. NEHIU: Aloha ka kou. Before I start giving
10 you my mane'o --

11 Would you like to interpret that for me?

12 HAWAIIAN LANGUAGE INTERPRETER: He'd like to
13 describe an itch he has with this issue.

14 MR. NEHIU: Thank you. Another question for the
15 interpreter. I'm testing her credentials, yeah. Every
16 morning my friends they come up to my place and say, Hey,
17 kopiko(phonetic) up. My reply is ku inoe(phonetic). Would
18 you like to let me know what that is?

19 HAWAIIAN LANGUAGE INTERPRETER: I'd love to.
20 Mahalo. So his friends ask him how are you, how are your
21 insides? And that's a very light way to put it. And your
22 response is --

23 MR. NEHIU: We not know the same things. The way
24 I learned is -- let me translate that for you, and it
25 applies to the men over here. When I respond as

1 ku inoe (phonetic), what it means is I'm still able to get it
2 up in the morning. In other words, I'm still the kine; I
3 no need Viagra. Better converse in English.

4 So anyway, thank you. My name is Kihei Soli
5 Nehiu, and I live in a place called Pu'ukapu which is the
6 ahupua'a of South Kohala, and the biggest village is Waimea.
7 In Waimea we have a homestead community which I am one of
8 the board of directors representing Pu'ukapu Farm Lots. And
9 that I'm also my -- I am the executive board member of the
10 Nuclear Free Independent Pacific Movement representing
11 Region 6, which includes, encompasses Hawaii and Rapa Nui.

12 And since 1981 there's been independence of the
13 first people who are also promoting anti-nuclear. And they
14 let it be known that in Tahiti, what they call Moorea
15 people, down Rarotonga and Moorea, because of their nuclear
16 bombing there it is well known what the effects of radiation
17 did to them.

18 And here in Hawaii, radiation does not go on blood
19 quantum. You're there, you're there, you're in the way,
20 you're in the way, you're going to get it. It should be
21 noted that Pohakuloa is part of our lands. And there are
22 certain laws or international laws and declarations of which
23 United States is a signatory. And the United States is one
24 of four countries who rejected the indigenous declaration of
25 rights.

1 Along with the United States there was Australia,
2 Canada. And one of our former delegates to the NFIP
3 conference was Kuumeaaloha Gomes, who represented us in
4 Vanuatu back in 1980-something.

5 I know they told me I got two minutes. But guess
6 what, I got a lifetime. So I'm not going to pay attention
7 to her two-minutes time. I'm sorry. But I'm an elder, and
8 I'm going to pull rank on her. Sorry.

9 Like I said, I've been in the movement forty-five
10 years. I have twenty-eight BAs. And the BA is not bachelor
11 of arts. It's bad attitude. So I know how the United
12 States works. I been trained in nuclear weapons repair when
13 I was young and naive in the United States Army. So I know
14 all about nuclear weapons. But right now my attention is
15 focused on the depleted uranium and the effects it has on
16 our aina.

17 And I know during the Vietnam War they were
18 testing Agent Orange on Kauai. We know what happened there.
19 We have a lot of kanaka maoli who went to Vietnam, and they
20 contacted Agent Orange. And one of them is Clay Bertleman,
21 who was the principal navigator for Makali'i and father of
22 the canoe hui up in Waimea. He died from agent orange.

23 But now we have this, getting back to depleted
24 uranium. If the thing gets in here, it's going to affect
25 everybody no matter what color, what race, whether you're

1 Hawaiian or what. It's going get you, and it will kill.

2 There's no doubt about it.

3 So my question to you is in the event that you
4 have these inspections, I demand that kanaka maoli, we have
5 representation and observers when you are making inspection
6 of these areas. As a representative of the nuclear-free
7 independence, I would demand that you allow one of our
8 members be present at this inspections. That way, as a sign
9 of, you know, good faith -- show us a sign of good faith and
10 perhaps we'll close our eyes and, you know, allow this
11 process to go through.

12 So that is my major request. Also, we would like
13 to have another observer from Albert Spinney and his gang to
14 be present when you have these inspections. Because they
15 have more knowledge of the situation at Pohakuloa than
16 perhaps than anybody I know. I know they have a guy named
17 Dr. Dang, who is a world renowned authority on radiation, no
18 ka mea, no ka mea. And whatever the group decides who the
19 observers should be, it might be Gaspar Moore, it might
20 be whoever. But it must have representations for observing
21 and be part of the inspection process.

22 And in closing, I would just like to say that --
23 two things: We're not Native Hawaiians with a big N, small
24 N. Our mainland is not over there. It's over here. Over
25 there is Amelika. It's the land of thieves who came from

1 Europe to find a state of their own.

2 So we as kanaka maoli want to make it perfectly
3 clear that now you have been informed of the injustices and
4 the evils, not only those of us with the koko(phonetic) but
5 even your American citizens.

6 And in closing, once more, to all your na kanaka
7 maoli, there's an invitation of those of us who are subjects
8 of the King. If you lose faith in your government, come and
9 join ours. We welcome you. Let me tell you, you'll get
10 more with us. But if you are on this island, choose one.
11 Get plenty around. Anyway, thank you, Ku'umeaaloha, for
12 respecting my position. That's why I love her. Okay.
13 Mahalo.

14 MS. GOMES: In Hawaiian, in our Hawaiian culture,
15 age has its privilege. Kupuna always go first. Kupuna take
16 long time. And we no interrupt kupuna. We know better.

17 MR. McCONNELL: Just one thing from me, and I
18 think, Rob, we at the NRC have an outreach program to Indian
19 tribes and other indigenous peoples. And if we can make
20 sure we get the correct organization down for your
21 organization, that would be helpful to us.

22 MR. NEHIU: She's a delegate to our international
23 conference, so she can give you the details.

24 MS. GOMES: Maluaina, Jim Albertini, that you're
25 making reference to.

1 MR. HAYES: I just wanted to make a comment though
2 is the way we do inspections of protocol process is for each
3 state we have a contact. And then when we're going to
4 conduct an inspection in that particular state, in this case
5 state of Hawaii, before we actually come out to the state,
6 we will contact that individual and give them indications of
7 where we're going to be, who we're going to inspect. And
8 then we invite them to come along as an observer during the
9 inspection process.

10 And in this particular case, the state of Hawaii,
11 Department of Health is our contact. So if we were going to
12 conduct an inspection of a DU test facility, for example, we
13 would contact the Department of Health and see if they would
14 like to participate as an observer in that inspection.
15 Sometimes they agree; sometimes they don't, depending on
16 their workload.

