

RAS 6269

# Official Transcript of Proceedings

## NUCLEAR REGULATORY COMMISSION

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2003 APR -2 AM 11: 26

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Title: Pacific Gas and Electric  
Diablo Canyon Power Plant  
Limited Appearance Statements

Docket Number: 72-26-ISFSI; ASLBP No.: 02-801-01-ISFSI

Location: San Luis Obispo, California

Date: Sunday, March 23, 2003

Work Order No.: NRC-799

Pages 1-110

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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD  
OPPORTUNITY to MAKE ORAL or WRITTEN  
LIMITED APPEARANCE STATEMENTS

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In the Matter of :  
PACIFIC GAS & ELECTRIC : Docket No  
Diablo Canyon Power : 72-26-ISFSI  
Plant Independent Spent : ASLBP No.  
Fuel Storage : 02-801-01-ISFSI  
Installation :

-----X

Sunday, March 23, 2003

Embassy Suites Hotel  
San Luis Obispo Room  
333 Madonna Road  
San Luis Obispo, CA 93405

Before U.S. NRC ASLB Administrative Judges:  
G. Paul Bollwerk, III, Esq., Chairman  
Peter S. Lam, Ph.D.  
Jerry R. Kline, Ph.D.  
With: Susan R. Lin, Law Clerk

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1 PARTY REPRESENTATIVES PRESENT:

2 For U.S. NRC: Stephen Lewis, Senior Attorney  
3 Randy Hall, Project Manager  
4 Mail Stop O-15 D21  
5 Washington, D.C. 20555-0001  
6 (301) 415-1684

7  
8 San Luis Obispo Jill Zamek  
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10 Pismo Beach, California 93448  
11 (805) 773-3881

12  
13 For PG&E: Brooke D. Poole, Esq.  
14 Winston & Strawn  
15 1400 L Street, N.W.  
16 Washington, D.C. 20005-3502  
17 (202) 371-5726  
18 and  
19 Richard F. Locke, Esq.  
20 PG&E, Law Department  
21 77 Beale Street  
22 P. O. Box 7442  
23 San Francisco, California 94120  
24 (415) 973-6616

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PARTY REPRESENTATIVES PRESENT: (cont.)

For the California Jennifer Tachera, Staff Counsel  
Energy Commission: 1516 Ninth Street, MS 14  
Sacramento, California 95814  
(916) 654-3855

For the County of Timothy McNulty, Deputy County  
San Luis Obispo: San Luis Obispo County  
Room 386, Government Center  
San Luis Obispo, CA 93401  
(805) 781-5400

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

(3:12 o'clock p.m.)

JUDGE BOLLWERK: Good afternoon. We'd like to begin this afternoon by introducing ourselves. In accordance with the provisions of the Atomic Energy Act and the regulations of the Nuclear Regulatory Commission, we are three Administrative Judges appointed to sit as an Atomic Safety and Licensing Board to conduct an adjudicatory proceeding in connection with the currently-pending challenge of various intervening parties, including the San Luis Obispo Mothers for Peace, the San Lucia Chapter of the Sierra Club, the San Luis Obispo Cancer Action Now, and the Central Coast Peace and Environmental Council, as well as the Avila Valley Advisory Council, and Peg Pinard, to the application of Pacific Gas and Electric Company for a 10 CFR Part 72, that's Code of Federal Regulations, Part 72 license to construct and operate an independent spent fuel storage installation, or an ISFSI, at its Diablo Canyon Nuclear Power Plant.

To my right is Dr. Jerry Kline. Dr. Kline, an environmental scientist, is a part-time member of the Atomic Safety and Licensing Board panel.

To my left is Dr. Peter Lam. Judge Lam is a nuclear engineer and a full-time member of the

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1 panel.

2 My name is Paul Bollwerk. I'm an  
3 attorney; I'm the Chairman of this Licensing Board.

4 As part of our judicial function relative  
5 to the Diablo Canyon ISFSI proceeding, we are here  
6 this afternoon to entertain Oral Limited Appearance  
7 Statements in accordance with Title 10 of the Code of  
8 Federal Regulations, Section 2.715(a).

9 So there will be a common understanding  
10 about what's involved in the proceeding and with  
11 respect to the limited appearance process, I'd like to  
12 take a few moments to provide some background about  
13 both.

14 In response to a Notice of Opportunity for  
15 a Hearing published in the *Federal Register* on April  
16 22nd, 2002, which can be found in Volume 67 of the  
17 *Federal Register* beginning at page 19600, in  
18 accordance with Title 10 of the Code of Federal  
19 Regulations, Section 2.714, various intervenors  
20 requested a hearing to challenge the December 21st,  
21 2001 application of Pacific Gas and Electric Company  
22 for permission to construct and operate an ISFSI at  
23 its Diablo Canyon nuclear facility.

24 Thereafter, in June 2003 -- rather in June  
25 2000- -- do I have the right date here? Sorry about

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1 that -- 2002, excuse me, the various intervenors  
2 submitted proposed issues for hearing, and PG&E and  
3 the NRC staff filed responses to those issue  
4 statements, as well as the intervenors' arguments  
5 about why each had legal standing to be a party to  
6 this proceeding.

7 Also during this timeframe various  
8 governmental entities, including San Luis Obispo  
9 County, California; the Port San Luis Harbor District;  
10 the California Energy Commission; the Avila Beach  
11 Community Services District; and the Diablo Canyon  
12 Independent Safety Committee, in accordance with Title  
13 10 of the Code of Federal Regulations, Section  
14 2.715(c) sought leave to participate in the proceeding  
15 as interested governmental entities and, in some  
16 instances, to gain admission of issues for further  
17 litigation.

18 On September 10th and 11th, 2002, we  
19 conducted a prehearing conference in the San Luis  
20 Obispo area, during which these participants had an  
21 additional opportunity to make oral presentations  
22 regarding the question of whether the Section 2.714  
23 petitioners had standing to intervene and the issue of  
24 the admissibility of their proffered contentions, as  
25 well as the participation of the Section 2.715(c)

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1 interested governmental entities and the admissibility  
2 of their issues.

3 Based on the intervenor and governmental  
4 participant filings and that oral argument, on  
5 December 2nd, 2002, in a ruling reported in Volume 56  
6 of the Nuclear Regulatory Commission Issuances  
7 beginning at page 413, we concluded that the  
8 organizations and the individual I mentioned earlier  
9 had standing to intervene and had provided an  
10 admissible contention relating to the impact of PG&E's  
11 current bankruptcy status on its ability to construct  
12 and operate the proposed ISFSI. As such, we admitted  
13 them as parties to this proceeding.

14 In addition, the Board determined that San  
15 Luis Obispo County, the Port San Luis Harbor District,  
16 the California Energy Commission, and the Avila Beach  
17 Community Services District should be admitted as  
18 Section 2.715(c) interested governmental participants,  
19 although the various issues proffered by several of  
20 these entities were not accepted for litigation.

21 Thereafter, in January 2003 the Port San  
22 Luis Harbor District withdrew from this proceeding,  
23 but the California Public Utilities Commission sought  
24 and was granted permission to participate as a Section  
25 2.715(c) interested governmental entity.

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1           Generally following such a ruling by a  
2           Licensing Board on standing and contentions, the  
3           parties would proceed under the Agency's rules in  
4           Title 10 of the Code of Federal Regulations, Part 2,  
5           Subpart G, which provides for a formal trial-type  
6           hearing.

7           In this instance, in this instance,  
8           however, the initial hearing notice indicated that  
9           because the PG&E licensing request involves the  
10          expansion of its spent fuel storage capacity, any of  
11          the parties to this proceeding could invoke a separate  
12          set of procedural rules found in Subpart K of Part 2  
13          of the Commission's regulations.

14          These rules provide for a period of  
15          discovery among the parties, followed by written  
16          submissions by the parties, and an oral argument  
17          before the Board addressing the central issue of  
18          whether, relative to the admitted contention, there  
19          are any disputed issues of fact or issues of law that  
20          require an evidentiary hearing.

21          Considering the parties' filings and the  
22          oral argument, the Board is to issue a decision that  
23          designates those matters that require an evidentiary  
24          hearing and disposes of any issues that do not require  
25          such a hearing.

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1 As was their right, PG&E and the NRC staff  
2 invoked the use of the Subpart K procedures. As a  
3 consequence, pursuant to a Board-established schedule,  
4 the parties have engaged in discovery regarding the  
5 admitted contention and will provide the Board with  
6 their written submissions next month.

7 Then counsel for the parties currently are  
8 scheduled to appear before the Board beginning on  
9 Monday, May 19th, in this location to present oral  
10 argument regarding the substance and validity of the  
11 admitted contention and whether any further  
12 evidentiary proceedings are required. A Board ruling  
13 will follow sometime thereafter.

14 This, in a nutshell, describes the NRC  
15 adjudicatory process relating to this proceeding. And  
16 this naturally prompts the question: What, then, are  
17 the limited appearances in which the Board has invited  
18 public participation.

19 Under Section 2.715(a) of the Commission's  
20 Rules of Practice, the Board has the discretion to  
21 entertain from any person who is not a party a written  
22 or oral statement of his or her position on the issues  
23 in the proceeding.

24 This provision, which was first adopted as  
25 part of the Agency's hearing rules back in 1962,

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1 recognizes there is a need to provide an opportunity  
2 for input from members of the public who, despite not  
3 having sought party status, have an interest in the  
4 subject matter of the proceeding.

5 As we indicated in the January 24th, 2003  
6 *Federal Register* notice scheduling this and other  
7 sessions here in San Luis Obispo, Oral Limited  
8 Appearance Statements which are transcribed and placed  
9 into the official Agency docket for this proceeding  
10 are intended as an opportunity for members of the  
11 public to express their views and may help the Board  
12 and/or the parties in their consideration of the  
13 issues in this proceeding.

14 Indeed, as you can see, like the Board,  
15 the parties and several of the Section 2.715(c)  
16 interested governmental entities are here to listen to  
17 what is said this afternoon.

18 In this regard, I'd like to take a second  
19 now to have the representatives of the parties and the  
20 Section 2.715(c) participants identify themselves for  
21 the record.

22 Why don't we begin with the Section  
23 2.714(a) intervenors, then the Section 2.715(c)  
24 interested governmental entities, then PG&E, and  
25 finally the NRC staff.

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1                   And then I will turn then to the San Luis  
2 Obispo Mothers for Peace. Would you identify yourself  
3 for the record, please?

4                   MS. JILL ZAMEK: I am Jill ZamEk.

5                   MS. KARLA BITTNER: Karla Bittner with the  
6 Avila Valley Advisory Council.

7                   JUDGE BOLLWERK: All right.

8                   MR. TIMOTHY McNULTY: Good afternoon,  
9 Judge. I'm Timothy McNulty. I'm a Deputy County  
10 Counsel representing the San Luis Obispo County, which  
11 is an interested governmental entity in this  
12 proceeding.

13                   JUDGE BOLLWERK: All right. Thank you,  
14 sir.

15                   MS. JENNIFER TACHERA: Jennifer Tachera,  
16 representing the California Energy Commission.

17                   JUDGE BOLLWERK: Could you spell your last  
18 name?

19                   MS. JENNIFER TACHERA: Yes. T-, like Tom,  
20 a-c-h-e-r-a.

21                   JUDGE BOLLWERK: All right. Pacific Gas  
22 and Electric.

23                   MS. BROOKE POOLE: I'm Brooke Poole of the  
24 law firm Winston and Strawn here on behalf Pacific Gas  
25 and Electric Company. Sitting to my left is Richard

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1 F. Locke, Pacific Gas and Electric Company.

2 JUDGE BOLLWERK: All right. And, finally,  
3 the NRC staff.

4 MR. STEPHEN LEWIS: Stephen H. Lewis,  
5 counsel for the NRC staff. And with me is Randy Hall,  
6 the Project Manager from the Spent Fuel Project  
7 Office, the Project Manager for this application.

8 JUDGE BOLLWERK: All right. Thank you  
9 very much.

10 In this regard, let me emphasize again  
11 that this is an opportunity to hear from interested  
12 members of the public. Consequently, the  
13 representatives of the admitted parties and the  
14 Section 2.715(c) interested governmental entities will  
15 not be making statements here this morning. Rather,  
16 like the Board, they are here to listen.

17 Finally, let me say a word about the  
18 procedure for making a statement. We've had some  
19 individuals who preregistered and will be afforded an  
20 opportunity to speak first at this session. Once  
21 we've heard from these individuals, we'll move on to  
22 anyone who registers here this afternoon. For anyone  
23 who wishes to make a statement, on the table outside  
24 the door is a sheet to write your name and  
25 affiliation, if any.

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1           We'll collect those sheets from time to  
2 time and call the speakers in the order as they sign  
3 in. If you do not preregister, you must sign in if  
4 you wish to speak. So anyone that wishes to speak  
5 this afternoon, you either have to have preregistered  
6 with the Board through email or some other -- through  
7 fax, or you need to fill out one of the forms out on  
8 the table.

9           And, by the way, if you did preregister  
10 and you need to check, there is a check-with sign with  
11 the -- the Licensing Board panel staff does have a  
12 listing if you have any questions, but I think we did  
13 a pretty good job making sure that everyone that  
14 wanted to preregister is listed.

15           So, again, if you want to speak today, you  
16 either have to have preregistered or sign up on one of  
17 our sign-up sheets outside the door out there.

18           Additionally, if you wish to provide your  
19 views to the Board, but don't wish to make an oral  
20 statement, there are sheets on the table outside the  
21 door that you can complete and leave in the box on the  
22 table. These Written Limited Appearance Statements  
23 will be reviewed by the Board members and placed in  
24 the Agency's official docket for the proceeding, as  
25 well.

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1           With regard to the oral statements, we'll  
2 keep a watch on the time each speaker is taking and  
3 we'll advise you when you need to conclude your  
4 remarks. For this session, given the number of  
5 preregistrations and the size of the audience  
6 presently, we'll begin by permitting statements of  
7 approximately five minutes.

8           However, if we see that the list of  
9 speakers is growing, we reserve the right to shorten  
10 the time allotted for each presentation to ensure that  
11 everyone who wishes to speak has an opportunity to do  
12 so.

13           Finally, I think it's important to allow  
14 the Board and the parties to hear fully the remarks of  
15 each speaker without intrusions. Accordingly, I'd ask  
16 that you respect each individual's right to address  
17 the Board by not unduly interrupting with verbal  
18 comments or other sounds, either supporting or  
19 opposing the viewpoint being espoused.

20           With that explanation, let's begin with  
21 our first speaker. And in that regard, to ensure  
22 things move along smoothly, we're going to announce  
23 several names and would ask that the additional  
24 speakers who are on deck in the on-deck circle, as it  
25 were, to speak, perhaps move close to one of the

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1 microphones in the audience or come up in the vicinity  
2 of the podium so they can begin their remarks promptly  
3 after the preceding speaker has finished. And, in  
4 that regard, you're free to speak from the podium,  
5 from the table, or one of the microphones out in the  
6 audience. Any one that is there, any one of those  
7 venues, you can certainly use.