17 MR. NEIHU: Exactly my point. The state of
18 Hawaii is a de facto government. They're not legal. And
19 they do not represent the interests of our kanaka maoli.
20 And I expect them to reject my request. So I'm asking you,
21 as a sign of good faith, to allow us our representation. I
22 would like to represent the kanaka maoli and Maluaina,
23 somebody from their organization, James Albertini, or
24 whoever they decide to be present when they have these
25 inspections.

1 If you do not allow us that right of observance,
2 you're just as guilty. And you can be convicted of
3 ethnocide or genocide and be labelled as a holocaust
4 aggressor. The Nuremburg trials bear true saying that you
5 have no excuse once you are informed of the evils of your
6 government. And if you continue the practice of ethnocide
7 and genocide, you're just as guilty.

8 But in recent hearings from the CIA, guess what?
9 They going to get hung too. So the ball is in your court.
10 I am requesting a formal letter from you saying to the
11 effect that you will allow a kanaka maoli, including myself
12 representing, NFIP, and a member of James Albertini's
13 movement to be part of the observers.

14 MS. GOMES: Mahalo.

15 The next two people are Barbara Moore and Shannon
16 Rudolph.

17 MS. MOORE: Thank you. Really, I'm so happy that
18 there are Hawaiians who are standing up and saying we don't
19 want this. It's not a Hawaiian thing to do, making hu hu.
20 It's not Hawaiian. But it's time to make hu hu about this.

21 Do you want to explain what hu hu is?

22 HAWAIIAN LANGUAGE INTERPRETER: She's referring to
23 something called hu hu, which means anger, and it takes
24 shape in many forms.

25 MS. MOORE: My name is Barbara Moore. I'm

1 president of the Hawaii Island Health and Wellness Alliance.
2 As president, I'm asking you as individuals to help us
3 protect our island and the people of our island and guests
4 of this island. Protect us from depleted uranium. And I'm
5 sorry to say that I've been looking over this literature,
6 which you call facts, and I would say they're unfactual,
7 from what I have investigated.

8 I find that I know more than what is being said
9 here in this literature. And the reason why I know more is
10 because I've had to do it on my own. It is not available
11 from the government. We've had to go to people who are
12 already well informed. The person that I have spoken to the
13 most is an ex- -- Doug Rocky. What is his position as
14 the --

15 UNIDENTIFIED SPEAKER: He was the head of the
16 Pentagon's stuff, you know.

17 MS. MOORE: He was hired by the Pentagon to
18 determine what the damage of depleted uranium could be and
19 how it could be cleaned up. And I have had long
20 conversations with him both by email and telephone that he
21 determined that it was impossible to protect oneself from
22 it. There was no clothing, nothing that could be worn or
23 that would protect anyone from depleted uranium.

24 I don't know if you gentleman are aware, and lady,
25 are aware of this. I have a feeling maybe you're dupes, I'm

1 sorry to say. I'm really sorry to say it, but maybe you
2 just are uninformed. And I hope that you will get on the
3 internet. I hope that you will read what Doug Rocky has
4 written, because he was hired by your government, our
5 government, our taxpayers' money, to determine exactly how
6 dangerous depleted uranium is. And it is -- the name
7 depleted is very very deceptive.

8 I almost thought, well, there's no reason to be
9 afraid of depleted uranium. It's lethal. It's lethal
10 uranium. It should be called lethal uranium. That's what
11 it should be called. And we have a lot more knowledge about
12 it than you do because we've had to be faced with it. We
13 are downwind of it. Many of our friends have died of
14 cancer. Many of our friends have -- are suffering. And I
15 am one of those people.

16 I went up on the Hill thinking that I might be
17 able to talk to our senator and talk sense into him and tell
18 him that I think that it's really a choice of nonviolence or
19 nonexistence. And that we are following the course of
20 nonexistence by promoting depleted uranium, by promoting
21 war, by making more and more weapons. And this is not what
22 Hawaii is about. Hawaii is about Aloha and peace. That's
23 what we want to bring to the world. We don't want to kill
24 our citizens with depleted uranium that is being blasted
25 around in the dust.

1 I went up on the mountain, and I was beside our
2 gentleman over here who had a machine. And the machine
3 suddenly, when a whirlwind came up, the machine suddenly
4 went into the red. And I thought to myself I could be
5 breathing depleted uranium right now.

6 And in fact, since that time, I have been told by
7 my health care practitioners that I am suffering now from a
8 form of leukemia. It is not a fun thing to know about. But
9 I do believe that ever since that moment that I was looking
10 at that little radiation meter when I was up at Pohakuloa,
11 that I am suffering from the wind, the dust that was in the
12 wind. And Dr. Loren Pang has explained to me in detail what
13 this means.

14 These people are saying, oh, it's really not all
15 that serious. But it is. And we beg you to search your
16 souls. I think it's kind of hard for you to go up to your
17 boss and say, you know, the people in Kona have been
18 informing me that we're really doing damage, great damage by
19 putting bombs on the dust of depleted uranium, and that it
20 really -- downwind-ers are suffering, that we really should
21 stop.

22 And what we want -- I'm going to have one minute
23 more to talk. What we're asking you to do is just stop the
24 bombing, to close down the live fire at PTA.

25 The key word here is remediation. That's what we

1 want you to do. We don't want you to be practicing how to
2 kill more people in this world with this terrible thing
3 called depleted uranium. We want remediation. And when you
4 look at yourselves in the mirrors tonight, when you go to
5 sleep tonight, we hope that you can say, you know, I did the
6 right thing. I told my boss, the United States Government,
7 that war is insane.

8 MS. GOMES: Next person is Shannon Rudolph.

9 MS. RUDOLPH: Excuse me. Can I be last? My
10 testimony is like a minute longer.

11 MS. GOMES: We still have more people here.

12 Shannon Taylor, followed by Jon Biloon.

13 MS. TAYLOR: Thank you. I just have a couple of
14 questions. Have you ever had a case where you denied a
15 license after -- just to the military, after they've been
16 requested?

17 MR. McCONNELL: Are you talking just the military?

18 MS. TAYLOR: Yes.

19 MR. McCONNELL: We have. What happens is that
20 license applications that are inadequate or don't meet our
21 safety regulations don't make it through the review process.

22 MS. TAYLOR: That wasn't my question. I want to
23 know if you've ever denied a license to any military base or
24 entity.

25 MR. McCONNELL: I'd ask the panel. I know of

1 none.

2 MS. TAYLOR: That really speaks volumes about
3 what you're doing here because you're rubber-stamping,
4 nuclear rubber-stamping.

5 MR. BILOON: I guess my first question is
6 directed to John Hull. I'm not even sure if you're the
7 agency we want sitting here right now. Because my question
8 is if some weird fundamentalist, violent group all of a
9 sudden took control of the top of our mountain and started
10 spreading DU and then started dropping two thousand pound
11 bombs all over the site, aerosolizing it and sending it
12 downwind, the NRC having to see if they could license this
13 group to continue?

14 Or Mr. Hull, I'm wondering, who should we ask to
15 have this violent fundamentalist group with a distorted
16 world view that is exploding two thousand pound bombs on the
17 DU field, how do we remove this group? Is there a legal way
18 to remove this group? Is there criminality involved here?
19 And considering you want integrity, considering that the
20 army's already known about this for dozens of years -- the
21 public's only known about it in Kona for two years and four
22 years at Schofield -- I'm wondering if this enters into your
23 world view so to speak whether the military has any
24 integrity.

25 Now, you don't have to answer that. I'd like to

1 hear it at the end of what I have to say now. Removing DU
2 is under your auspices. You say you're going to come every
3 time somebody wants to remove DU from a site. Now, dropping
4 two thousand pound bombs removes it effectively. So does
5 that mean you're going to permanently have inspection teams
6 on site, or do you have the power to basically tell the
7 military to stop bombing those sites?

8 Now also, is the military even allowed to ask for
9 a license to bomb a site that they don't own? Who else is
10 joining into this request for a license legally? And I'm
11 questioning whether even the military can ask for a license.
12 I have a feeling the gentleman over there might know better
13 who could ask for a license for DU. Is there possible lease
14 violations. Can the military be removed by the NRC from
15 this site?

16 Have you decided, considering aerosolized uranium
17 spreads by wind pattern all over the island, specifically in
18 Kona, is part of NRC's mandate to monitor, let's say, people
19 that are dying of leukemia or unusual fast-growing lung
20 cancers or brain cancers that aren't normally seen in
21 Hawaii? Are you guys authorized to come and see if these
22 people have been subjected to the DU radiation, and do we
23 have a tort against the military government or a tort
24 against NRC?

25 Now, I've only lived here for forty years. Okay.

1 We know that Kona doesn't have any background radiation. We
2 don't have radium in our ground. By your presentation, you
3 admit it. So it would be very obvious that if you began
4 monitoring the people of this island, started finding
5 significant amounts of radiation that didn't come from plane
6 rides or medical exams, you can assume that it came from the
7 military.

8 I'm just wondering, are you even the agency that
9 we should be talking to about this? Is there a criminal
10 process that can be taking place? Is there another internal
11 group that can come and demand this group of armed
12 terrorists that now occupy the top of our island with a
13 distorted world view and have decided to bomb DU fields with
14 two thousand pound bombs?

15 Considering they came to you for a license four
16 years after -- if I had a dog that I didn't license for four
17 years, the Humane Society would be out there taking away my
18 dogs.

19 Okay. I have two more minutes. That's pretty
20 cool.

21 Do you guys, now that someone's come to ask for a
22 license, do you even have the balls to go up there and tell
23 them no, you don't have the license, stop bombing, you're
24 illegally removing DU from the site?

25 You've already said you have control over the

1 removal. But if two thousand pound bombs are dropping on
2 the DU site, they're removing, legally, the DU from that
3 site. The fact that they're aerosolizing it and sending it
4 down to us in Kona, that has cancer clusters that no one can
5 explain. A friend of mine just died from a fast-growing
6 lung cancer. They had no idea. They had never seen it
7 before. And I'm just wondering, Do you guys really care?
8 Are you just here to kind of test the waters and say, okay,
9 don't worry, we're going to monitor for the next couple of
10 years?

11 Monitoring isn't what it's all about. We have a
12 group of violent terrorists, okay, who have occupied the top
13 of our mountain, who have spread depleted uranium illegally,
14 okay, illegally. And now they're dropping two thousand
15 bombs on it, aerosolizing it and poisoning us. Does anybody
16 up here legally have the right, does NRC have the right,
17 right now, to tell these terrorists stop, desist? And are
18 there criminal things that can be instituted considering
19 that they waited two years to even ask for a license? Those
20 are my questions.

21 MR. McCONNELL: It would be very difficult to
22 respond to all those questions. Clearly I think some of
23 your concerns are much broader than the NRC. And you're
24 probably correct that we aren't the agency to deal with many
25 of them. One thing I would like to clarify is we didn't say

1 that there was no natural uranium here, no natural exposure
2 to uranium. It's in the food you eat. It's in the
3 materials, building materials around you. So radiation is a
4 fact of life.

5 And it's -- what we do is regulate the use of
6 radioactive material. And we regulate it based on
7 internationally derived and nationally derived standards.
8 And as to the basis for our regulation, that's why we make
9 the judgments we make and it's how we make the judgments we
10 make about whether a particular use or a particular
11 possession is safe.

12 MS. GOMES: Okay.

13 MR. McCONNELL: In terms of legal arguments, do
14 you want to speak to those?

15 MR. HULL: I have nothing to add to what you just
16 said.

17 MR. BILOON: Is there an agency that we can
18 approach to satisfy what we want then? Obviously you guys
19 are gutless and useless in this process.

20 MR. McCONNELL: Well, I would suggest that --
21 again, it seems like your issues need to be taken up in a
22 legal domain or a political domain and not -- it seems to be
23 much broader than our mandate.

24 MS. GOMES: I apologize ahead of time because I
25 can't read this name. So if I mispronounce it, I'm sorry.

1 But I think it's Megan Isaac-Magdalena followed by Joe, and
2 I think it's Kassel.

3 MS. MAGADALENA: I must just comment about this
4 format. I find it very insulting. I find that you have
5 used and abused Hawaiian culture. You put somebody up as a
6 screen to manipulate people into feeling like this process
7 is at all culturally sensitive, culturally informed or
8 concerned. And so we have this fake charade here. And I'm
9 very happy for these people to be paid. You know, we have a
10 job shortage here on the island. But I think it's very
11 offensive. And it doesn't seem to be working here.

12 Because we had some very serious concerns that
13 we'd like to talk to you directly about. I don't find it
14 very genuine that you stand up and spend all that time
15 showing us a PowerPoint presentation, and you don't bother
16 to introduce yourselves. Who are you personally? How are
17 you, each of you personally qualified to be sitting here and
18 rubber-stamping a nuclear waste dump on top of Pohakuloa,
19 the very highest point on this whole island, which is
20 exposing every single resident on this island to nuclear
21 risk, to radiation?

22 And we're not stupid, as people keep pointing out
23 to you. We have done our homework. Like if we understand
24 how dangerous this is because it's microscopic, and then we
25 have to sit here and listen to you talk about something that

1 you're pretending can be cleaned up. It cannot be cleaned
2 up. And we happen to know what temperature this material
3 burns at. And we happen to know that it burns very hot.
4 That's why it's a weapon. That's why it's so prevalent
5 in weapons. And we happen to know why it is used. Because
6 it is radioactive, and it does make people sick, and it
7 makes people die.