8 One other administrative point let me  
9 mention. There is a security area outside the doors.  
10 If you leave that security area, you do have to be  
11 checked again as you go through. So if you stay out  
12 there, you're fine. But if you leave, then you'll  
13 have to go through security again to come back into  
14 that area. Just so you're aware of that, if you need  
15 to leave to use the restroom, or telephone, or  
16 whatever.

17 All right. The first speaker we have this  
18 afternoon is Mr. William Deneen, D-e-n-e-e-n.

19 (No audible response.)

20 JUDGE BOLLWERK: All right. If he isn't  
21 here right this second, we'll go on to the next one,  
22 and we'll come back to Mr. Deneen.

23 Sheila Baker. And after Ms. Baker is  
24 Constance Dunbar.

25 MS. SHEILA BAKER: Hi. I'm Sheila Baker,

1 and I'm from San Luis Obispo County.

2 JUDGE BOLLWERK: Let's get the microphone  
3 adjusted to make sure we can hear you.

4 MS. SHEILA BAKER: Hello?

5 JUDGE BOLLWERK: We have a few  
6 administrative matters we can take care of.

7 All right.

8 MS. SHEILA BAKER: I think he's going to  
9 do something over there.

10 Okay. Hello. I'm Sheila Baker. I'm from  
11 San Luis Obispo County. And for the last couple of  
12 years I've been kind of studying and fussing over  
13 issues of a beautiful place called Vandenberg Air  
14 Force Base that's very close to the southern most part  
15 of our county.

16 And it's 95,000 acres. The northern base,  
17 again, is really close to the south San Luis Obispo  
18 County. It's less than 50 air miles from Diablo  
19 Canyon nuke plant. And with the current events that  
20 have been -- that the world is facing, Vandenberg has  
21 been declared a deployment base for missile defense.  
22 And we've had many missile launches, tests, ICBMs, and  
23 missile defense.

24 And I think my concern is that the  
25 proximity between Vandenberg Air Force Base and Diablo

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1 Canyon presents an unacceptable risk to both this  
2 County and Santa Barbara.

3 And some of us have been asking for many  
4 years that the plant stop operating. I think that  
5 it's becoming very evident that it presents an  
6 overwhelming risk to the health and well-being and the  
7 very life of the people of both counties.

8 So with Vandenberg as a deployment base  
9 and with Diablo as a high-risk nuke power plant, we  
10 can't afford this risk. And I believe that in my  
11 heart, and I know others, many others do, that this  
12 plant should cease operating now, that we should have  
13 no more waste; that all we're doing is producing more  
14 and more of a risk to this area.

15 Thanks.

16 JUDGE BOLLWERK: Thank you for being with  
17 us this afternoon.

18 Constance Dunbar. All right. And did Mr.  
19 Deneen come in, by any chance? Okay. You're next,  
20 sir.

21 MS. CONSTANCE DUNBAR: He did.

22 My name is Constance Dunbar. I'm from  
23 Arroyo Grande, California. And I want to thank the  
24 NRC for allowing this small opportunity for the public  
25 to speak about issues that are of immense importance

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1 to us.

2 I want to speak about emergency planning,  
3 and I will tie in how it relates to the dry cask  
4 storage later as I proceed.

5 This County has only entertained emergency  
6 drills which have imposed the scenario of a very  
7 limited radiation release in no less than two or three  
8 hours after the threat was identified. So that's our  
9 most intense emergency drill so far.

10 Due to the very high density of the fuel  
11 rods located in the spent fuel pools, we are at risk  
12 of a much larger and more immediate release of  
13 radiation than would -- than would occur from an  
14 accident or a terrorist attack on these pools. Excuse  
15 me. I'm nervous.

16 JUDGE BOLLWERK: That's all right. Take  
17 your time.

18 MS. CONSTANCE DUNBAR: This would, indeed,  
19 be a catastrophic event and would require evacuation  
20 of much more than a 15-mile radius around the plant.

21 If such an event were to occur on a  
22 business day, the current emergency response is  
23 totally inadequate to evacuate school children and  
24 preschools in time to protect the lives of our  
25 children. There are not enough school buses to

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1 evacuate all the children in anything less than two or  
2 three trips. That's assuming everything goes well.  
3 Meanwhile, most of the County's children will be --  
4 will be waiting at their school sites as a radioactive  
5 cloud moves overhead.

6 The Lucia Mar School District evacuates to  
7 Nipomo High School campus, which is directly downwind  
8 of Diablo and would not provide any safety advantage.

9 The only reason, in my view, for  
10 proceeding with -- excuse me -- dry cask storage of  
11 nuclear waste is to reduce the density of the rods in  
12 the current spent fuel pools and therefore to reduce  
13 the likelihood of an accident or a catastrophic attack  
14 there. Reduce the density of the spent -- in the  
15 spent fuel pools back to the original -- original  
16 licensing agreements and a spent fuel fire is highly  
17 unlikely.

18 The current licensing request by PG&E for  
19 the dry cask storage unit does not reduce the density  
20 in these spent fuel pools.

21 I am very angry that after the events of  
22 September 11th, 2000 [sic] that there was not an  
23 immediate response by the NRC and other government  
24 agencies to address the threat caused by high density  
25 in the spent fuel pools. The public safety is your

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1 number one concern. And I please implore you to act  
2 quickly to reduce the density in the spent fuel pools,  
3 to proceed with dry cask storage in terms of the  
4 utmost safety for this community.

5 I have two children and I am so concerned  
6 that I am not going to be able to get to them in the  
7 event of a terrorist attack or a serious accident.  
8 And they're our future. Thank you.

9 JUDGE BOLLWERK: Thank you for taking the  
10 time to come speak with us this afternoon.

11 Mr. Deneen. And, sir, you're welcome to  
12 speak -- I mentioned before -- from any one of the  
13 microphones out here or come up to the podium,  
14 whichever you prefer.

15 The next person would be Lorraine Kitman.

16 MR. WILLIAM DENEEN: I think you said it's  
17 okay to come up here.

18 JUDGE BOLLWERK: Absolutely.

19 MR. WILLIAM DENEEN: Good.

20 JUDGE BOLLWERK: You can speak up from the  
21 front or from the sides, wherever you're most  
22 comfortable.

23 MR. WILLIAM DENEEN: Thank you. My name  
24 is Bill Deneen. I am a retired biologist. I am  
25 concerned about DNA. I would hope that you hold more

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1 hearings to find out what people feel about nuclear  
2 power.

3 It concerns me a great deal. Back in  
4 1977, as a biologist, I was worried about the effects  
5 of radiation on DNA. I spoke in the town where I  
6 taught, at Hancock college. And I said until we solve  
7 this radiation problem, the nuclear waste problem, we  
8 should not produce any more. The production of this  
9 material is not fair for the next generation.

10 In 1977 I was arrested in front of Diablo  
11 because I was concerned about the radiation that  
12 affects DNA. There's a few significant things I've  
13 done in my life, and that was one of them.

14 I would never have thought that going to  
15 jail was a responsible thing. But being -- having  
16 been a participant in World War II, having been in  
17 part of D-Day, and then listening to the Nuremberg  
18 Principle, I realize that citizens in a democracy have  
19 an obligation to speak out and not be run over by  
20 their government. Right now we are in a war without  
21 UN approval, and this bothers me a great deal.  
22 Meanwhile, back with nuclear power.

23 Radiation disrupts DNA. DNA is basic to  
24 life. In '77 I was arrested because I was concerned  
25 about the nuclear waste that we would be passing on to

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1 the next generation for a thousand generations. My  
2 grandchildren, my great grandchildren, on and on and  
3 on. Not fair.

4 Here we are, a number of years later, what  
5 are we doing? We are storing this nasty material  
6 onsite next to an earthquake fault, subject to a  
7 terrorist attack. This bothers me as a biologist, as  
8 a responsible citizen.

9 If nuclear power were so safe, why is  
10 there the Price-Anderson Act? Why does special  
11 governmental insurance have to insure this material?  
12 I -- I object to this. If it's so safe, private  
13 industry should insure it.

14 The Nuclear Regulatory Commission has a  
15 big obligation. You preempt the state control, you  
16 preempt county control. You preempt everything. You  
17 have a great responsibility. I urge you to really  
18 look at this material that you want to store more of  
19 next to an earthquake fault, subject to a terrorist  
20 attack.

21 I would suggest if you're going to make  
22 dry cask storage in these big monstrous things that  
23 have a lot of cement and all that, rather than  
24 concentrating them in one location, I urge that these  
25 casks be stored in the back patios of the CEOs of

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1 PG&E. If it is so safe and not a problem, and they  
2 don't -- and no one has to worry about future  
3 generation, let them store a cask in the backyards.  
4 And that would make a wonderful conversation piece  
5 when they have cocktail parties and things like that.

6 And while we're at it, maybe the Nuclear  
7 Regulatory Commission would do that instead of having  
8 it here.

9 I suggest you have more hearings. Again,  
10 as a biologist, I'm concerned about the future. And  
11 as a responsible citizen I'm here today to ask you to  
12 close Diablo and not produce any more nuclear waste  
13 material, which is so dangerous. Thank you.

14 JUDGE BOLLWERK: Thank you for coming to  
15 speak with us this afternoon.

16 Lorraine Kitman and then Henry David.

17 MS. LORRAINE KITMAN: Hello. I'm Lorraine  
18 Kitman. I want to thank you for giving us this  
19 opportunity.

20 I want to talk specifically, I guess,  
21 about the SLO Mothers for Peace Terrorism Contention  
22 that was deemed inadmissible by this Board.

23 The SLO Mothers for Peace primary  
24 Terrorism Contention states that the environmental  
25 report for the dry cask storage proposed at Diablo

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1 Canyon, that that environmental report's discussion of  
2 environmental impacts is inadequate because it does  
3 not include the consequences of destructive acts of  
4 malice or insanity against the proposed high-level  
5 radioactive waste facility.

6 The Mothers for Peace believes that PG&E's  
7 environmental report should evaluate a range of  
8 alternatives to the proposed nuclear waste site,  
9 including: A dispersal of the casks rather than the  
10 clustered group now under consideration. I believe  
11 that a clustered group reminds one of a bunch of  
12 bowling pins that could be knocked over easily by one  
13 missile or whatnot, whereas dispersed would make them  
14 harder to get all at once.

15 Also, the protection of the individual  
16 casks by berms or bunkers that would insulate them  
17 from being able to impact upon one another, as well as  
18 use of more robust storage casks than the ones  
19 currently proposed.

20 Other security recommendations proposed by  
21 the Mothers for Peace include reducing high-level  
22 radioactive fuel assemblies in the spent fuel pools to  
23 the original licensed configuration, the low-rack  
24 density, I believe it would be referred to; and  
25 constructing a containment, a hardened containment,

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1 over the spent fuel pools that is comparable to the  
2 containment over both of the reactors.

3 In the current era we find ourselves of  
4 orange alerts, Korean missiles that can reach the West  
5 Coast, war in the Middle East -- sorry, it'll take me  
6 a minute -- large numbers of Americans believe there  
7 will be retaliation for what is happening right now on  
8 America.

9 And yet this Board with us now has found  
10 that our Terrorism Contention is inadmissible because  
11 it directly challenges the Commission's rules  
12 regarding destructive acts of malice or insanity by  
13 enemies of the United States.

14 Contentions that question existing Nuclear  
15 Regulatory Commission regulations are inadmissible as  
16 a matter of law. How did that regulation come into  
17 being? Who supported that regulation besides the  
18 nuclear industry? And what part of this regulation is  
19 really in the public's and our citizens' interest?

20 Can you really be saying to the 65 reactor  
21 communities across the United States that terrorism,  
22 destructive acts of malice, or insanity by foreign  
23 enemies, in light of all of that, that you will still  
24 not consider this issue, especially after September  
25 11th?

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1 I think this community deserves an answer  
2 to these questions. And this Licensing Board is  
3 charged with making a decision on licensing a  
4 high-level radioactive waste storage facility in San  
5 Luis Obispo County's earthquake-prone coastal zone.

6 I really feel it's your obligation to  
7 explain why this outdated regulation should not be  
8 changed with the Commission and allow full hearings on  
9 security and terrorism.

10 I live in Arroyo Grande. And thank you  
11 very much for your time.

12 JUDGE BOLLWERK: Thank you for coming to  
13 speak with us this afternoon.

14 Henry David. The next person is Jane  
15 Swanson.

16 MR. HENRY DAVID: Henry David. My name is  
17 Henry David. I have an alternate name like Mark  
18 Twain, a guy named Sam Clemens, I believe.

19 In the paper yesterday it mentioned that  
20 \$15.1 million was spent on PG&E executives. Here's --  
21 here's a corporation that is in bankruptcy. And I  
22 just cannot figure out why and how and how come they  
23 get \$15 million of bonuses. For what? For making  
24 their country -- their company bankrupt? I just don't  
25 understand it.

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1           Maybe environmentalists, people that are  
2 concerned about nuclear waste, the people that are  
3 here in this room speaking out, maybe they should be  
4 the ones getting bonuses rather than the company that  
5 has produced this awful thing that we have in our  
6 midst.

7           Thank you for listening to Henry David.

8           JUDGE BOLLWERK: We appreciate him coming,  
9 as well.

10          (Laughter.)

11          JUDGE BOLLWERK: Jane Swanson. And the  
12 next person would be Russ Ferriday.

13          MS. JANE SWANSON: I appreciate the  
14 opportunity to address you. And I've chosen this  
15 microphone so I can see the human faces because I'm  
16 hoping you will see our human faces and hear our human  
17 voices.

18          My name is Jane Swanson. I live 11 miles  
19 due east of Diablo Canyon Nuclear Power Plant. As the  
20 regulatory agency with responsibility for public  
21 health and safety, it is your responsibility to  
22 respond meaningfully to the concerns raised in these  
23 hearings by those of us who live with this plant as a  
24 neighbor.

25          Please do not avoid your responsibilities

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1 by telling us that you are not obligated to consider  
2 our concerns because no one knows if the event  
3 concerning us will actually happen. It is, indeed,  
4 the unexpected that needs to be planned for.

5 There are some conditions regarding Diablo  
6 Canyon Plant that have not changed since it was  
7 licensed in the 1980s. The Hosgri Fault has not gone  
8 away. It's still there. There was not then and there  
9 is not now any working procedure for permanent  
10 radioactive waste storage.

11 These are examples of clearly foreseeable  
12 problems that apply all the more to the proposal to  
13 add more waste storage in above-ground casks,  
14 unshielded by so much as a berm of earth. These added  
15 risks cannot be justified when you look at the still  
16 unresolved issues of the earthquake fault and the lack  
17 of permanent waste storage.

18 There are other circumstances that have  
19 changed greatly since the original licenses were  
20 granted. We are now clearly living in an age of  
21 terrorism. The issue of sabotage and terrorism was  
22 raised before this plant was licensed and it was not  
23 seriously considered.

24 It would be, in my opinion, criminal of  
25 this body to say, 'Well, we already looked at that and

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1 discarded that concern, so therefore we can't look at  
2 it now.' Circumstances have changed. The possibility  
3 of sabotage and terrorism must be taken seriously.

4 In addition, as other speakers have  
5 mentioned, PG&E is now bankrupt. It cannot show its  
6 ability to run the plant for one more year, let alone  
7 for thousands of years, the time when these  
8 radioactive wastes would remain lethal. No human  
9 institution has lasted the length of time that  
10 radioactive wastes remain lethal.