8 And so you come here. And we're told we're
9 supposed to be assured that you gave up geology all those
10 years ago, and you've been managing the process ever since,
11 sir. I'm addressing you because you actually did provide
12 some credentials. But the rest of you, I'd actually like to
13 hear. I'd like to have you stand up and introduce
14 yourselves to us and explain to us how your credential is
15 actually going to help you make a decision that is this
16 serious and involves every single person in the room long
17 after you've gone home, and every single person on this
18 island.

19 I think if I give up the microphone right now, it
20 just allows that little bit more time for you actually to be
21 honest with us about who you are. Thank you.

22 MR. McCONNELL: Let me just say it's not our
23 intent to offend anybody. We try the best that we can to
24 set a stage where everyone has an opportunity to
25 communicate, everyone in the audience has an opportunity to

1 comment. We try to set up a system that allows that to
2 happen. And it's not intended to offend anybody, and it's
3 not intended to quiet anybody. We wouldn't be here if that
4 was the case.

5 MS. ISAAC-MAGDALENA: It doesn't seem to me that
6 you've understood the gravity of the situation. So it does
7 lead a lot of us to conclude that you don't know the facts.
8 Because the facts scare us. We know the facts. And we also
9 know the misinformation because we've had two years now,
10 three years of the military trying to twist the facts around
11 to make it seem like DU is perfectly safe and we've got
12 nothing to be concerned about.

13 We know we have things to be concerned about. And
14 you coming here and then trying to put a gloss on it really
15 doesn't inspire confidence. So now we're asking you -- and
16 I do mean to get back to my question. I would like each of
17 you explain how it is that you are qualified to come and
18 tell us that this process is going to be safe.

19 MR. McCONNELL: We can go through our credentials,
20 if that's what you're interested in.

21 MS. ISAAC-MAGDALENA: Thank you. And with
22 specific reference to how that qualifies you.

23 MR. McCONNELL: I think as a general matter we'll
24 let each individual describe their qualifications. But as a
25 general matter, it's our experience we had with dealing with

1 radiation with the years that we've had at the agency and in
2 other occupations. But I'll let each individual list their
3 qualifications if that is something that everybody believes
4 is important.

5 UNIDENTIFIED SPEAKER: Can we do that after
6 because the time is almost up, and other people still want
7 to testify.

8 MS. ISAAC-MAGDALENA: So I guess I'll take the
9 point. Because there are some really important issues that
10 have to be covered. But I object to this format where you
11 haven't presented yourselves. You haven't been honest with
12 us about yourselves and who you are, and yet you are holding
13 our fate in your hands. Because you are about to
14 rubber-stamp something that is wrong, and we all know that.
15 And you, if you do your homework, know that too. I mean
16 really, if you know the facts about this, you know that it's
17 wrong.

18 MR. McCONNELL: Okay. Thank you.

19 MS. GOMES: Next person, Joe Kassel, followed by
20 Zion Estes.

21 MR. KASSEL: Thank you. My name's Joe Kassel.
22 I'm a naturopathic physician. I'm a licensed acupuncturist.
23 When I first encountered depleted uranium, I was lecturing
24 in Greece for a couple of weeks. And it happened to be a
25 time that the United States was bombing and carrying out war

1 practices in Yugoslavia, which the people in Greece weren't
2 real excited about.

3 And they were very well aware of the use of
4 depleted uranium, and they've raised those concerns to me.
5 And I was like, I don't know about this stuff. So I went
6 home and I started looking at it. And the first things I
7 encountered were the kind of garbage that you handed us. I
8 started digging a little deeper, and I dug a little deeper.

9 And you guys are the physicists. I'm not. I'm a
10 physician. But as I remember, this was some time ago, and
11 I'm not as young as I used to be. But what I remember was
12 that these larger, slower particles, once they do get in the
13 body, can really stir things up.

14 And so that was the start for me, to start -- and
15 you know the names of particles better than I do, having
16 brought 'em up here in your soothing, calming, reassuring
17 way. You never even mentioned 'em. And like I was ten
18 minutes late. Maybe you did it before I walked in the door.
19 But I don't know. Are they alpha particles? Is that right?
20 I remember -- pretty sure. It was about ten, twelve years
21 ago. That's the one. How come you didn't talk about them
22 because they sure do kick butt inside the human body.

23 I wasn't even -- the reason I came here is because
24 my wife, who heard about this, reassured me that this was a
25 meeting of folks like this. Because in fact I know that

1 flack-catchers -- that is your official status. You are
2 flack-catchers -- are only here to endure this process so
3 that the machine can go on.

4 I used to be a nurse. I'm not a nurse anymore.
5 You know why? I got tired of being a flack-catcher. But
6 you've upped the ante; you've upped the ante a whole lot.
7 Because at least at the end of my shift I could give someone
8 a back rub. I could talk to them about the side effects of
9 the medication that actually got them into the hospital,
10 and maybe they ought to get a second opinion as to whether
11 they should be taking that medication. And I think what we
12 need here is a second opinion because I'm not convinced that
13 your calm reassurances are reflecting reality.

14 And when it came down to the bottom line, what I
15 thought and what I hoped when I was coming to this meeting
16 was that it was going to be a room ten times this size with
17 people like this, like we saw about the gate at Kohanaiki,
18 and then it was going to be local activists. Because I
19 think that's really the only solution unless one of you has
20 a little bit of spark in there that might light up and you
21 might decide that you can do something, but I'm not holding
22 my breath for that.

23 But the final line, when I found out, when I
24 started looking into depleted uranium was finding out what
25 the experiences of Iraqi physicians were after the first

1 Gulf War. And ever since then, they have seen astronomical
2 increases in birth defects, in cancer rates, in
3 malformations, in miscarriages. And those are the facts
4 that they continue to live with every day.

5 UNIDENTIFIED SPEAKER: That's what Hawaiians are
6 getting right now.

7 MR. KASSEL: Absolutely, absolutely. Only let's
8 just multiply it logarithmically. So we're seeing it here
9 on a small scale; they are seeing it there on a huge scale.
10 This is the practice place for carrying it out over there or
11 wherever else is next. Nobody's ever won in Afghanistan, as
12 a little aside.

13 But anyway, hopefully somebody's collecting names
14 from people who are here that we can work together because
15 my hope is not here.

16 MS. GOMES: Zion Estes, followed by David
17 Schlesinger.

18 MR. ESTES: Yeah. I'm not so sure exactly where
19 to start, and I'm not directly confronting anyone. Although
20 I am here to address the fact that depleted uranium is very
21 dangerous. It's a biological weapon. It's also used with
22 electromagnetics. You can actually breathe one part per
23 billion into your system, and it can affect all of the cells
24 in your system. I study frequency deeply. And the only
25 thing that's going to stop the U.S. military from coming

1 here is if we unify our consciousness and spirit, because
2 this is the most sacred place on the planet, and the largest
3 vortex on the planet. And Mauna Kea is the most sacred spot
4 on the entire planet.

5 So karmically, everyone that is viewing and
6 listening to me should be against the U.S. from coming here.
7 My grandfather Harold Estes had direct responsibility for
8 pushing the military through the entire state of Hawaii,
9 including the army. He's a high official in the military,
10 and he's a high Mason in the military. He's 96 years old.

11 I know better than anyone in this whole place, but
12 I'm asking you guys as people and individuals who have
13 spirit in their heart and love in their heart and
14 consciousness to tell the military that this is not the
15 right place karmically. And everyone's going to pay a
16 severe price spiritually, physically, emotionally, and
17 mentally if you allow them to come here. Thank you, and
18 aloha.

19 MS. GOMES: Devaki Klare followed Shannon.

20 MR. SCHLESINGER: David Schlesinger.

21 MS. GOMES: I'm sorry. David and then Devaki.

22 MR. SCHLESINGER: There's a few things I'd like to
23 clarify for you guys. You've heard a lot about the Hawaiian
24 Kingdom. Pohakuloa is a lease. It's not leased from the
25 Hawaiian Kingdom. It's leased from the territory, I

1 believe, before statehood. So you haven't even talked to
2 the landowners. Pohakuloa is not owned by the U.S. Army.

3 So on your process that you describe, where is the
4 landowners? That seems like something you guys need to deal
5 with. I mean, the U.S. Army isn't even capable of applying
6 for this license.

7 And then beyond that, the state was holding this
8 land in a trust because establishing a trust was the only
9 way they could justify taking the land from the Hawaiian
10 Kingdom. There's a chain of events that if you follow back,
11 you'll see that that land is not owned by the state. It's
12 not owned by the army. And that's what these people that
13 are kanaka ma oli are talking about to you. And it's hard
14 to understand for you because you don't hear the language,
15 and they're not talking the exact terms that you want to
16 hear. But that's what they're saying is that it's their
17 land. It was illegally taken. And it's justified that they
18 would take it in a certain way and hold it in trust.

19 Now, my position is I'm the trustee. We're the
20 trustees. The American citizens are the trustees. You-all
21 are the trustees. And we have to stand up and do what's
22 right to look after this trust.

23 MA. KLARE: My name is Devaki Klare, D-E-V-A-K-I,
24 Klare, and when you spoke about receiving an application
25 that you look at the integrity of the person applying for

1 that application. Well, if you look at the military, there
2 is no integrity there. Look at what they've done all over
3 the world. And if you don't see it, you're choosing to be
4 blind. Because they are very very evil.

5 And the depleted uranium is very very very bad.
6 And nothing anybody says is going to convince us any
7 different because the reality of is it is very bad.

8 When they called upon the ancestors before you
9 started this meeting, the ancestors do not like the military
10 here and neither do we. And for you, I would like you to
11 deny the military to put the depleted uranium waste on this
12 island. Perhaps it should go on the lawn of the White
13 House.

14 It's been proven over and over and over and over
15 that war does not bring peace. We're definitely going to
16 have to do something different. We're going to have to turn
17 to one another, and we're truly going to have to love one
18 another, put our differences aside. Because we are all in
19 this together. We are all created by the same source. We
20 are all children of God, every one of us. And we should not
21 be killing each other. We should not be causing any harm to
22 one another. And that's what aloha is about, loving one
23 another, taking care of one another. This is the route we
24 have to follow.

25 I would like to have you demand that the military

1 clean up what they can and stop firing, stop the bombing,
2 and move out immediately. Thank you.

3 MS. GOMES: Shannon Rudolph, followed by Melvin
4 Mason, Junior.

5 MS. RUDOLPH: Aloha. My name is Shannon Rudolph.
6 I live here in Kona. I want to thank you, so much, for
7 coming to our island to help us try it figure out this mess
8 the army wants to leave with us. I'm no scientist, but I
9 read. I didn't read the license, and I probably wouldn't
10 understand half of it anyway. What I am is a very concerned
11 resident who has done quite a bit of research and is very
12 worried for my community.

13 I come to you begging for some straight,
14 verifiable answers to residents' questions on depleted
15 uranium at Pohakuloa Training Range and elsewhere in Hawaii.
16 I believe this meeting should be a license for decommission
17 and not possession.

18 I can only put my contents in layman's terms, and
19 I relate to it best this way: Have you ever had a friend
20 you had to cut loose because they were a pathological liar?
21 You know you can't trust them, and they will eventually rope
22 you into their trouble. So you have to cut them loose from
23 your life. This is how a couple hundred of my fellow
24 residents feel about the military at PTA and, I suspect,
25 more than a few Oahu residents feel this way also.

1 To put this into context historically, many times
2 the military has been unwilling or unable to tell the truth
3 to the American people who finance them. For example, I'm
4 rereading the book right by Dr. Barbara Rose Johnston titled
5 "Half-Truths-Half-Lies, Confronting the Nuclear Legacies of
6 the Cold War."

7 I realize this type of radiation is a little
8 different source, but the same thread runs through these
9 examples. From 1945 to 1963, a group of four hundred
10 thousand atomic veterans were created who are either being
11 minimally compensated or dead because of nuclear testing.
12 At first the military told them they were crazy, and it took
13 those left alive decades to be compensated. Many of their
14 children have been sick also.

15 Our own neighbors from the Marshall Islands had to
16 be relocated to our island because their islands have been
17 contaminated forever. They can't go home again. It's
18 documented fact that we, our military, even used South
19 Pacific Islanders as guinea pigs by giving them radiation
20 pills and told them it was medicine, just to study their
21 demise.

22 The same thing with Agent Orange, as you've heard.
23 Soldiers fought for decades to be compensated, all the while
24 being told they are nuts. The same soldiers returning from
25 the Gulf War with Gulf War Syndrome, the powers that be

1 denied and denied that there was a problem. And finally
2 they had to admit that there was.

3 Now bear with me. All of these examples have a
4 common thread. In 1969, under Projects 112 SHAD and Test
5 Red Oak, our military did chemical and biological testing in
6 our forest reserve north of Hilo spreading Sarin Gas and
7 other known carcinogens near uninformed residents breaching
8 all ethical principles and informed consent, using us as
9 guinea pigs and telling local officials they were doing
10 weather testing.