11 So, in conclusion, I do want to remind  
12 this Board that its responsibility is to protect  
13 public safety. It is not to protect the profits of  
14 the nuclear industry. It is not even, as the young  
15 lady who spoke earlier mentioned, it is not your job  
16 to protect NRC regulations either. They need to  
17 respond to the times and change with the needs.

18 I look forward to getting a meaningful  
19 reply from you in some form at a later date. I don't  
20 expect it today, but I do expect meaningful,  
21 meaningful, replies to the concerns raised by those of  
22 us who live here.

23 JUDGE BOLLWERK: Thank you very much for  
24 coming to speak with us this afternoon.

25 Russ Ferriday. And then Marcia Alter is

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1 the next person after that. Russ Ferriday.

2 MR. RUSS FERRIDAY: I'm Russ Ferriday.  
3 I'm a resident of San Luis Obispo. Can you hear me  
4 now?

5 My name's Russ Ferriday. I'm a resident  
6 of San Luis Obispo. I also share some of the concerns  
7 that we're not really able to address the topic of  
8 terrorism in these discussions and that those have  
9 been removed from the landscape. I think that's  
10 nonsense. Times have changed. And I have some things  
11 to say that will, I hope, raise some doubts in  
12 people's minds about the attitudes of some of the  
13 players in this whole discussion.

14 And I want to describe some of the ongoing  
15 consequences of the Chernobyl disaster of April the  
16 26th, 1986. And I want to map those onto California,  
17 so that we can have a little understanding of what  
18 that very small release, relatively small release, of  
19 radiation has done to parts of Europe and how it would  
20 map into California.

21 Quoting NRC Spokesman Victor Dricks, who  
22 I saw as I was entering the room this afternoon, who  
23 was quoted in the San Francisco *Chronicle* of March the  
24 17th, 2003, just a few days ago, Mr. Dricks said,  
25 "Certainly with enough explosive, a spent fuel pool

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1 could be penetrated. Damage would be dependent on the  
2 scenario. But even with penetration, measures are in  
3 place to ensure public health and safety."

4 "Measures are in place to ensure public  
5 health and safety." What might these measures be?

6 Bear in mind that after penetration of the  
7 spent fuel storage pool, the ultra hot, highly  
8 radioactive spent fuel assemblies would, within two to  
9 ten hours, reach the point of spontaneous ignition,  
10 creating an intensely radioactive fire that would  
11 create a firestorm through the now dry pool burning of  
12 10 to 100 percent of the cesium 137 contained therein.  
13 That's an important radio isotope in the whole thing,  
14 and it's one that a lot of people focus on in this  
15 whole discussion.

16 Firefighters might have trouble reaching  
17 the blaze. That's a gross understatement. The  
18 unprotected human organism will fail within minutes in  
19 the kind of radioactive maelstrom that would result.

20 Remember the movies of Soviet soldiers  
21 pouring two shovels of moderator on the Chernobyl  
22 blaze, then retiring to puke, sickened, and in many  
23 cases die of their radiation exposure received within  
24 just a couple of minutes.

25 Underwater reservoirs that supposedly will

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1 top up these pools and resume the cooling of these  
2 highly radioactive spent fuel assemblies, may be taken  
3 out by the same agents as penetrated the pool. Would  
4 cooling water even help once the cesium is ignited?  
5 Where would the cooling runoff go? Would it  
6 contaminate the reactor units in the power plant,  
7 which are immediately along side the pool? Would it  
8 contaminate groundwater? How long would the fire  
9 burn?

10 Is one of the public safety measures  
11 evacuation of the entire area? How does that work  
12 exactly?

13 I live here. And I predict absolute chaos  
14 if there's a call to evacuate the area. Mr. Dricks'  
15 statement raises many more questions than he gives  
16 answers.

17 L. Jearl Strickland, Diablo Canyon's  
18 Program Manager for Used Fuel Storage, says, "It would  
19 be virtually impossible to hit that with an aircraft,"  
20 pointing to the spent fuel storage building. "The  
21 reactor containment structures protect it from the  
22 west. To the east the topography of the land and  
23 transmission lines prevent a practical approach.  
24 Concrete buildings protect it from the south and  
25 north." That's what I call denial.

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1                   This is the San Francisco *Chronicle* of  
2 Monday, March the 17th, and it contains a wonderful  
3 picture from the sea of the Diablo Canyon Plant. And  
4 there are these beautiful beacons here that indicate  
5 exactly where a terrorist attack should take place.  
6 There's also an arrow in the picture, incidentally, so  
7 that anyone who can't quite see will understand where  
8 they will need to hit if they really want to cause a  
9 problem.

10                   And when we -- when we turn to the front  
11 page of the paper we see the view from the hillside.  
12 And this in the middle of the picture, between these  
13 two reactor buildings, is the spent fuel storage pool,  
14 where this ultra hot radioactive stuff is stored until  
15 it's cooled down, supposedly for storage elsewhere in  
16 the original plan. But of course it's not really  
17 protected at all, as Mr. Strickland states.

18                   In fact, if you consider it, if a  
19 determined terrorist or anybody with the slightest bit  
20 of engineering acumen were given the problem of  
21 attacking a building such as this, they would say,  
22 'Well, it's wonderful because if I just fly a plane  
23 down from this angle, I'll have the power plant behind  
24 here and these two enormously massive concrete --  
25 concrete structures that will help to concentrate the

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1 blast wonderfully on the dry fuel pool.' In fact, the  
2 topography of the whole situation works -- can be made  
3 to work for the advantage of a terrorist attacking the  
4 site.

5 This is no impediment to an attack. It  
6 can be turned to the advantage of an attacker. So I  
7 don't believe Mr. Strickland's assertion that there is  
8 any protection whatsoever from these structures around  
9 the spent fuel pool.

10 There's a cover of the spent fuel pool.  
11 It's to prevent the elements and wild animals from  
12 getting in. It looks very fragile post-9/11.

13 Even the best laid plans fail. Who could  
14 have imagined the attack on the Twin Towers before  
15 September the 11th? Such a brilliantly planned,  
16 low-cost attack implemented for less than a million  
17 dollars by no more than 60 people armed with box  
18 cutters and some specialist knowledge learned just for  
19 the occasion. Who, after seeing the impact on the  
20 first tower, would have believed that a second impact  
21 would follow? And then the Pentagon was hit.

22 The statements of the two people involved  
23 in this business display optimism and naivete that is  
24 simply old-fashioned, given the current state of the  
25 world.

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1                   Martin Resnikoff, an engineer with Waste  
2 Management Associates, a New York consulting group,  
3 concluded that a plane traveling at 500 miles an hour  
4 would penetrate waste storage casks. Strickland, of  
5 Diablo Canyon, says, "This analysis represents a  
6 simplified approach and didn't use the type of cask  
7 that would be employed at Diablo Canyon." This is the  
8 same Strickland who thinks the storage pool building  
9 is protected.

10                   When I was flying back from Germany last  
11 week I noticed that the plane flew at 600 miles an  
12 hour. How fast could we get one of those things going  
13 if we put our hearts into it? My guess is about a  
14 thousand miles an hour if we don't mind the personal  
15 consequences. This plane would then have not two but  
16 four times the kinetic energy of a plane flying at 500  
17 miles an hour.

18                   Now remember, that not one but four planes  
19 were hijacked on September the 11th. The so-called  
20 responsible authorities do not yet appreciate the  
21 sophistication and determination of would-be  
22 attackers. And if they do, they're not -- they are  
23 very ready to forget some important details of the  
24 September the 11th attacks.

25                   On September 11th those buildings were not

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1 just hit, but they collapsed totally within an hour.  
2 That was no accident. That was sophisticated and  
3 careful planning. That was an engineering exercise  
4 far beyond the protective power of Mr. Strickland's  
5 hand wave about the spent fuel pools being protected.

6 The rules have changed. The original plan  
7 for Diablo Canyon was for short-term storage of ultra  
8 hot assemblies before transportation to remote,  
9 secure, long-term storage sites. That plan was  
10 hatched only 30 years ago, but now things look very  
11 different.

12 Not in my backyard is the call today.  
13 Nobody wants the waste. People don't even want it  
14 transported through their neighborhood. Officials are  
15 simply not willing to take the responsibility for  
16 allowing nuclear waste into their cities, counties,  
17 states, or countries because of the terrifying  
18 consequences of an incident. But our problem is worse  
19 than that.

20 We bargained, I bargained for a nuclear  
21 power plant when I moved family here in 1998, but not  
22 for a half-baked, long-term storage site for highly  
23 radioactive spent fuel. San Luis Obispo is a terrible  
24 place to consider for long-term storage of radioactive  
25 waste: It's close to population; contrary to other

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1 statements, it's hard to defend; it's hard to bring in  
2 emergency teams; bringing in military cover should the  
3 worst happen might cause more problems than it solves  
4 -- what are they going to do, fire rockets at the  
5 perpetrators? What are the consequences of a fire in  
6 the storage pool?

7 In 1986 there was an incident resulting in  
8 the release of only five percent of the radioactive  
9 fuel in the Chernobyl plant. Seventeen years later in  
10 my home country of Wales, in other words today, this  
11 is 1500 miles away from Chernobyl, hill farmers are  
12 still suffering the economic consequences: 386  
13 British farms are still under restriction, 359 of them  
14 in Wales. In restricted areas sheep have to be  
15 monitored with Geiger Counters before they are sold.

16 Ned Williams of Trefriw in North Wales was  
17 quoted in the newspaper as saying, "The professors who  
18 should know said it would all be washed away in about  
19 six weeks." Scientists originally stated that the  
20 effect would last only six weeks, that cesium would  
21 become bound to the clay in the soil and not stay in  
22 the grass. The scientists were wrong, very wrong.

23 The effects are going to continue probably  
24 for at least another 20 years in Wales. And you can  
25 imagine the effect that might have on marketing lamb

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1 and other agricultural products.

2 I said that Wales is 1500 miles from  
3 Chernobyl. The entire state of California lies within  
4 1500 miles of San Luis Obispo County. So does Oregon,  
5 Washington, Idaho, Nevada, Wyoming, Utah, Arizona, and  
6 parts of Mexico and Canada. Imagine the effects on  
7 our food production if the Central Valley, our  
8 country's bread basket, were contaminated. Imagine  
9 the effects on Los Angeles, 150 miles downwind of us.

10 There are personal consequences for this  
11 for me, as well as all of these others things that  
12 I've discussed. I'm personally concerned about the  
13 economic future for me and my family. As attitudes to  
14 nuclear waste harden, it may become difficult to sell  
15 my house. My business in San Luis Obispo County is  
16 successful. It may, but perhaps having home and  
17 business downwind of poorly-protected pools surrounded  
18 by hundreds of vulnerable dry casks, feels like having  
19 all my eggs in one basket.

20 So how should wine growers and farmers  
21 feel whose land may be devalued at a stroke if we  
22 don't get this right?

23 We don't need an event, by the way, to  
24 trigger a loss of land value in these states. All it  
25 takes is a politically-biased, industry-oriented

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1 decision that gives us the perception of safety and  
2 the perception of a plan, just like the old plan for  
3 long-term offsite disposal of nuclear waste. Once the  
4 population realizes the deception, our property values  
5 will dip until we can find the resources to do things  
6 right.

7 I'm about to come to the end.

8 This is an important decision. The NRC  
9 and PG&E have worked hard, seemingly, to make it  
10 difficult for people to speak out about these  
11 decisions, although I do appreciate the opportunity to  
12 come here today. They're taking a grave risk. The  
13 responsibility faced by the decisionmakers is enormous  
14 and goes beyond the old-fashioned reckoning of  
15 probabilities of technical failure or human error.

16 Beyond the former brief of the people  
17 involved in this discussion and any instructions to  
18 the contrary, the decisionmakers face the moral  
19 responsibility to factor in the risks of concerted,  
20 deliberate attacks on poorly-planned, overstocked,  
21 poorly-protected pools and vulnerable dry cask storage  
22 sitting in full view from air and sea.

23 Let's face it. There's probably going to  
24 be a permanent onsite storage at Diablo Canyon for a  
25 long, long time. There's not much we can do about it.

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1 I maintain that only a robust, defensible waste  
2 disposal fortress, capable of withstanding concerted,  
3 determined attack by not just one but half a dozen  
4 airliners and a few armor-piercing shells is good  
5 enough. Only that is good enough.

6 And if PG&E and the NRC cannot commit to  
7 that immediately, it's irresponsible to continue  
8 operation of the plant, only to produce more spent  
9 fuel for which the western world has no final resting  
10 place.

11 Welcome to San Luis Obispo County, *de*  
12 *facto* nuclear waste dump. Thank you very much.

13 (Applause.)

14 JUDGE BOLLWERK: Thank you for coming to  
15 speak with us this afternoon.

16 The next individual was Marcia Alter. And  
17 after that, Fred Frank.

18 Either Ms. Alter or Mr. Frank. Either of  
19 them.

20 MR. FRED FRANK: My name is Fred Frank.  
21 And I don't see Marcia Alter. I want to thank you for  
22 coming to San Luis Obispo County.

23 I've been concerned about the safety of  
24 Diablo Canyon Nuclear Power Plant for over 20 years:  
25 First as a county fire chief responsible for fire and

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1 rescue response, I've since retired; more recently as  
2 a member of the County Committee on High-Level Nuclear  
3 Waste Management. Study and experience has led me to  
4 the conclusion that this plant is vulnerable to a  
5 terrorist attack that could have devastating  
6 consequences for the people of San Luis Obispo and  
7 thousands living downwind.

8 I think Mr. Ferriday described in detail  
9 some of the issues involved.

10 My family has been in San Luis Obispo  
11 County for over 74 years. They're worried. They feel  
12 threatened by the plant's lack of security.

13 You've recommended that the Mothers for  
14 Peace Contention on Terrorism not be considered since  
15 terrorism is unpredictable and difficult to plan  
16 against. Further, you suggest that planning should be  
17 generic and apply to all plants. I see no reason why  
18 the Mothers' Contention, if addressed properly, could  
19 not be applied to other plants.

20 Since the 9/11 tragedy you have made some  
21 minor changes to improve plant security -- I should  
22 say the NRC has adopted some minor improvements in  
23 security. And in developing generic standards to help  
24 secure the plants throughout the United States it's  
25 been a year and a half. We're at war and the

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1 president has said that plants may be targeted. Yet  
2 little has been done to protect us.

3 I urge you to reconsider the Mothers for  
4 Peace Contention on Terrorism. To do otherwise is  
5 irresponsible and dangerous. Thank you for your time.

6 JUDGE BOLLWERK: Thank you for coming to  
7 speak with us today.

8 I think Marcia Alter is still not in the  
9 room yet? All right.

10 At this point we've been going about an  
11 hour. Why don't we go ahead and take about a ten-  
12 minute break and we'll come back in about ten minutes  
13 and resume. Thank you. And, just remember, if you  
14 leave the security area you'll have to come back  
15 through the security check again.

16 (Recess taken from 4:07 p.m. to 4:20 p.m.)

17 JUDGE BOLLWERK: All right. Let's go back  
18 on the record, please.

19 All right. I would mention again that  
20 outside the door in the middle there are sign-up  
21 sheets. If anyone did not preregister and wishes to  
22 speak this afternoon, you do need to sign up out on  
23 the sign-up sheet. We have approximately another  
24 eight or nine individuals that have signed up that are  
25 preregistered, and then we'll go to our sign-up sheet.

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1 So if you do wish to speak, you need to sign up on the  
2 sign-up sheet.

3 Also I would mention that if you prefer  
4 not to speak but want to leave your comments in any  
5 event, there are some sheets out in the same area on  
6 the table outside the center door, that you can leave  
7 written comments with the Board. We will certainly  
8 review those and put them into the docket of the  
9 proceeding. So that is another opportunity, if you  
10 prefer not to speak, that you can express your views  
11 to the Board.

12 Let me go now back at this point and see  
13 if Marcia Alter might have come in?

14 No? All right.

15 The next speaker is Rochelle Becker, and  
16 then the next speaker I'd have is Barbara Scott. I  
17 understand there's someone here to speak for Barbara  
18 Scott.

19 MS. ROCHELLE BECKER: My name is Rochelle  
20 Becker. "Foreseeable: To see or know beforehand."

21 Of the many foreseeable issues related to  
22 PG&E's proposal to increase the storage of high-level  
23 radioactive waste at Diablo Canyon, terrorism and/or  
24 acts of malice and insanity are without a doubt the  
25 most frightening.

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1           We all watched the Twin Towers fall  
2           September 11th, 2001. We have all read that nuclear  
3           facilities have been -- we have all read that nuclear  
4           facilities have been at heightened alert at various  
5           times since that frightful day, including today.

6           And yet this Licensing Board and the  
7           Nuclear Regulatory Commissioners ruled that terrorism  
8           and/or acts of malice and insanity do not need to be  
9           addressed. The NRC quoted another of its decisions in  
10          its denial, quote: The possibility of a terrorist  
11          attack is speculative and simply too far removed from  
12          the natural or expected consequences of agency action  
13          to require a study under the National Environmental  
14          Policy Act.

15          This denial is incomprehensible to those  
16          of us who live in the shadow of a proposed nuclear  
17          waste dump on our coastal bluffs. But it's not just  
18          this community who believes this must addressed before  
19          PG&E's application is approved. On February 28th,  
20          2003 California's Attorney General Bill Lockyer sent  
21          a letter to NRC Chairman Meserve strongly stating that  
22          the NRC's decision was, quote, flawed and will not  
23          survive judicial scrutiny.

24          On March 10th, 2003 the Chairman of the  
25          U.S. House National Security Subcommittee, Republican

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1 Shays stated, quote: A release of radiation caused by  
2 a terrorist is a unique event, one that requires  
3 acknowledgement of the distinct factors and fears that  
4 will define the public's response to such an incident.

5 Yet the Chair of the NRC recently wrote,  
6 quote: Necessary protective actions and onsite  
7 response are not predicated on cause of events.

8 Mr. Shays disagreed. Quote: That view  
9 overstates the reach of an all-hazards approach to the  
10 first responder capabilities and ignores the obvious  
11 need to accommodate unique causal elements in any  
12 effective response scenario.

13 On March 19th Senator Dianne Feinstein  
14 wrote NRC Chairman Meserve, quote: Before expanding  
15 the inventory of spent fuel stored at the Diablo  
16 Canyon site, I strongly believe the NRC should address  
17 the significant risks already present from existing  
18 high-density spent fuel storage pools. I urge you to  
19 reconsider your decision and allow for public input  
20 regarding the safety of the existing spent fuel  
21 facility and the proposed independent spent fuel  
22 storage installation.

23 On March 20th, 2003 the *Washington Times*  
24 reported, "Nation's biggest nuclear plant a terrorist  
25 target." While this story has not been confirmed, it

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1 dramatically points out that our country believes  
2 nuclear facilities to be on terrorist target lists and  
3 is therefore foreseeable.

4 Please take your collective hands out of  
5 the sand. Live up to your responsibility to protect  
6 the public from radioactive releases. Please  
7 reconsider your denial of full hearings on this issue.

8 Bombs are dropping. A war is going on as  
9 I speak. Yesterday an American soldier tossed  
10 grenades into the tents of other American soldiers.  
11 And over 70 percent of the American public expects  
12 retaliation.

13 The NRC and Homeland Security must provide  
14 a better response than duct tape and plastic,  
15 increased guards and guns. The community intervenors  
16 have provided concrete recommendations to make the  
17 Diablo Canyon Nuclear facility safer. And yet this  
18 Licensing Board and the Nuclear Regulatory Commission  
19 have callously chosen to ignore those recommendations.

20 I would like to think that in your refusal  
21 to hold full public hearings on issues of terrorism  
22 and acts of malice and insanity that you do so only at  
23 your peril. Unfortunately, it is our community, our  
24 children, our grandchildren, our homes, our businesses  
25 that are at risk. Bad decisions can be reversed. If

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1 this oversight agency does not have the will to do so,  
2 our community will take it to a court less heavily  
3 influenced by the nuclear industry.

4 Today this hearing is being taped by a  
5 local company free because PG&E wouldn't pay for the  
6 taping of this tape to be shown to our community. I  
7 ask that either the NRC pay AGP Video so that the rest  
8 of the community who couldn't be here are able to see  
9 this procedure or that you direct PG&E to pay for the  
10 filming of this hearing.

11 Thank you very much.

12 JUDGE BOLLWERK: Thank you for coming to  
13 speak with us.

14 (Applause.)

15 JUDGE BOLLWERK: All right. The next  
16 speaker I have is Barbara Scott. I understand she's  
17 not here, but someone wishes to say a few words in her  
18 behalf.

19 MS. MARIANNE WOLFF: My name is Marianne  
20 Wolff. I'm speaking on behalf of Barbara Scott, who's  
21 voice --

22 JUDGE BOLLWERK: All right. Is that  
23 W-o-l-f?

24 MS. MARIANNE WOLFF: Two f's.

25 JUDGE BOLLWERK: Two f's. W-o-l-f-f, just

1 for the court reporter. Thank you.

2 MS. MARIANNE WOLFF: In September 2002 an  
3 Associated Press headline stated, quote: Ship  
4 detained when radioactivity detected.

5 It appears that shipments of radioactive  
6 waste are occurring. It is common knowledge that  
7 barging is an option being considered as a method of  
8 future transportation at Diablo Canyon. Therefore,  
9 transportation of nuclear waste from Diablo Canyon is  
10 foreseeable and should be afforded full hearings.

11 In the last decade there have been tanker  
12 accidents and terrorist attacks on U.S. ships. These  
13 events prove that the NRC has knowledge that accidents  
14 and terrorist attacks have happened, and therefore  
15 should reconsider its denial of hearings on how, when,  
16 and where nuclear waste will be transported from our  
17 community. To refuse to do so implies that this waste  
18 may never leave our coastal zone. And in that case  
19 PG&E's application should be denied, as it is not --  
20 as it is not temporary, end quote.

21 But permanent storage. To deny hearing on  
22 transportation resulting from, quote, temporary  
23 nuclear storage at Diablo Canyon implies that the NRC  
24 intends to leave high-level radioactive waste on our  
25 coastal bluffs forever.

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1 A public hearing is a reasonable request,  
2 as PG&E's proposal is for a temporary nuclear waste  
3 facility. And, therefore, before a license to  
4 increase nuclear waste onsite the, quote, foreseeable  
5 issue of eventual transportation must be addressed,  
6 including the barging of radioactive waste from Diablo  
7 Cove past the Port of San Luis, Shell Beach, Pismo and  
8 Grover Beach, Nipomo, Guadalupe and the downtown past  
9 Santa Barbara to Port Hueneme.

10 Please reconsider your denial of full  
11 hearings on the, quote, foreseeable, end quote, issues  
12 of nuclear waste transportation. Thank you.

13 JUDGE BOLLWERK: Thank you very much for  
14 coming this afternoon.

15 The next speaker is Alyx Michell, Michell,  
16 M-i-c-h-e-l-l. I may have mispronounced that. And  
17 after that Nancy Ferraro.

18 MS. ALYX MICHELL: My name is Alyx  
19 Michell. And I just wanted to say that I didn't even  
20 know about this meeting until my sister, who is  
21 working with Mothers for Peace, told me about it and  
22 asked me to come.

23 I feel like there should have been more  
24 notification in the papers, the *Times Tribune*, the  
25 *Santa Maria Times*, and the *New Times* so that more

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1 people could show up and express their opinion on  
2 these matters.

3 That's all I had to say. Thank you.

4 JUDGE BOLLWERK: Thank you for coming and  
5 speaking with us this afternoon.

6 Nancy Ferraro.

7 MS. NANCY FERRARO: My name is Nancy  
8 Ferraro. I live in Morro Bay. I came to speak on  
9 behalf of myself, but I also want to speak on behalf  
10 of my three grandsons, who are young adults with their  
11 lives stretching ahead of them, I hope.

12 I, like many others, have -- here today  
13 will speak about spent fuel storage. Because the way  
14 spent fuel is stored at Diablo Canyon, in pools, makes  
15 it much more vulnerable to an attack than are the  
16 reactors themselves.

17 Gordon Thompson, senior scientist at the  
18 Institute for Resource and Security Studies, says he's  
19 worried about the spent fuel pools. And if he's  
20 worried about them, so am I. Thompson says these  
21 pools pose severe risks.

22 As you know, loss of the pool water could  
23 express the spent fuel leading to, quote: A  
24 catastrophic fire with consequences potentially worse  
25 than a reactor meltdown, end quote.

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1           You yourselves, Commissioners, have  
2           conceded that such a fire cannot be extinguished. It  
3           will rage for days. Because spent fuel ponds hold  
4           five to ten times more long-lived radioactivity than  
5           a reactor core, because of the large amount cesium 137  
6           in fuel pools, cesium 137 with a half-life of 30  
7           years, because this radiation is absorbed into the  
8           food chain and radiation into -- because such a severe  
9           fire would release a massive amount of radiation into  
10          the atmosphere, enough to render a huge area of land  
11          uninhabitable, cause thousands of cancer deaths, and  
12          billions in damage, because of these extreme effects,  
13          I urge you today to immediately take extreme measures  
14          to ensure the spent fuel the highest level of  
15          protection available or, actually, not only available  
16          now but that is possible.

17                 Plans for this action have been proposed  
18                 to you. You know what needs to be done. Yet you drag  
19                 your feet. Yes, it would cost a lot of money to store  
20                 the spent fuel rods safely, but it will cost many  
21                 valuable lives and may render the priceless Central  
22                 Coast of California uninhabitable for countless  
23                 generations if you hesitate longer to face the truth  
24                 and do what needs to be done.

25                 I don't think I have ever demanded that

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1 anyone do anything in my life, as I recall. But at  
2 this time I respectfully demand that the NRC conduct  
3 full hearings on all of the local intervenors'  
4 contentions.

5 I am outraged that you want to limit  
6 hearings to only the financial contention. Please  
7 remember that your mission is to regulate the industry  
8 in the interest of public health and safety, and not  
9 in the interest of the bottom line of a large  
10 corporation.

11 Thank you.

12 (Applause.)

13 JUDGE BOLLWERK: Thank you for coming to  
14 address us this afternoon.

15 The next speaker, Jacquelyn Wheeler, and  
16 then Drew Bohan, B-o-h-a-n.

17 MS. [SPEAKER]: Jacquelyn has the flu.

18 JUDGE BOLLWERK: Okay. Then Drew Bohan,  
19 B-o-h-a-n.

20 MR. DREW BOHAN: Good afternoon. My name  
21 is Drew Bohan, and I am the Executive Director of  
22 Santa Barbara Channel Keeper, located in Santa  
23 Barbara. We have about approaching a thousand members  
24 and we're -- my organization is a member of a network  
25 of similar organizations dedicated to water quality

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1 issues around the country and around the world.  
2 Robert F. Kennedy is the president of our alliance,  
3 and it's a movement that is -- that is growing.

4 Our central concerns are, for starters, we  
5 are less than a hundred miles from the nuclear power  
6 plant. And, second, the proposed transport routes  
7 include, as one of the earlier speakers mentioned,  
8 taking this material through the Santa Barbara Channel  
9 to Port Hueneme.

10 I want to make one very general point  
11 today, but preface that by saying we strongly support  
12 the position that the San Luis Obispo Mothers for  
13 Peace has taken.

14 My general point is I am an attorney and  
15 understand the constraints you must feel that you're  
16 operating under and the narrowness of the issues that  
17 you likely feel you are supposed to deal with. But  
18 your decisions, like everyone else's decisions, are  
19 informed by numerous factors.

20 And I would ask that each of you, Mr. Lam,  
21 Mr. Bollwerk, and Mr. Kline, and others in the room  
22 that are not informed about these issues, I would  
23 commend you to the State of Nevada's website. It has  
24 a tremendous amount of information about all the  
25 issues that you've heard today and it has links to

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1 many others.

2 And I think in reading that information it  
3 would color the decisions you make about the various  
4 issues like this one that you have to decide. And I  
5 contend that most reasonable people who look at this  
6 information will conclude that nuclear power in  
7 general must be phased out. And it should be done as  
8 soon as possible.

9 And all the decisions that you make -- you  
10 are obviously not in a position, the three of you, to  
11 phase out nuclear power -- but the decisions that you  
12 make, if you are persuaded to this position, could be  
13 guided by that principle.

14 Prior to 9/11 the risk of a nuclear power,  
15 any number of problems that have been described today  
16 and others was unacceptable. Today, and I tend to  
17 choose my words very carefully, it is nothing short of  
18 madness. Thank you.

19 JUDGE BOLLWERK: Thank you for coming to  
20 speak with us this afternoon.

21 (Applause.)

22 JUDGE BOLLWERK: The next speaker, Carmela  
23 Vignocchi, and then Linda Seeley.

24 MS. CARMELA VIGNOCCHI: Is it all right if  
25 I address you this way?

1 JUDGE BOLLWERK: All right.

2 MS. CARMELA VIGNOCCHI: Yeah. Well, thank  
3 you for this opportunity to speak with you today. And  
4 welcome to San Luis Obispo County, home to Diablo  
5 Canyon Nuclear Power Plant, tucked between the  
6 beautiful blue Pacific Ocean and the green rolling  
7 hills dotted with cattle and sheep and occasionally  
8 goats. There are some rare and endangered species  
9 also there.

10 We also have a nuclear power plant that  
11 generates about ten percent of California's  
12 electricity. At this facility are two pools of water  
13 that contain the spent fuel assemblies, tubes of  
14 refined uranium that are no longer useful for power  
15 generation, but are highly radioactive and will be for  
16 thousands of generations to come.

17 We talk about our children and our  
18 grandchildren, but I don't know how many thousands of  
19 "grand" I would have to say to include all those  
20 generations.

21 In a paper written by nuclear facilities  
22 experts, including Gordon Thompson and Frank N. von  
23 Hippell, that analyzes threats to national and  
24 international security, both experts state that the  
25 high-density fuel pools at Diablo Canyon make the

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1 plant vulnerable to a terrorist attack, which would  
2 release clouds of deadly material into the  
3 environment. To quote von Hippell, "Such an event  
4 would force a long-term abandonment of an area of  
5 California roughly the size of New Jersey."