11 Many other similar stories abound throughout the
12 United States. Wish I was old, like you. I could talk
13 longer.

14 None of these historic examples seem related, but
15 a common thread runs through them all: Lies by the military
16 who we pay to protect us. We have a minimum of eight
17 hundred and twenty-four contaminated military sites at
18 inactive bases in Hawaii, not even counting active bases,
19 such as Pohakuloa. Seven are Superfund sites. And they are
20 doing very little to clean up any of it. This is not my
21 idea of good land stewardship or of good neighbors.

22 Now, in more modern times, the army swore for
23 years they never used depleted uranium until an Earth
24 Justice attorney found the smoking gun by accident in a pile
25 of correspondence while working on another case. Finally

1 the army did admit that they use it. They chalked it up to
2 bad record-keeping which continues to this day.

3 Shortly after this discovery, I started reading
4 about our nuclear legacy. And as I read more, the more
5 worried I became. Epidemiologist and nuclear researcher Dr.
6 Rosealee Bertell wrote there are over one million alpha
7 bullets released per day from processed uranium the size of
8 a period at the end of a sentence.

9 I have read that burned and aerosolized uranium
10 dust is easily inhaled or ingested, and it easily goes
11 airborne with the wind to be re-suspended again and again.
12 I point out three studies that I am familiar with done by
13 Dr. Chris Busby and Dr. Dan Fahey that say depleted uranium
14 travels on the wind. I'm not talking about solar, natural
15 radiation, or chunks found in the ground, but aerosolized
16 nano-particles smaller than a virus.

17 I was across the highway from Pohakuloa in May,
18 2007, with other residents watching radiation monitors for
19 an hour and a half, staying at or below normal background
20 radiation levels of five to twenty counts per minute. A
21 visible dust devil blew up off the training range and
22 traveled directly over the monitors and all of us. The
23 radiation monitors spiked four times up to seventy-five
24 counts per minute. We were all horrified.

25 Our State Department of Health was contacted and

1 they came to the mountain to measure. Their protocol for
2 measuring radiation was to practically hold their old
3 monitor out of their car window for a few minutes and
4 declare levels safe, which they immediately reported to the
5 Honolulu Advertiser. Cabrera Services was hired to monitor
6 and flew over a small portion of Pohakuloa for a couple of
7 days in a helicopter, which residents know wasn't nearly
8 enough.

9 Now, purportedly we have seen a 1982 study of the
10 cancer, Hawaii Cancer Map by the State Public Health
11 Department. It shows Kona to have one of the two highest
12 cancer rates in the state. The other being Pearl Harbor, a
13 giant Superfund site. We have no heavy industry here to
14 account for this high rate, and no official wants to talk
15 about it. When asked, a State Department Health Official
16 for the Radiation Branch said that the reason the cancer
17 rate in Kona is so high was because everyone in Kona was
18 old. The average age at the time was thirty-seven.

19 Several nurses in Kona have said there has been an
20 explosion in thyroid problems here. I myself have had
21 medical problems called Trigeminal Neuralgia, a neurological
22 disorder said to affect one in thirty-five thousand. I know
23 or have heard of similar symptoms of shock in the face of
24 twenty-two people in my small area.

25 A highly reputed study that I read recently talked

1 of U238, 99.8% DU, as a heavy metal alpha emitter. It will
2 concentrate in the bones where it will bombard bone marrow
3 leading to leukemia and can mutate genes and make them
4 cancerous. Alpha particles are twenty to thirty times more
5 biologically damaging per unit of energy than beta or gamma.

6 I know of an inordinate amount of adults and young
7 people in our little town suffering from leukemia and other
8 cancers. Nearly every month lately it seems there are
9 several -- couple of ads for benefits for people with
10 leukemia. I personally know of six people who have died in
11 the last couple of months, three of them twenty-five years
12 old, from the same school, along with their principal. All
13 of them have leukemia.

14 I'm no expert, but I think something is wrong
15 here. I've talked to few hunters, as Luna says, that are
16 finding unusual tumors in sheep and goats near the perimeter
17 of Pohakuloa. I have no idea if any of these problems have
18 anything to do with depleted uranium, but it seems somewhat
19 unusual that all of these medical problems are known
20 symptoms of radiation exposure or markers. This is why we
21 sincerely ask for your help to see if any of these problems
22 in humans or animals are related to ingestion or inhaled DU.

23 We do know of a similar situation happening on a
24 similar island in Vieques, Puerto Rico, the town near a
25 former, now shut down, navy training range. A 1990-94 study

1 by the Puerto Rican Department of Health said cancer rates
2 there were twenty-six point nine percent above the Puerto
3 Rican average. Dr. Rafael Rivera-Castano said the study was
4 out-dated, and estimated cancer rates had risen to fifty-two
5 percent over the average by 2001.

6 We really aren't talking about a tiny spec of land
7 way out in the middle of the Pacific Ocean. We are talking
8 about training ranges all across the country and elsewhere
9 who may be suffering similar fates.

10 I guess I'm getting kind of off here. I've got
11 five more paragraphs. So if we have time, I'll read them
12 later.

13 Residents have gotten no answers they feel are
14 reliable regarding questions we have about DU on our
15 mountain. We've mostly gotten stalling, misinformation, and
16 disrespect. We need some straight answers to our question,
17 and residents are counting on NCR(sic) to protect us as one
18 of our last lines of defense against the military who has a
19 historically poor record for telling the truth. Many
20 residents think more radiation weapons systems have been
21 used beyond the Davy Crockett tail fin spotter rounds.

22 I ask that in addition to absolute fool-proof,
23 verifiable, long-term air, soil, and water monitoring,
24 preferably by independent professionals for all Hawaii bases
25 that are contaminated, I plead with you to do some

1 independent testing of sick life-long Hawaii residents
2 living downwind, especially in South Kona, which is at the
3 business end of the Pohakuloa wind tunnel, in addition to
4 wildlife near perimeters. It is well past time that we have
5 some straight answers from someone.

6 I know of one Hawaii resident who had themselves
7 tested for DU at the same lab the British government used
8 for radiation testing. This test came back with traces of
9 DU that the lab couldn't differentiate between whether it
10 was old or recent exposure. This lab was shut down shortly
11 after the test, and some residents find this quite curious.
12 This test case didn't count for Hawaii because this person
13 had only lived here for thirty-five years and also grew up
14 near a similar training range on the mainland.