6 Well, just how large is New Jersey? It's  
7 approximately 8,200 square miles. Eight thousand two  
8 hundred square miles would include the entire County  
9 of San Luis Obispo, the entire County of Santa  
10 Barbara, and most of the County of Monterey.

11 Yet in the December 2nd, 2002 Atomic  
12 Safety Licensing Board's Decision, Californians who  
13 reside 17 miles beyond Diablo Canyon were denied the  
14 ability to participate in any proceedings regarding  
15 PG&E's proposal of increasing the onsite storage of  
16 high-level radioactive fuel rod assemblies from the  
17 original 514 fuel rods to 4,416 fuel rods.

18 This blatant disregard for the  
19 Californians who are affected by PG&E's proposal to  
20 build an onsite high-level radioactive waste storage  
21 facility must be challenged and reconsidered.

22 It is no surprise to most of us in this  
23 room that terrorists have also considered nuclear  
24 power plants as targets. The recently Khalid Shaikh  
25 Mohammed, who architected the September 11th, 2001

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1 attacks, has stated that Al Qaeda's first choice of a  
2 target was nuclear facilities in the United States.

3 What is quite shocking is PG&E's  
4 environmental report fails to discuss any  
5 environmental impact of acts of terrorism or sabotage  
6 directed against the proposed spent fuel storage  
7 installation.

8 What is even more shocking is the current  
9 NRC regulations do not require licensees to plan for  
10 or to design their facilities to protect against acts  
11 of destruction or sabotage.

12 PG&E's omission ignores the obvious fact  
13 that a nuclear facility, whether a reactor, a spent  
14 fuel pool or dry cask storage facility, near a  
15 community makes a community a more likely terrorist  
16 target and makes the consequences of a successful  
17 terrorist attack far more devastating to that  
18 community.

19 The current NRC's position that the  
20 likelihood of a terrorist attack being directed at a  
21 particular nuclear facility is not quantifiable  
22 ignores statements made by George W. Bush, ignores  
23 statements from the Office of Homeland Security, and  
24 even is in disagreement with the NRC's own alert on  
25 September 23rd, 2002 to the nation's nuclear power

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1 plants warning of the potential for an attack by  
2 terrorists.

3 The threat to the plant is real and it is  
4 compounded by the NRC's decision to allow PG&E to  
5 store nine times more fuel assemblies in the pools  
6 than allowed by the original license. We must search  
7 for a solution that addresses the safety concerns of  
8 the citizens of San Luis Obispo County and the State  
9 of California as well as the economic concerns of  
10 PG&E.

11 The cheapest option and the option  
12 proposed by PG&E is the high-density racking and  
13 reracking of fuel assemblies in the pool, and then the  
14 transferring of the cooler fuel rods to temporary dry  
15 cask storage on the Diablo site. I'm not sure what  
16 the word "temporary" means. I had a sense of it prior  
17 to reading and doing research for this presentation  
18 today. I'm not sure if "temporary" is five years, 12  
19 years, 12,000 years. Twelve thousand years, by the  
20 way, is the length of time that the Yucca Mountain  
21 people have to post signs warning any inhabitant or  
22 anyone venturing onto that site the potential dangers  
23 there.

24 There's another option, and that option is  
25 advocated by Frank N. von Hippell, in distributing the

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1 dry casks among several smaller pads and separating  
2 the smaller pads with berms or bunkers and reducing  
3 the densities of the spent fuel rod assemblies in the  
4 pools. This option would definitely reduce the risk.  
5 von Hippell's option addresses the safety concerns of  
6 the citizens of California.

7 The potential for a terrorist attack on a  
8 nuclear facility is like the potential for an  
9 earthquake: A matter indisputable and subject only to  
10 when, not if. Terrorists attacks, like earthquakes,  
11 will occur. The only question is whether ground zero  
12 will be the nuclear power plant, the spent fuel  
13 storage pool, or the dry cask spent fuel storage area.

14 The NRC must reconsider its decision and  
15 order public hearings on PG&E's proposed spent fuel  
16 storage installation.

17 Thank you.

18 (Applause.)

19 JUDGE BOLLWERK: Thank you for taking the  
20 time to come and address us this afternoon.

21 The next speaker is Linda Seeley, and then  
22 Neil Tardiff.

23 Linda Seeley, apparently not here? Sure.  
24 Surely.

25 MS. CARMELA VIGNOCCHI: Linda Seeley is a

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1 midwife, and I know she was called to deliver a baby.

2 JUDGE BOLLWERK: All right. Thank you.

3 Mr. Tardiff then.

4 MR. NEIL TARDIFF: Good afternoon. My  
5 name is Neil Tardiff, and I'm a concerned resident of  
6 Avila Beach.

7 Ten years ago my family decided to move to  
8 Avila Beach from down south. In that decisionmaking  
9 process I researched whether it was safe to live in  
10 close proximity to a nuclear power plant. I  
11 determined that the NRC, PG&E, and several responsible  
12 public interest groups had cause to be put in place  
13 sufficient measures to assure the safety of our  
14 community. But that was at the time Diablo was built,  
15 which I believe was about 20 years ago.

16 Ten years ago I moved to Avila planning to  
17 live there the rest of my life, to watch my children  
18 grow in a safe community, to which my grandchildren  
19 grow in a safe community. Again that decision to move  
20 here was ten years ago. Now in the year 2003 I wonder  
21 if I've made the right decision.

22 Ten years ago it was imaginable that there  
23 existed humans with the mental capacity to orchestrate  
24 hijacking a commercial airplane and slamming it into  
25 the World Trade Center, killing thousands of innocent

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1 people.

2 Ten years ago it was unimaginable that  
3 there existed humans with the mental capacity to  
4 orchestrate hijacking a commercial airplane and  
5 slamming it into the Pentagon, killing several of our  
6 government officials.

7 And as we watched the war unfold in Iraq  
8 ten years ago, as Rochelle Becker pointed out, it was  
9 unimaginable that there existed a human with the  
10 mental capacity to join the U.S. Marines and then  
11 throw a grenade into his commander's tent to further  
12 the goals of a madman like Saddam Hussein or Osama bin  
13 Laden.

14 And as we watch the world -- the war  
15 unfold in Iraq, again ten years ago it was  
16 unimaginable that there existed a human being with the  
17 mental capacity to drive a car full of bombs into a  
18 border crossing, killing himself and several innocent  
19 people.

20 Ten years ago the people talking here  
21 today like myself about terrorism would probably have  
22 been considered mentally unstable.

23 I urge this Commission to recognize that  
24 ten years ago all of our thought processes did not  
25 have the capacity to imagine the unimaginable. Today

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1 the unimaginable has become a reasonably foreseeable  
2 risk of living in this crazy world.

3 As the San Francisco *Chronicle* has pointed  
4 out in a March 17th, 2003 article, which was already  
5 mentioned today, it states, and the heading is,  
6 "Diablo Canyon" -- this is the San Francisco  
7 *Chronicle*, several hundred miles away from us --  
8 "Diablo Canyon: A prime terror target." It states,  
9 "Today" -- "Today, in the year 2003, on March 17th,  
10 2003, scientists and nuclear power critics say Diablo  
11 Canyon is capable of generating a truly diabolic  
12 scenario, a huge release of radiation that could dwarf  
13 Chernobyl and render thousands of square miles of the  
14 state uninhabitable for years, perhaps decades or even  
15 centuries."

16 The article goes on to state, "That these  
17 same scientists say the threat to the plant is real  
18 and" -- "and is compounded by the Nuclear Regulatory  
19 Commission's decision to allow PG&E to store more fuel  
20 assemblies in the pools that...allowed" -- "that was  
21 allowed by the original license."

22 Over my adult life I have done everything  
23 to protect my family. However, as much as I would  
24 like to, I cannot protect my family from a crazy act  
25 of terrorism, from crazy men like Osama bin Laden.

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1                   However, you as a Board can. I urge this  
2 Board in this licensing process to reconsider the  
3 NRC's antiquated policy on terrorism and do everything  
4 you can to protect our community with recognition that  
5 the unimaginable ten years ago has unfortunately today  
6 become the imaginable and become a reasonably  
7 foreseeable risk of living in the world that we live  
8 today.

9                   Thank you for your time and attention.

10                   (Applause.)

11                   JUDGE BOLLWERK: Thank you for coming and  
12 addressing us today.

13                   Let me go back and again and see if  
14 perhaps Marcia Alter has come into the room?

15                   No. All right at this point we've gone  
16 through all the preregistered speakers. Why don't we  
17 go ahead and take about a 15-minute break. If anyone  
18 wishes to register now to speak, there are sign-up  
19 sheets out in the -- through the middle double doors.  
20 Please put your name on those. There's also an  
21 opportunity there if you want to file a written  
22 statement rather than an oral statement, you can do  
23 so.

24                   And again I would remind everyone if you  
25 leave, if you go outside the security area here,

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1 you'll have to go back through the screening process  
2 to get back in. Why don't we take about a 15-minute  
3 break. Thank you.

4 (Recess taken from 4:51 p.m. to 5:09 p.m.)

5 JUDGE BOLLWERK: All right. If everyone  
6 could come to order, please. If everyone could come  
7 to order, please, we'll get going again.

8 MS. [SPEAKER]: Is the mic on?

9 JUDGE BOLLWERK: Yes, it is. All right --

10 MS. [SPEAKER]: Over the break I did hear  
11 that Marcia, Marcia Alter got called out of town and  
12 she would be unable to attend.

13 JUDGE BOLLWERK: Okay. Thank you. That  
14 was my next question. I appreciate you addressing  
15 that for me. Thank you.

16 All right. Marcia Alter is called out of  
17 town, A-l-t-e-r.

18 All right. We have some additional  
19 individuals who signed up to speak. The first one is  
20 Nancy Graves, G-r-a-v-e-s, and then Robert Wolf,  
21 W-o-l-f.

22 Ms. Graves.

23 MS. NANCY GRAVES: I'm going to stand --

24 JUDGE BOLLWERK: Over there? There you  
25 are. All right.

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1 MS. NANCY GRAVES: Thank you. Thank you  
2 for the opportunity to address you today.

3 I want the NRC to order public hearings on  
4 the safety and environmental issues raised by the  
5 Mothers for Peace in their petition to intervene.

6 My comments today are in regard to  
7 emergency planning. As a new resident of Grover  
8 Beach, I live in Protective Action Zone 10,  
9 approximately 15 miles from Diablo Canyon. Am I safe  
10 in the event of an accidental release of radiation  
11 from the plant? I have been told I am safe, but I  
12 don't believe that I am safe and neither does the  
13 State of California, Governor's Office of Emergency  
14 Services.

15 On Thursday, March 20th I received in the  
16 mail an important offer: I am eligible to receive  
17 potassium iodine as a supplemental protective panacea  
18 in the event of a nuclear power plant emergency.

19 This important information mailer goes on  
20 to say that residents or workers who live in the zone,  
21 which include addresses in the areas of Avila, Shell,  
22 Pismo, Grover Beach, Oceano, Arroyo Grande, Nipomo,  
23 all located south of Diablo Canyon, or the residents  
24 who work in the zone north of the plant, in the areas  
25 of Cayucos, Los Osos, Baywood Park, Morro Bay, and the

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1 City of San Luis are eligible for free, two free doses  
2 for each person in the household, or persons who work  
3 in the zone.

4 I would like to draw your attention to  
5 Nipomo and Cayucos, which are outside of the arbitrary  
6 17-mile imaginary line drawn by the NRC. It is time  
7 to rethink that 17-mile rule and allow citizens to  
8 voice their economic and safety concerns regarding  
9 PG&E's proposal to expand storage capacity of highly  
10 radioactive nuclear waste.

11 Potassium iodine is very specific anecdote  
12 to a very specific cancer, thyroid cancer. Thyroid  
13 cancer is only one of many health risks caused by the  
14 very lease of radioactivity. There is no pill out  
15 there to make us safe from the multiple disasters  
16 reaped by any radioactive release.

17 I work for the Governor's Office of  
18 Emergency Services. Our job is to look at worse-case  
19 scenarios and plan for the unimaginable, as a previous  
20 speaker has said.

21 Terrorism will not go away by hiding  
22 behind outdated regulations. Terrorists don't honor  
23 your authority or your "stinking badges." Open your  
24 hearts and your minds to the threats, to the  
25 well-being not only of Californians, not only

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1 Americans, but the whole human race. Thank you.

2 (Applause.)

3 JUDGE BOLLWERK: Thank you for coming to  
4 address us today. Appreciate it.

5 The next is Robert Wolf, W-o-l-f, and then  
6 Bill Gawthrop, G-a-w-t-h-r-o-p.

7 MR. ROBERT WOLF: Good afternoon. My name  
8 is Robert Wolf, and I'm a mathematics professor at Cal  
9 Poly. First I'd like to thank you for being here  
10 today and for listening to us, hopefully. I'd like to  
11 make a few comments on the subject of transportation  
12 of nuclear waste from Diablo Canyon.

13 It's possible that they're having hundreds  
14 of ships carrying nuclear cargo past the Santa Barbara  
15 and San Luis Obispo coastal zones, but none have begun  
16 their journey from Diablo Canyon to Port Hueneme.

17 However, due to the lack of suitable roads  
18 in and out of Avila Beach and the lack of rail  
19 facilities in and out of Diablo Canyon, barging may be  
20 the only way to remove high-level radioactive waste.

21 A prime example of the seriousness of  
22 future foreseeable transportation is the recent  
23 attempt of Southern California Edison to remove its  
24 decommissioned Unit 1 nuclear reactor. San Onofre is  
25 located near the coastal town of San Clemente. And

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1 Edison's current plans for transporting the nuclear  
2 reactor vessel have been a dismal and frightening  
3 failure.

4 It is my understanding that after filling  
5 the San Onofre reactor with cement, to reduce its  
6 radioactive emission, the utility tried to put it on  
7 the roads, but CalTrans said no. Edison tried to get  
8 permission from the Rail Authority, but it was also  
9 denied.

10 Finally, the Panama Canal Authorities also  
11 refused passage through the Canal. Edison then  
12 applied to the California Coastal Commission for a  
13 permit to do the following: Dragging the vessel  
14 through the state park, down Highway 1, then onto I-5,  
15 onto Camp Pendleton, down to the beach, rolled by  
16 192-wheeled tractor trailer for eight miles on the  
17 beach above the high tide line, to a military harbor  
18 to be barged not through the Panama Canal but around  
19 South America, the world's most treacherous waters.

20 Here in San Luis Obispo we are being told  
21 that PG&E's application for storage of high-level  
22 radioactive waste at Diablo is for a temporary nuclear  
23 waste site. What is this Board's definition of  
24 "temporary," and how will it leave?

25 This community deserves full hearings to

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1 review the answers to these important safety  
2 questions. The roads in and out of Diablo are narrow  
3 and often congested. There is no rail system into  
4 Diablo Canyon to remove the nuclear waste. Full  
5 hearings must be held on the foreseeable transport of  
6 high-level radioactive waste.

7 This community needs to know how it will  
8 leave, what precautions will be taken, the number of  
9 shipping accidents and/or spills at previous sites,  
10 and the anticipated number of shipments. In other  
11 words, nothing less than full hearings on all issues.

12 Thank you.

13 (Applause.)

14 MS. [SPEAKER]: I'd like to hear the  
15 speakers on the next generation (speaking out of range  
16 of the microphone).

17 JUDGE BOLLWERK: Thank you for taking the  
18 time to address us this afternoon.

19 All right. Mr. Gawthrop and -- oops.

20 MR. BILL GAWTHROP: My name's Bill  
21 Gawthrop. I'm a retired seismologist and currently a  
22 lecturer in the Physics Department at Cal Poly.

23 Thirty years ago I was involved with the  
24 Hosgri Fault. I was working with U.S. Geological  
25 Survey and was involved in finding out that the Hosgri

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1 Fault was, in fact, an active fault and capable of  
2 producing significant earthquakes.

3 At that time it was the Atomic Energy  
4 Commission that had a regulation that said no new  
5 nuclear power plant will be built within five miles of  
6 an active surface trace fault. The Hosgri Fault was  
7 two miles away. They had no choice but to change the  
8 regulation.

9 At this time I understand they have used  
10 a design earthquake along the Hosgri Fault, which is  
11 I believe just over three kilometers away is how they  
12 define it as a vertical strike slip fault for  
13 calculating the design earthquake, which I believe  
14 they call it is a 7.5.

15 What is known about the Hosgri Fault is  
16 that it is not a vertical strike slip fault. It  
17 appears to be an oblique thrust fault. The  
18 significance being that thrust faults tend to have  
19 significantly higher accelerations than the strike  
20 slip faults do.

21 The thrust faults also seem to show on the  
22 hang wall a significantly -- a higher acceleration, as  
23 well. Diablo Canyon is on the hanging wall of the  
24 Hosgri Fault. Because the fault dips underneath the  
25 plant, the power plant is actually closer to the

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1 rupture plan than would be for a vertical strike slip  
2 fault. So I think that there is a reason for  
3 re-evaluating the design earthquake for the power  
4 plant.

5 My personal opinion is that, from what  
6 I've seen, the dry cask storage probably would not be  
7 affected by an earthquake. That does not seem as  
8 though there is any significant problem there. The  
9 power plant itself, however, I think should be at  
10 least re-evaluated based on what the Hosgri Fault  
11 actually is capable of.

12 I think of more significance, however, is  
13 something that's come to light in about the past five  
14 years, is the potential of tsunami generated by an  
15 offshore landslide. There is -- about five years ago  
16 there was a significant tsunami down in New Guinea  
17 that came to over 60 foot in height at some of the  
18 local beaches there. It brought to light that there  
19 was a lot of potential for these offshore landslides  
20 causing tsunamis.

21 There is information that back in 1812,  
22 just in the Santa Barbara Channel, there was an  
23 earthquake that triggered a tsunami. The information  
24 suggests that there was a boat left at the doors of  
25 the Santa Barbara Mission, 300 feet above sea level.

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1 So quite a significant tsunami appears to have  
2 occurred at that time.

3 Offshore of Diablo Canyon, about 15 miles  
4 down to the southwest, actually within that Santa  
5 Barbara Channel, the Geological Survey and Monterey  
6 Bay MBARI, whatever that's called, whatever it's  
7 referred to as, has been doing a lot of studies and  
8 found that there is a slump offshore that may well  
9 have caused the tsunami in 1812.

10 About 15 miles offshore of Diablo Canyon  
11 there is a slump approximately the same size as what  
12 was found in the Santa Barbara Channel, so fairly  
13 close. The likelihood of a tsunami hitting, I think  
14 it's an 85-foot height where Diablo Canyon is, is  
15 small, but still possible.

16 Something else which is starting to come  
17 to light is back in 1913 there is information that an  
18 oil processing facility owned by Tosco at -- near  
19 Pismo Beach -- at the current location of Spy Glass  
20 Inn was wiped out by a tsunami. I don't really know  
21 what the height of that is, but I believe it's, just  
22 looking at it, it looks like it's somewhere about 80  
23 to 100 feet above sea level.

24 There is not a lot of information about  
25 that, unfortunately, but it does at least indicate

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1 that tsunamis have actually happened in this area.  
2 And I think that it's important to at least look at  
3 the potential for a tsunami hazard for Diablo Canyon  
4 and also whatever nuclear waste disposal there is  
5 here.

6 Thank you.

7 JUDGE BOLLWERK: Thank you very much for  
8 coming to speak with us today.

9 (Applause.)

10 JUDGE BOLLWERK: The next speaker is  
11 Patricia Frank and then Kathy DiPeri.

12 MS. PATRICIA FRANK: Commissioners,  
13 President Bush has indicated that nuclear power plants  
14 like Diablo are at high risk for terrorist attacks.  
15 Taxpayers are spending billions on homeland security,  
16 but you have refused to address the Mothers for Peace  
17 Terrorism Contention.

18 You argue that terrorism is unpredictable  
19 and can't be quantified, therefore it can't be  
20 effectively countered. All terrorism is  
21 unpredictable, and if we use your logic we wouldn't  
22 spend any money on homeland security.

23 Earthquakes --

24 (Applause.)

25 MS. PATRICIA FRANK: Earthquakes are only

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1 marginally predictable, yet you have required PG&E to  
2 spend millions of dollars to protect against  
3 earthquakes. It therefore makes sense for you to  
4 consider the Mothers' Contention on Terrorism.

5 PG&E is presently storing thousands of  
6 tons of high-level waste and is proposing to vastly  
7 increase storage. This is a risky proposal that could  
8 jeopardize the lives of thousands of people.

9 It has been over a year and a half since  
10 the Twin Towers in New York were destroyed by a  
11 terrorist attack, and you have yet to come up with the  
12 updated guidelines on terrorism. This is what the  
13 Mothers for Peace Contention is all about, and you  
14 must address this issue for the safety of San Luis  
15 Obispo County residents.

16 I would urge you to consider Dr. Gordon  
17 Thompson's "Report of Robust Storage of Spent Nuclear  
18 Fuel, a Neglected Issue of Homeland Security." Please  
19 have hearings. We need to have all of our contentions  
20 addressed.

21 And thank you for coming here.

22 This is Gordon Thompson's "Spent Fuel  
23 Proposal."

24 (Applause.)

25 JUDGE BOLLWERK: Thank you for coming to

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1 speak with us this afternoon.

2 Kathy DiPeri.

3 MS. KATHY DIPERI: Thank you for letting

4 --

5 JUDGE BOLLWERK: Before you start, can I  
6 make one point? You signed up for Monday night as  
7 well; is that correct?

8 MS. KATHY DIPERI: I did and I probably  
9 won't get to speak tomorrow tonight, so I'm going to  
10 speak tonight.

11 JUDGE BOLLWERK: All right. That's fine.

12 MS. KATHY DIPERI: Boy, you noticed that,  
13 huh?

14 JUDGE BOLLWERK: Yes.

15 MS. KATHY DIPERI: Thank you. Thank you  
16 for letting me address you tonight.

17 JUDGE BOLLWERK: Not a problem.

18 MS. KATHY DIPERI: Peter, Paul and Jerry.  
19 Kind of reminiscent of the '60s there.

20 (Laughter.)

21 MS. KATHY DIPERI: I haven't really  
22 prepared anything, but -- and I'm usually -- I've been  
23 to many of these meetings over time. And I'm usually  
24 really angry because I feel like you guys come and  
25 patronize us, and we all tell you the things that we

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1 know.

2 And we get frustrated because you guys get  
3 paid a lot of moneys and the Mothers don't and the  
4 Mothers have been taking care of our security for a  
5 long time, really pointing out the truth.

6 And people like Jeff Lewis continue to  
7 tell the big lie and expect us all to believe it, but  
8 I have come to realize that I think Jeff really does  
9 believe it. And he's been telling it long enough that  
10 -- that he doesn't think that all these things that  
11 the community here are telling us about are true.

12 We all know that Diablo is a very  
13 dangerous place. We all know that two out of -- one  
14 out of two men get prostate cancer now. That could be  
15 Peter and Paul maybe some day. It could be John  
16 Johnson and Jeff Lewis. One out of three women get  
17 breast cancer. It could be one of the women sitting  
18 up here, Susan, or Missy, who left us.

19 You know those are all realities. You  
20 know, and you guys all know that and we know that. We  
21 know that terrorism is a real thing. We know that our  
22 country's in a really awful state right now. And all  
23 this money that's being spent on terrorism and our  
24 security, it doesn't make me feel any safer. And I  
25 don't know how it can make any of you feel safer when

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1 we have to live with the kind of realities that we  
2 live with every day.

3 But the one thing that I wanted to say is,  
4 you know, I feel like you never really listen. Maybe  
5 you listen and you write some notes and you've made  
6 your decision. But I hope that you realize that we're  
7 all in this together and that, I don't know where  
8 you're going to be if there's an accident or where  
9 your children will be or where your families will be,  
10 or if you're going to stick around to secure us and  
11 secure the plant, or if you're going to get the hell  
12 out of there if there's something that takes place.

13 But I know that at least my speaking the  
14 truth to people who supposedly have power and can do  
15 something with the power they have, at least I feel  
16 like I can -- I can make a difference in my own life  
17 and those around me. And I can at least sleep at  
18 night and I know that I did the right thing for the  
19 Earth, for my fellow human beings that I care about,  
20 for my family, for my children, for future  
21 generations.

22 And I hope that you guys will seriously  
23 consider that that's a decision that you guys need to  
24 make for us as well and for yourselves and for your  
25 own families and for your own children. And I hope to

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1 God that if something does happen that it's not a  
2 wake-up call and it's everyone's going to say "I told  
3 you so."

4 And so I think that's why our community's  
5 here asking you to seriously look at these issues and  
6 take seriously what people are saying, because it's  
7 not an us-and-them thing -- although I always feel  
8 like it's, you know, me against you. But I really  
9 would like to believe that we could have a dialogue  
10 and that you really would listen to what the people  
11 have to say.

12 And I really wish that you would take into  
13 consideration that we're all in this together. And if  
14 something goes down we're all going down, not just the  
15 Mothers for Peace who are trying to say that, you  
16 know, -- you know, that it's not important that --  
17 that PG&E has to save a little money, that the money's  
18 more important than our lives.

19 That's all I have to say.

20 (Applause.)

21 JUDGE BOLLWERK: Thank you for coming to  
22 speak with us this afternoon.

23 The next person is Klaus Schumann and then  
24 Frances De Lorenzo, if I'm reading this correctly.

25 MR. KLAUS SCHUMANN: Mr. Chairman,

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1 Commissioners, my name is Klaus Schumann. I live in  
2 Paso Robles, just outside the arbitrary 17-mile line.  
3 I'm also scheduled to speak tomorrow afternoon on  
4 behalf of the Green Party and I would like to clarify,  
5 if I speak now, that would interfere with that.

6 JUDGE BOLLWERK: Let me see. Let me put  
7 it this -- well, I mean normally what we do if someone  
8 speaks the first time, then the second time we allow  
9 them to speak, but we move them to the end of the list  
10 in terms of the preregistered speakers.

11 MR. KLAUS SCHUMANN: Well, this time we'll  
12 see exactly the other way around. I already  
13 registered for Monday afternoon to speak on behalf of  
14 the Green Party.

15 JUDGE BOLLWERK: Well, since we have some  
16 additional time, why don't you go ahead and speak --  
17 speak with us this evening, and then we'll ask you,  
18 come tomorrow you can -- you can make your remarks a  
19 little bit terser, if you address us again, all right?

20 MR. KLAUS SCHUMANN: Thank you, Mr.  
21 Chairman.

22 JUDGE BOLLWERK: Sure.

23 MR. KLAUS SCHUMANN: I appreciate that.

24 Let me start with this. If this desk  
25 would have been spent nuclear fuel, I would have now

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1 received a lethal dose of radiation, so why do you  
2 keep coining it in the euphemistic terms of "spent  
3 fuel"?

4 Next I'd like -- one of the reasons why I  
5 asked actually for also speaking this afternoon, five  
6 minutes isn't very much to speak about a material  
7 which will remain dangerous for at least 10,000 years,  
8 according to the NRC's understanding and up to 500,000  
9 years to most other people's understanding.

10 In any case, I would like to quote, with  
11 your permission, an article -- from an article by  
12 Robert Adler, "What About Spent Fuel?" Robert Adler  
13 has served as a senior policy advisor in the U.S.  
14 Department of Energy and is now a senior scholar at  
15 the Institute for Policy Studies.

16 And I just wanted to quote from his  
17 conclusion: Other nations are taking spent fuel  
18 vulnerabilities very seriously. Germany is seeking  
19 ways to harden its dry stored spent fuel in even more  
20 robust containers. France has installed anti-aircraft  
21 missiles around its spent fuel ponds at The Hague  
22 reprocessing facility where there are some 100 million  
23 curies of cesium 137 was stored. What the United  
24 States will do to protect the public from the serious  
25 nuclear vulnerability remains to be seen.

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1           The permanent disposal of spent fuel from  
2 commercial reactors now seems a greater abstraction  
3 than does a terrorist strike against a nuclear power  
4 plant. Safely securing the spent fuel in crowded  
5 pools should be a public safety priority of the  
6 highest degree. If the events of September 11th  
7 taught us anything it is that the war against  
8 terrorism will be an unpredictable struggle. The cost  
9 of fixing America's nuclear vulnerabilities may be  
10 high, but the price of doing too little is  
11 incalculable.

12           And next I'd like to quote, with your  
13 permission, Mr. Chairman, from a newspaper article,  
14 *The Journal News*, which is published on the East  
15 Coast, close to the Indian Point Power Plant. And I  
16 quote. The article is, the headline reads, "NRC  
17 Studies Warn of 500-Mile Radiation Spread," published  
18 November 10th, 2002. Quote: A catastrophic -- a  
19 catastrophic meltdown in the spent fuel pool of a  
20 nuclear power plant could cause fatal radiation-  
21 induced cancer in thousands of people as far as 500  
22 miles from the site, according to a U.S. Nuclear  
23 Regulatory Commission study.

24           So none of this -- of spent fuel pool  
25 meltdowns, it also states that millions of people

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1 within such a 500-mile zone might have to be evacuated  
2 for periods ranging from 30 days to one year. And  
3 that people living within ten miles of a nuclear plant  
4 might never be able to return to their homes. Ten  
5 miles here would include much of the City of San Luis  
6 Obispo.

7 The extent of possible radiation damage  
8 described in the NRC documents is far more serious  
9 than anything that federal industry or county official  
10 have disclosed in public forums or written statements.  
11 Far more severe than anything that federal industry or  
12 county officials have disclosed in public forums or  
13 written statements.

14 I'm very much afraid, Mr. Chairman, that  
15 this kind of noninformation is also happening in our  
16 county. In fact, it seems to be happening at every  
17 reactor community throughout the country. We don't  
18 get the information we need, and I don't know whether  
19 you're aware of it.

20 People today just outside the chambers  
21 here tried to give out information which the public  
22 need and don't get from either you or the industry.  
23 Information we have to dig out for ourselves.

24 From the table outside, just giving  
25 information about how much radioactivity is actually

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1 out there and will be out there under the PG&E plans,  
2 as well as with information about the radiation  
3 statistics of one spent fuel assembly. The people had  
4 to remove the table, away from the pedestrian zone,  
5 out into the traffic. Not very secure, obviously.