15 Let's cut to the chase. If depleted uranium is
16 discovered in any lifelong resident or animal, it means the
17 radiation is migrating off the property. I ask that you
18 make the army follow their own regulations, AR 700-48
19 according to regulation author Dr. Doug Rokke, to shut down
20 these Hawaii training ranges now, clean up every speck, of
21 course, I know that's not possible, and take care of and
22 compensate well any soldier or resident they may have
23 harmed.

24 Personally I think if widespread contamination is
25 discovered, there's one hundred thousand acres up there,

1 folks. I think the army should build us a new hospital and
2 pay to relocate those who care to leave. If you have to
3 pave over Pohakuloa to stop the dust, do it. We'll have to
4 worry about the ground water later.

5 I mean no disrespect, but I must tell you many
6 residents believe that the NCR(sic) is in cahoots with the
7 military in trying to keep a lid on this issue. I hope and
8 pray this is not the case. You folks are one of last lines
9 of defense to get the truth whether or not we're being
10 exposed to nuclear radiation. The burden of proof should
11 not fall on the residents of our island.

12 We need you to rely on, to be relying on the most
13 up-to-date information and studies and not be using outdated
14 facts in making these life-and-death decisions for
15 communities like ours all across the country.

16 I have been told your enforcement ability is very
17 weak in dealing with the military. But I hope, I dearly
18 hope that you will take our comments seriously and hold the
19 military's feet to the fire on the DU issue and babysit
20 their every move as your sacred duty to us all, the alleged
21 involuntary guinea pigs of the Pacific. Thank you.

22 MS. GOMES: We opened with the kanaka maoli, and
23 we're going to close with kanaka maoli, Melvin Mason,
24 followed by Isaac Harp.

25 MR. MASON: Mahalo. My English name is Melvin

1 Glenn Mason, Junior. Yeah, the Masons. The one raided your
2 country. I'm also kanaka maoli. I like go a little
3 Hawaiian. It would be hard for you folks to understand me.
4 I don't know how to speak English. I will speak English.
5 I'm stepping up because I'm the next generation because the
6 kupuna dying already.

7 There's a saying, where there is darkness, crimes
8 will be committed. It is not he or she who commits the
9 crimes. The guilty is the one who creates the darkness.
10 Ask all of you, shed the light on the darkness, because I
11 coming to make pono. Why most of you talk about to make
12 pono. Yeah, ho'oponopono. Clarity and justice, my country
13 is our freedom. My family served in the military also.
14 They got killed in that war -- and I coming.

15 The call of what all call freedom, but you know
16 the interesting thing: Freedom from what? Suppression,
17 oppression. Clarity of just. How can we clarify what is
18 just? Because they call it justice, and then they create
19 amendments. Creating laws, constitutional laws and
20 amendments. Which one? The one I serve is the one of the
21 Kingdom of Hawaii, the one that speaks of God, that had made
22 all men, all nations, one God, the one you served that
23 exists. But yet they even getting that wrong because it
24 forget the wahine too, forget the kekis, the kupuna. We're
25 all on this earth for one reason. Your choice. You can

1 talk about war.

2 This past two weeks, thirty-two suicides. Ain't
3 just in Kona. No talk about it in the news, no make 'em
4 this, no make that, but you had plenty people suffer. I see
5 where the heart is at. The name or the number, seems like
6 you're the only one not paying attention. Yeah. I look in
7 your eyes. I see what is pono, what is right. Because I
8 have no fear. I see you have face. I feel 'em. I feel
9 'em. I am my own enemy.

10 You know, some people come; the Hawaiians, they
11 leave. Call themselves Kamehamehas. I challenge all of you
12 call yourself Kamehamehas. My great great grandmother was
13 assistant to the Queen Liliuokalani. But what does that
14 make me? I can prove my genealogy. The Youngs, the
15 Davises, the Greenspans, who you work for. What does a name
16 mean? Yeah. I have myself. All yourselves, you're all an
17 enemy of your own mind.

18 All I know now -- pono, he aloha no e pu'u wai.
19 Love with your heart. See they address the questioning even
20 of your administrative rules. They're limited. NRS(sic)
21 has its own division, yet still get the head. Maybe when I
22 catch one snake, I no go for the tail. I go for the head.
23 And I coming. Whatever genocide that there is for me, so
24 be. But we need for make pono. Who get the bigger guns is
25 the ones usually win, yeah? But who ends up winning?

1 Nobody.

2 You know this aina, they talk about the aina of
3 the lands. Well, you no harm the first son, the first who
4 came to these islands before your Jesus was ever born.
5 Proven fact. Again, one fact, one fact on any paperwork you
6 have. What's the facts? You know, it's just paper. Paper
7 can burn. Paper can make notes, can wipe your, kala mai,
8 okole. Very intelligent, and I coming. Because I know who
9 the ones is dark. And I know you guys now, especially you.

10 You're the most honest man I see here. And I
11 challenge you, think about the future of your children, and
12 even yours too, brah. You know, I'm not here to bash any of
13 you because I know you're just doing your job. You know
14 this world is free. My kupunas, elders, they have one
15 circuit. They travel other islands and other places of the
16 world and make ho'oponopono, the ones you guys probably call
17 a war.

18 You know, funny thing, I met Israelis and
19 Palestinians here in Hawaii. You know what they tell me,
20 that this is the Garden of Eden. What is this place to you?
21 Live aloha. What is aloha? It's only just one word. You
22 got to be aloha. And you know, you don't need be Hawaiian.
23 Just one condition alone. The Masons, yeah, we coming, the
24 ones that created a lot of this stuff. Because we know now
25 what is better for all of you. Mahalo.

1 MS. GOMES: Mahalo.

2 Isaac Harp.

3 MR. HARP: My name is Isaac Harp. I'm a subject
4 of the Hawaiian Kingdom, just as my parents were, my
5 grandparents, and all the generations before. In 1893 the
6 United States unlawfully displaced our government and, from
7 that point on, became an occupier of our nation.

8 Hawaii was a member of the family of nations even
9 before the United States was. We're very progressive
10 people. Our Ali'i, our royalty, give technology a really
11 high regard. We had electricity in our Iolani Palace before
12 the White House. We had telephone communication here before
13 they had it in the White House. Our people were very
14 progressive.

15 Unfortunately, the United States had the military
16 might. Our queen, being a very intelligent woman, asked the
17 people not to fight. She knew if the people fought, that we
18 would be conquered. And that leaves us to where we are
19 today in a situation of occupation. We're an occupied
20 nation. This is not the 50th state. The statehood ballot
21 only had one choice on the ballot which made that a
22 illegitimate process. The only selection on there was for
23 statehood.