6 Then they were asked to move it again.  
7 Move it to the side, where then a sprinkler head  
8 started basically drowning the materials. While  
9 perfectly we understand the necessity of security  
10 measures to get into this room, is this really  
11 necessary? And why do you want to prevent information  
12 to get out to the public? Your mission states, and I  
13 think very explicitly and quite clearly, that you are  
14 here to protect public health and safety. Serving the  
15 public is your mission, not protecting the industry.

16 Why would you have fears of information  
17 getting to the public?

18 Thank you so much.

19 JUDGE BOLLWERK: Thank you, sir, for  
20 coming to speak with us.

21 (Applause.)

22 JUDGE BOLLWERK: The next speaker is  
23 Frances De Lorenzo, D-e L-o-r-e-n-z-o. Is that  
24 pronounced --

25 MS. FRANCES DE LORENZO: L-o-r-e-n-z-o.

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1 JUDGE BOLLWERK: L-o-r-e-n-z-o?

2 MS. FRANCES DE LORENZO: Um-hum.

3 JUDGE BOLLWERK: And the next speaker  
4 after Ms. De Lorenzo is Reo Cordes. All right.

5 MS. FRANCES DE LORENZO: I'd like to thank  
6 the company for the service that we have received all  
7 these 50 years that you've been in business.

8 And when I arrived here in '95 to move  
9 near my grandchildren, you know, I wasn't really that  
10 worried about anything here happening and didn't get  
11 much involved. But I'd like to represent the millions  
12 of consumers of electricity, because we are customers,  
13 have given you the benefits of the salaries you've  
14 earned, the education your children have received, and  
15 all the comforts that you have enjoyed. We have been  
16 paying you for all this. And I feel insulted that we  
17 have to be searched before we come in here to talk  
18 about our company. This is our company, too, that  
19 we've been using.

20 Maybe -- maybe you were worried about your  
21 own risk that you were taking for some terrorist to be  
22 here and maybe attack you, I don't know. But if it  
23 was, I can understand why you want to protect  
24 yourself. But I should think that you would also  
25 allow all your customers some protection also, for all

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1 their concerns.

2 I don't have all the facts that have been  
3 presented here. I think you've heard enough of them.  
4 But, you know, homeland security has been financed.  
5 And I want to know why we're not getting the security  
6 that we need.

7 Never mind, you know, how we're going to  
8 ship all this spent fuel, but right now the present,  
9 at the present, we are in high risk. I mean I  
10 remembered last week when they were worried about  
11 something going on in Phoenix, you know, with the four  
12 plants they have there. There was a real scare going  
13 on, so there must be some fear of these plants being  
14 attacked. I mean I heard it for two days, you know,  
15 about this fear that was -- might come upon the people  
16 in Phoenix with four plants, what could happen.

17 So why haven't I heard anything here? I  
18 mean, you know, we're put in so much fear through the  
19 police searching us and all this kind of stuff that's  
20 going on, you know, stopping -- my granddaughter was  
21 just arrested in San Francisco, just walking on the  
22 sidewalk, you know, with her girlfriend holding a  
23 sign. And they put handcuffs on her with her arms  
24 behind her. Her wrists were swollen, and they  
25 wouldn't release her. And they put her in a pen. You

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1 know, jailed her for five hours yesterday.

2 And so is that our homeland security? You  
3 know, the risks that we're taking with terrorists  
4 doing something to the plant here is risking a lot  
5 more deaths and injury than the soldiers are risking  
6 in Iraq right now. I mean they're being protected and  
7 have all kinds of security and billions of dollars  
8 have been spent to protect them. But nothing is being  
9 done to protect us. I mean there's going to be a lot,  
10 millions of people, more people hurt here through  
11 these plants than there will be in the war.

12 That's all I have to say.

13 (Applause.)

14 JUDGE BOLLWERK: Thank you for coming to  
15 address us this evening.

16 The next speaker is Reo Cordes.

17 MR. REO CORDES: Thank you for having this  
18 meeting for us. We appreciate it and we appreciate  
19 your coming to hear us speak, because it's important.

20 I'm fourth generation Oceano. And my  
21 soon-to-be-child will be a fifth generation, so we  
22 plan to be here for a while. And I love this place  
23 more than any place. And it -- it bothers me that  
24 there's -- that there's the equivalent of 17,000  
25 Hiroshima bombs, you know, just right over there.

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1 It's -- you know, it's disheartening. It worries...  
2 It worries me and I think it's -- it's going to affect  
3 us for generations to come.

4 So thank you for listening to me.

5 JUDGE BOLLWERK: Thank you for coming to  
6 address us tonight.

7 (Applause.)

8 JUDGE BOLLWERK: The next person I have  
9 signed up is Russ Ferriday. I believe, Mr. Ferriday,  
10 you already spoke, but -- you did. So you're not  
11 trying to speak again? You're just --

12 MR. RUSS FERRIDAY: I was hoping I could  
13 speak again. I didn't know what you were --

14 JUDGE BOLLWERK: All right. Why don't we  
15 go ahead and make sure that everyone who hasn't had a  
16 chance to address us has a chance to do so first, and  
17 then we'll hear from you again, sir. All right.

18 The next person I have is then Jay Adams  
19 for Jesse Arnold. And after that Michael A. Ginn, G-  
20 i-n-n.

21 MS. JAY ADAMS: My name is Jay Adams. I  
22 live in Paso Robles. And I'm speaking for Jesse  
23 Arnold, who's a resident of Cambria and was unable to  
24 be here either today or tomorrow.

25 Mr. Arnold has written a letter to the

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1 panel as follows:

2 Dear Sirs, Regarding the dry cask storage  
3 of spent fuel rods from the Diablo Canyon Nuclear  
4 Power Plant, please consider all the safety issues  
5 involved. Will the PG&E bankruptcy affect safety?  
6 Will the dry casks be safe in an earthquake? How  
7 secure will the dry casks be from a terrorist attack?

8 Diablo Canyon Nuclear Power Plant was  
9 built under the false assumption that the federal  
10 government would provide a safe passage way for the  
11 waste products. Yucca Mountain may never be safe and  
12 Diablo's spent fuel may never go there. If you cannot  
13 guarantee our safety, you should close Diablo Canyon  
14 to prevent further build up of nuclear waste there.

15 Thank you.

16 (Applause.)

17 JUDGE BOLLWERK: Thank you for coming to  
18 speak with us and delivering Mr. Arnold's message.

19 Michael Ginn. And your friend.

20 MR. MICHAEL GINN: Hi. My name's Mike  
21 Ginn, and this is my son Anthony. He fakes out a lot  
22 of people with his long hair, but it is really a boy.  
23 We live in Avila Beach, less than two miles from the  
24 front gate of the power plant.

25 And a lot of the discussions today have

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1 been on safety. I've learned quite a bit about safety  
2 over the last 20 years, as a volunteer with the  
3 American Red Cross, as an auxiliary law enforcement  
4 officer with the Highway Patrol, and then most  
5 recently as a volunteer firefighter.

6 I've learned a lot about safety too with  
7 this little guy running around the house, but probably  
8 the most that I've learned about safety and the  
9 proudest that I am is from my 20 years in the nuclear  
10 industry. I work at the Diablo Canyon. I'm a dad and  
11 a neighbor. And, believe me, every day that I come to  
12 the power plant, just like hundreds of my co-workers,  
13 our number one priority every day is public health and  
14 safety. There is no other higher priority.

15 I'm proud to live in the area. I'm proud  
16 to work at the power plant. And I'm proud to have my  
17 son as a potential employee at the power plant as  
18 well.

19 Thank you for the opportunity to speak.

20 (Applause.)

21 JUDGE BOLLWERK: Thank you, sir, for  
22 addressing us today and bringing your friend with you.

23 JUDGE LAM: Your son.

24 JUDGE BOLLWERK: Your son.

25 At this point why don't we go ahead and

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1 take another -- I've come to the end of the registered  
2 speakers who haven't had anything to say -- haven't  
3 addressed the Board yet. Let's go ahead and take  
4 another 15-minute break at this point.

5 If there's anyone else who hasn't  
6 registered that would like to do so, now would be the  
7 time to put your name on the list either out in the  
8 middle area, and then we'll take a 15-minute break,  
9 see what other signatures we have at that point.

10 I'd also point out again that if you  
11 prefer to file a written statement with the Board  
12 rather than speaking, you can certainly do so. There  
13 are some forms out there, just please fill it out and  
14 we will go ahead and review it and put it in the  
15 official docket of the agency for this proceeding.

16 Let's go ahead then and take another 15-  
17 minute break. Thank you.

18 (Recess taken from 5:48 p.m. to 6:05 p.m.)

19 JUDGE BOLLWERK: All right. If everyone  
20 can come to order again, we'll get going.

21 All right. We have some additional  
22 individuals who haven't spoken before. We'll go ahead  
23 and hear from them first. The first one, Marian, M-a-  
24 r-i-a-n, Mellow, M-e-l-l-o-w. And after Ms. Mellow  
25 would be Cheryl Mendiblis. I'm probably

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1 mispronouncing that, I'm sure, but I'll -- maybe --  
2 you can correct me when you come on up.

3 Yes.

4 MS. MARIAN MELLOW: I'm Marian Mellow. I  
5 live a few miles downwind of Diablo Canyon Plant.  
6 Thank you for being here today.

7 There were many, many eloquent speakers,  
8 all with genuine concern for their families and the  
9 land that sustains us all. I hope you heard them,  
10 because their lives and the lives of thousands of  
11 others could depend on the decisions you make.

12 To consider the production of unsafe and  
13 the unsafe storage of even more deadly spent fuel, I  
14 believe, is criminal disregard for public safety. No  
15 one knows when or where we will have a catastrophic  
16 earthquake. We only know we will have one.

17 No one knows when or where there will be  
18 another terrorist attack. We only know there will be  
19 one.

20 The Diablo Canyon Nuclear Plant is a  
21 catastrophe waiting to happen. You must address every  
22 action that could cause a radiation leak, could  
23 jeopardize the safety of thousands of people who live  
24 near this plant.

25 I hope and pray that you will have the

1 courage and the integrity to put public safety ahead  
2 of profits for PG&E.

3 Thank you.

4 (Applause.)

5 JUDGE BOLLWERK: Thank you for coming out  
6 and addressing us this evening.

7 Cheryl Mendiblis? Help me out here. I'm  
8 making it worse.

9 MS. CHERYL MENDIBLIS: My name is Cheryl  
10 Mendiblis.

11 JUDGE BOLLWERK: Thank you.

12 MS. CHERYL MENDIBLIS: And Diablo Canyon  
13 was built before I was born. It's hard for me to  
14 imagine that it -- it was built during my father --  
15 while my father was alive and is alive, and not before  
16 then, because the amount of waste or the amount of  
17 time that the waste is going to last seems to be a lot  
18 longer than it's being useful for so far.

19 I would like -- I don't feel comfortable  
20 with nuclear power or a nuclear power plant. I would  
21 like for it to not be there or to not be built there.  
22 I feel that I can cut my energy use below, like to --  
23 I can cut it 20 percent. I only wish that that would  
24 make a difference, about the power plant being there.  
25 And so I'd just like to say that I would like it to be

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1 shut down and the rest is really how I feel.

2 Thank you.

3 (Applause.)

4 JUDGE BOLLWERK: Thank you, Ms. Mendiblis,  
5 for coming to speak with us tonight. It's M-e-n-d-i-  
6 g-l-e-s.

7 MS. CHERYL MENDIBLIS: M-e-n-d-i-b-l-i-s.

8 JUDGE BOLLWERK: -- d-i-b-l-e-s. I'm  
9 still -- all right.

10 The next speaker is Lynne Levine, I think  
11 L-e-v-i-n-e, if I'm got this correct. Then the next  
12 speaker after that is Claudia Ferriday.

13 MS. LYNNE LEVINE: I'm Lynn Levine and I  
14 live in San Luis Obispo. In 1984 I spent three days  
15 in jail because I had read a lot, I was with a group  
16 from Cal Poly that had analyzed and investigated the  
17 dangers of a nuclear plant built -- being built on an  
18 earthquake fault, and talked about the radioactive  
19 waste, what would happen to that. And all these  
20 things were our concern then, and we expressed them.

21 And the way we expressed them dramatically  
22 was by going to Diablo Canyon and standing there, and  
23 then we were put in jail. And we thought about it.  
24 And after that the plant was built. And no one  
25 listened to us.

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1                   And now all the things that we talked  
2 about are happening. And I hope that you will listen  
3 to us now.

4                   Thank you.

5                   (Applause.)

6                   JUDGE BOLLWERK: Thank you for coming  
7 tonight and speaking with us.

8                   Ms. Ferriday.

9                   MS. CLAUDIA FERRIDAY: Yes. Hello. My  
10 name is Claudia Ferriday. I live in San Luis Obispo.  
11 I'm a mother of three children. I would like to thank  
12 you for listening to the concerns expressed here  
13 today.

14                   Many people have spoken about health and  
15 safety issues. And to me those are the utmost  
16 concerns, but I want to make a point that this is not  
17 just a local issue and it's not just a health or  
18 safety issues.

19                   It seems that in today's world only money  
20 talks. So I ask you to consider the economic impact  
21 that would result from an accident or a deliberate  
22 strike on Diablo Canyon.

23                   California is a huge economic entity.  
24 Just hours from Diablo Canyon lies Silicon Valley, one  
25 of our nation's top technology centers. Just hours

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1 from us lies the Central Valley, which is a top  
2 producer of food for our entire nation.

3 Just hours away from us are the world's  
4 top tourist destinations, which bring dollars into our  
5 nation's economy. Just hours from us lie San  
6 Francisco, to the north, and Los Angeles, to the  
7 south. Both heavily populated, economically-important  
8 centers.

9 If you cannot be concerned with the health  
10 and well being of our local population, I ask you to  
11 at least consider the nationwide economic devastation  
12 that would result from a hit on Diablo and recognize  
13 the very real threat it presents to the lives of  
14 American people and to our pocket books.

15 Thank you.

16 (Applause.)

17 JUDGE BOLLWERK: Thank you very much for  
18 coming out and speaking with us tonight.

19 At this point I understand that Mr. Frank  
20 wants to do -- wants to speak again and I guess Mr.  
21 Ferriday also wishes to speak again.

22 We are at the point now where we're  
23 probably going to be wrapping things up unless we have  
24 additional individuals that have not yet had an  
25 opportunity to speak. And if you haven't, you need to

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1 go ahead and sign up.

2 Let's go ahead and hear from Mr. Frank  
3 first and Mr. Ferriday, if we could.

4 MR. RUSS FERRIDAY: Mr. Frank is going to  
5 be a few more minutes.

6 JUDGE BOLLWERK: Okay. Mr. Ferriday, why  
7 don't you go ahead then if you're ready.

8 MR. RUSS FERRIDAY: Thanks very much.  
9 Thank you for letting -- thank you for letting me  
10 speak again. I appreciate that.

11 I was at the supermarket yesterday  
12 afternoon and I met a neighbor of mine there. She  
13 wouldn't come here today. She would never come to  
14 this meeting. She's a teacher. She's very afraid of  
15 the likely effect of her speaking out on this kind of  
16 issue. In fact if she knew that I were even  
17 mentioning the fact that I met her yesterday in this  
18 meeting she would probably curl up. When she sees  
19 this, perhaps she will on local access TV, she'll know  
20 exactly who I'm talking about and she'll probably take  
21 me to task for it.

22 But, anyway, I thought I would just take  
23 the risk and bring up the topic that we discussed  
24 yesterday which bears directly on the whole issue of  
25 safety at Diablo Canyon and long-term storage of

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1 nuclear waste at Diablo Canyon and terrorism risks at  
2 Diablo Canyon.

3 This lady is a teacher and she's in charge  
4 of a classroom of 20 children. I'm not even going to  
5 say what city she's in, but it's very, very close to  
6 Diablo Canyon. And it is very clear to her that the  
7 emergency procedure for evacuating children from their  
8 classrooms that's currently in place is a farce.

9 It's very clear to her that the buses that  
10 are supposed to be coming to collect her classroom of  
11 20 children are unlikely to show. Wonder why that  
12 would be. I suppose it's because the minimum wage  
13 drivers who drive these kind of buses would probably  
14 see that day as their very last day of employment in  
15 this county. Because if we do have evacuate the  
16 county, there is very little chance that we will be  
17 coming back to pick up our stuff from our houses. And  
18 certainly we won't have to come back and answer to our  
19 bosses, because their lives will also be in turmoil  
20 and they will be long gone. And they will be very far  
21 away from the point of applying responsibility to  
22 these bus drivers.

23 So this lady has -- is basically facing  
24 the facts and she's probably one of the most concerned  
25 teachers that I've come across. She's been doing it

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1 quite a long time. Her approach is that she's going  
2 to hunker down in the classroom and hope that possibly  
3 a bus will come, but not really holding her breath and  
4 certainly not having the children line up at the door  
5 and certainly not lining up in the school yard so that  
6 they will be expressed to cesium 137 that they can  
7 carry for the rest of their lives.

8 So they will hunker down in the classroom  
9 and they will sing songs and hope for the best and  
10 hope that at some point somebody will come to rescue  
11 them, which brings me to another topic and that is  
12 that I've heard from friends from another source who  
13 are fairly reliable, I consider to be very reliable,  
14 who know people who are involved in the fire service,  
15 who have duties normally north of what we call "the  
16 grade." The grade is the big hill that leaves San  
17 Luis Obispo to the north. It's the -- it's the hill  
18 which carries the 101 freeway north of here. And it's  
19 probably the most likely exit route for most of us if  
20 we are ever told to get out of here.

21 And these people who are involved in the  
22 fire service have duties assigned to them in San Luis  
23 Obispo and neighboring areas over the grade, from  
24 their point of view, in Paso Robles. "Over the grade"  
25 meaning down here in San Luis Obispo.

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1           It is the very clear feeling of the people  
2           that I've been speaking to that these firemen will in  
3           no way be coming down the grade to help us, to help  
4           organize traffic, to help minimize damage to  
5           civilians, to do whatever kinds of things that the  
6           fire service does in these kinds of eventualities.  
7           They will not be coming down that grade.

8           I foresee a couple of problems, because  
9           the plan, as I understand it, is to have both  
10          directions of the freeway opened up, so that all of  
11          the traffic is heading north. There won't be any  
12          freeway heading south for the duration of the  
13          evacuation, so I'm not even sure how the plan provides  
14          for these life savers to come down the grade.

15          Anyway, these people won't be coming.  
16          They'll be packing their cars and their kids, and  
17          they'll be getting out of range of any leaks.

18          So I think that just confirms my -- my  
19          neighbor's concerns, that we can't really expect there  
20          to be anything like an orderly evacuation of people  
21          from San Luis Obispo, certainly children. And I  
22          wonder how even we adults are going to exit the  
23          community if something terrible happens.

24          I predict, as I mentioned earlier in my  
25          other piece, I predict that there will be absolute

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1 chaos. And I predict that it's likely that the  
2 police, for instance, will be directing people onto  
3 the freeway and they will not be allowing people to go  
4 back or cross the freeway, which divides our community  
5 geographically. They will not be allowing them to  
6 simply go home and pick up the kids or go home and  
7 pick up grandma or care for that neighbor who -- I  
8 have a friend who is disabled, lives alone, is totally  
9 immobile, and she relies on help to move about. And  
10 she's a lovely lady, and I suspect that there may be  
11 difficulties for people, her friends, to go and pick  
12 her up, because we will be directed towards the  
13 freeway.

14 So I just want to raise this as a very  
15 local issue, an issue that I think people in the area  
16 should be considering. And particularly now that it's  
17 very clear, it's very clear to me, that we are going  
18 to have to open this discussion up and we will have  
19 you, Commissioners will be eventually forced, one way  
20 or another, to discuss the issue of terrorism. I  
21 don't think this is going to be kept off the table,  
22 irrespective of what the laws say. One way or  
23 another, it's going to be faced.

24 Terrorism changes the numbers completely  
25 because nuclear power stations were a number -- always

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1 were a numbers game. First of all, 'The numbers of  
2 whether or not we'll make a profit.' Hmm, pretty  
3 tough really when you consider the cost of creating  
4 the fuel in the first place and then disposing of the  
5 fuel at the end. The government made that easier,  
6 said, 'Okay, well, we'll deal with the cleaning up bit  
7 because we can use that plutonium for other purposes.'  
8 But now we're not really so -- quite so interested,  
9 even though our president wants to change the treaties  
10 regarding nuclear weapons so that we can have those  
11 little micro nuclear bunker-buster bombs.

12 And now that, yes, okay, we are again  
13 producing kernels of plutonium. We really have enough  
14 plutonium to go around. We have 30,000 of these -- of  
15 these kernels sitting ready to go, to build nuclear --  
16 more nuclear bombs, if we're ever freed up to use  
17 them.

18 But the point is that the economics don't  
19 really match up anymore, because even the government  
20 doesn't want this stuff anymore. And this is what's  
21 -- one of the things, one of the little holes in the  
22 bucket that PG&E is about to face and the whole  
23 nuclear industry is about to face, is that getting --  
24 getting the fuel in the first place is damned  
25 expensive.

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1           The industry has been insulated from the  
2 cost of disposal in the past, and I don't know how  
3 much longer that's going to go. I don't see the State  
4 of California always being in a position to bail out  
5 the industry, and I'm not sure where the nation is  
6 going to go and bail out the over 100 nuclear plants  
7 that exist at the moment. So the point is that the  
8 economics are pretty flaky.

9           And it's -- it's clear that if we take  
10 into account the -- as I was saying, it was a numbers  
11 game. It's a numbers game. 'Are we as PG&E ever  
12 going to make any money on this ever again.' Is any  
13 of the companies ever going to make any money in this  
14 area again, and I think it's probably unlikely and I  
15 think we should be facing up to that.

16           The numbers game was always -- there was  
17 always a slim margin out there that this -- these  
18 companies were going for. And now that the numbers  
19 have changed by orders of magnitude everything changes  
20 again. What do I mean by this?

21           Okay. There was a small risk that  
22 somebody's hand might slip on a control button and  
23 release some toxic gas. There was a small risk that  
24 a pump might fail and a back-up pump might fail and  
25 the reactor might become too hot and we'd get some

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1 China Syndrome kind of thing that happened in  
2 Chernobyl. There was a small risk of all of these  
3 things. And we've been able to deal with that for  
4 quite a long time.

5 But now we are confronted with a different  
6 reality, and the numbers change by orders of  
7 magnitude. Maybe it was going to be one -- there was  
8 going to be one incident in a thousand years or one  
9 incident in a hundred years. Who knows now. These  
10 are not things that we can predict. We're out of  
11 engineering and science now. We're into the world of  
12 politics. And, as the Commissioners know, politics is  
13 a very tricky area. Things can change very quickly.  
14 The environment can change very quickly. Countries  
15 can become inflamed very quickly.

16 And we just don't know anymore. This is  
17 beyond human reckoning. And it's time to scrape the  
18 slate clean. Forget or annul the laws that allow you  
19 to say we will not be talking today about terrorism.  
20 And it's time for us to say terrorism is on the table.  
21 It's time for us to say we must look at all of these  
22 things again from the beginning. And we must  
23 understand what the risks are, given the situation  
24 today. And we must as a community decide if we want  
25 nuclear power to continue. And PG&E and other

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1 companies must be forced to look at the economics of  
2 the business.

3 And I want them to pay as they go for the  
4 clean up and for the security around their plants. I  
5 don't want there to be any risk that PG&E will  
6 dissolve itself or magically go away and absolve  
7 itself of all of the ramifications of the things that  
8 they are doing in their bid for some small profit. I  
9 want them to be dealing with those costs today,  
10 tomorrow, immediately.

11 I think that we should not be absorbing  
12 those kind of costs and those kind of risks within our  
13 government and within our community and within our  
14 population. It's the people and it's the industry who  
15 are forcing this technology along in the face of  
16 reason, completely in the face of reason considering  
17 that we can easily, by conservation measures, make the  
18 nuclear power industry redundant. We don't need that  
19 power if we are a little more careful with the way we  
20 profligate Americans use our energy resources. We  
21 could just close those plants immediately.

22 San Luis Obispo could turn itself into a  
23 city that doesn't necessarily fawn over Diablo Canyon  
24 as a source of power and as a source of employment for  
25 people who are producing power. San Luis Obispo could

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1 say, 'Let's stop that. Let's not be so dependent on  
2 them as a power producing company.' Let us say that  
3 you will -- you will go into the business of  
4 reprocess- -- not reprocessing, but certainly  
5 decommissioning your plant, which will also bring some  
6 economic value to the town. And certainly would bring  
7 a lot more safety to the town. And certainly we would  
8 not be producing any more nuclear waste, or at least  
9 we wouldn't be creating it anymore.

10 I think -- I think the time -- tide has  
11 turned. And I would like people to know that I -- I  
12 will be doing everything I can and I will be speaking  
13 at meetings like this in the future and I will do  
14 everything I can to make sure that you Commissioners  
15 address the issue of terrorism, regardless of the  
16 uncertainties -- especially because of the  
17 uncertainties. Of course we will bring you to it. We  
18 will bring you to it. You will address this issue.

19 I want you to address this issue and I  
20 think a lot of people in this community also want you  
21 to address this issue. This won't just slip by us.  
22 We live here. This is important to us.

23 Thank you very much.

24 (Applause.)

25 JUDGE BOLLWERK: Thank you, sir.

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1 All right. Mr. Frank.

2 MR. FRED FRANK: Thank you for your time.

3 JUDGE BOLLWERK: Um-hum.

4 MR. FRED FRANK: I'd like to perform a  
5 little demonstration, an audio demonstration to  
6 dramatize the amount of high-level radioactive waste  
7 that is at Diablo Canyon and is proposed to be stored  
8 at Diablo Canyon in the future.

9 JUDGE BOLLWERK: All right. As long as  
10 you don't blow out the sound system, that's...

11 MR. FRED FRANK: I'm going to use the  
12 Hiroshima bomb as a baseline, just the long-lived  
13 radiation that was released from the bomb, not the  
14 blast effects. We recognize that the fuel will not  
15 detonate and cause a nuclear explosion. There is a  
16 lot of long-term, long-lived high-level radiation  
17 stored at Diablo Canyon.

18 And I'd like to demonstrate that by  
19 suggesting that this equivalent, this drop is  
20 equivalent of one Hiroshima bomb of long-lived  
21 radiation. (Dropping a coin or two into a container.)

22 The next thing you hear will be the amount  
23 of radiation of radioactive material, high-level  
24 radioactive material that is contained in one proposed  
25 dry cask. (More coins dropping into container.)

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1                   That's 320 Hiroshima bombs.

2                   Now let's take a look at what's stored out  
3 there now. (More coins dropping into container.)

4                   That represents one-sixth of what's stored  
5 out there now. And it's proposed to put 14 times that  
6 much at Diablo Canyon.

7                   Thank you for your time.

8                   (Applause.)

9                   JUDGE BOLLWERK: Thank you, sir.

10                  All right. We're going to take one more  
11 five-minute break. We had indicated that this session  
12 would last until approximately seven o'clock. We had  
13 also indicated, however, that if the number of  
14 speakers or the speakers who had not addressed the  
15 Board, we had no further speakers that wanted to say  
16 something, that we reserve the right to end early.  
17 And we're going to take one more five-minute break.

18                  If there's anyone else out there that  
19 needs -- would like to speak, you need to register  
20 through the double doors out there. And we'll see if  
21 there's anyone else after our break that wants to  
22 speak that hasn't had a chance to speak, or wants to  
23 say anything else, and at that point then we'll make  
24 a determination about whether we're going to continue.  
25 But it looks at this point that we'll probably wrap it

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1 up at that point.

2 All right. We'll take a five-minute  
3 break. Thank you.

4 (Recess taken from 6:30 p.m. to 6:39 p.m.)

5 JUDGE BOLLWERK: All right. I am advised  
6 by Jack Whetstine, our administrative person that's  
7 here with us, that there are no other signatories or  
8 anyone that's signed up to speak. So at this point I  
9 think we will end this session.

10 I want to thank all the speakers who came  
11 and addressed us tonight. I count -- if my count is  
12 right, about 30 or more who took the time to come out  
13 on a Sunday evening and make their views known to the  
14 Board. And on behalf of all the Board members I want  
15 to say we very much appreciate spending -- your coming  
16 out and spending some time with us on a Sunday  
17 afternoon.

18 There are three additional sessions  
19 tomorrow that will be hearing limited appearances.  
20 There's a session tomorrow morning in this room from  
21 10:00 to noon. There's a second session from 1:30 to  
22 4:30 and a third session tomorrow evening from 6:30 to  
23 9:30.

24 And, again, if you know of someone that  
25 hadn't -- didn't have a chance to come out this

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1 afternoon and would like to come out tomorrow, they  
2 can come. There is -- we have a number of  
3 preregistrations for the different sessions, but  
4 hopefully there will be some opportunity for those  
5 that didn't preregister to speak as well.

6 So again I want to thank -- express the  
7 Board's appreciation for those that came out and spoke  
8 with us this afternoon and for this evening, at least  
9 -- do the Board members want to say anything?

10 JUDGE LAM: I second the Chairman's  
11 remarks. I appreciate your participation and input.  
12 Thank you.

13 JUDGE BOLLWERK: And I should mention  
14 again if anyone wanted to -- wants to put something in  
15 writing to us rather than orally, there are -- there  
16 are sign-up sheets out there that you can fill out and  
17 leave your remarks, and we will read them and put them  
18 in the record. Again, thank you, everyone, and we  
19 will see perhaps some of you tomorrow. Thank you very  
20 much.

21 (Applause.)

22 (The first day of the two-day session on  
23 Oral Limited Appearance Statements was recessed for  
24 the day at 6:40 o'clock p.m.)

25

CERTIFICATE

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

Name of Proceeding: Pacific Gas and Electric  
Diablo Canyon Power Plant  
Limited Appearance Statements  
Docket Number: 72-26-ISFSI;  
ASLBP No.: 02-801-01-ISFSI  
Location: San Luis Obispo, CA

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

  
\_\_\_\_\_  
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