24 And they allowed the military personnel and the
25 United States citizens living in Hawaii at that time to

1 participate in a vote. The majority of the kanaka maoli,
2 subjects of Hawaiian Kingdom, did not participate in that
3 process. It was a bogus process. We were never annexed by
4 the United States. That process was illegitimate. Congress
5 does not have the authority to an annex another nation. The
6 statehood process was illegitimate. It's very well
7 documented. You can check that for yourself.

8 For a few years, couple of years, I was on the
9 Pohakuloa Cultural Advisory Commission. I just wanted to
10 see what it was all about. Friend of mine here in the room
11 is on that Cultural Advisory Commission. And the people
12 involved in that effort are really dedicated. They went to
13 see some endangered plants and things like that.

14 I think, why are they saving these things when
15 they destroying everything else? When I found out there was
16 depleted uranium out there, I decided to step out of that
17 Cultural Advisory Commission. Because I talked to the
18 commander, a nice young lady, and she takes the typical
19 military position that depleted uranium is totally harmless.
20 It could never harm us. The radiation levels are so low.
21 And I bring in the discussion on ingesting particles and
22 things like that, she seemed to be totally ignorant on that
23 aspect of depleted uranium and only as, I guess, information
24 from her higher-ups on the radiation effects being minimal.

25 I decided to step out of that. And then Hawaii

1 became the new rapid-deployment area for what they call a
2 Stryker Brigade. They running these huge personnel
3 carriers, and those are running all over creation up there.
4 They're kicking up big clouds of dust. I'm sure they're
5 just helping to spread that depleted uranium around.

6 I think the first thing you should do is -- I know
7 you can't order anybody to shut down anything, but I would
8 write at least a position paper to the -- I think President
9 Obama would be the one to receive your position paper --
10 that they should halt military activity because of the
11 depleted uranium. And I hope you take the time to just
12 check into the political history of Hawaii.

13 And I hope that you would write a position paper
14 to your secretary of state as well. We're tired of trying
15 to be pushed into dealing with the Interior Department.
16 They have no position in dealing with us as a occupied
17 nation. The only department that should be discussing
18 anything with us is the State Department.

19 We love our country; you love yours. And we hope
20 our future generations aren't affected by the depleted
21 uranium. And you can help us to minimize the impacts to our
22 future generations by cutting down the activity up there
23 that's kicking up all this dust. Stop the bombing. Get
24 those big military personnel machines and everything out of
25 there. And just minimize the dust that's created from that

1 activity.

2 We need some relief here. We're begging for your
3 help. We don't know what else we can do. We cannot take on
4 the military ourselves. The military has a lot of
5 conspiracies the military's been involved with. We know
6 that Pearl Harbor was known to be attacked by the United
7 States before that attack occurred. One of the, I guess,
8 admirals, or something, wanted to remove most of the ships
9 from Pearl Harbor because he knew that it wasn't a safe
10 condition to have all the ships in there. He was replaced.

11 The artillery and everything were locked down. The
12 guys couldn't get to the weapons and stuff to defend
13 themselves. A lot of people died needlessly in Pearl
14 Harbor. That stuff is on the internet now. After fifty
15 years, this material becomes declassified. And then the
16 people find out the truth. And all of this stuff is because
17 of these crazy people that run the government, run
18 corporations, and they go to Bohemian Grove in California
19 every year and sacrifice an effigy to this giant stone owl
20 and ask for forgiveness. And they think the record is
21 clear, so they can continue doing the same thing over and
22 over every year.

23 So I hope you look into this and at least write a
24 position paper. I know you don't have the authority to kick
25 the military out. But you can suggest, as experts in your

1 fields, what your heartfelt recommendation would be. And I
2 hope you help us out. Mahalo.

3 MS. GOMES: I want to thank everybody for their
4 comments.

5 MS. ISAAC-MAGDALENA: I had a question that wasn't
6 answered. I asked them to --

7 MR. McCONNELL: Yeah. We were going to talk to
8 that.

9 MS. GOMES: That's the end of the testimony
10 though, so they go to the --

11 MR. McCONNELL: Basically we will end this
12 with -- I think you had asked for --

13 MS. ISAAC-MAGDALENA: With your introduction.

14 MS. TADESSE: Rebecca Tadesse. I have a degree
15 from Purdue University, bachelor's. And my master's degree
16 is in environmental engineering from Johns Hopkins. I've
17 worked at a nuclear power plant, a fission reactor facility
18 at Johns Hopkins. I've been in the NRC for ten years.
19 Prior to that I worked for Food and Drug Administration as
20 their safety officer for five years.

21 MR. McCONNELL: I think we'll probably end it,
22 unless someone feels the need to put this on the transcript.
23 Okay. Let's do this very quickly. Just the basic
24 qualifications, and then we'll end the meeting.

25 MR. HAYES: I have degrees in chemical

1 engineering and nuclear engineering also from Purdue. And I
2 have over thirty-some years of experience.

3 MR. EVANS: Robert Evans. I have a degree in
4 nuclear engineering from Texas A&M. I also have two
5 business degrees, and I'm in a Ph.D. program for
6 communications. I used to conduct reactor inspections, and
7 I moved over to materials inspections. I've been with the
8 NRC over twenty years. And this I may have mentioned
9 earlier. I'm a licensed professional engineer in the state
10 of Texas, and I'm also a certified health physicist.

11 MR. MCKENNEY: Chris McKenney. I have a bachelor
12 of science degree in radiation protection engineering from
13 the Oregon State University. I have been working in the
14 area of Waste Management since 1981, working both
15 internationally and nationally on standards and the
16 licensing of and inspection of sites.

17 Mr. HULL: My name is John Hull. I'm an attorney.
18 I've been in the Office of General Counsel at the NRC since
19 1990. I graduated from law school in 1983 from Catholic
20 University in Washington, D.C.

21 MR. McCONNELL: All right. With that we'll end
22 the meeting. We do appreciate your coming out tonight, and
23 it's clear that your concerns are heartfelt. But one thing
24 I think I'd like to make clear is that we do take our job
25 very seriously. We are an independent agency. You may not

1 agree with us on all our things, but we do take our job very
2 seriously in terms of protecting public health and safety.
3 So thank you, again, for coming out.

4 (Public hearing ended at 9:00 p.m.)

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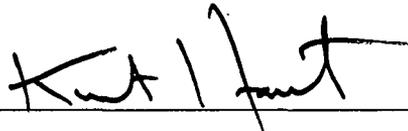
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STATE OF HAWAII)
) SS.
COUNTY OF HAWAII)

I, KURT T. FAUT, CSR 418, a court reporter for the state of Hawaii, hereby certify that the foregoing comprises a full, true, and correct transcription of my stenographic notes taken in the above-entitled cause.

Dated this 11th day of September, 2009.



KURT T. FAUT, CSR #418