

RAS-6271

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## NUCLEAR REGULATORY COMMISSION

2003 APR -3 AM 11:07

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ADJUDICATIONS STAFF

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: Monday, March 24, 2003

Work Order No.: NRC-799

Pages 111-384

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Template = SECY-032

SECY-02

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

6 -----x

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

13 -----x

14 Monday, March 24, 2003

15  
 16 Embassy Suites Hotel  
 17 San Luis Obispo Room  
 18 333 Madonna Road  
 19 San Luis Obispo, CA 93405

20  
 21 Before U.S. NRC ASLB Administrative Judges:

22 G. Paul Bollwerk, III, Esq., Chairman

23 Peter S. Lam, Ph.D.

24 Jerry R. Kline, Ph.D.

25 With: Susan R. Lin, Law Clerk

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

(10:00 o'clock a.m.)

JUDGE BOLLWERK: Good morning. We'd like to begin this morning 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, the Central Coast Peace and Environmental Council, the Avila Valley Advisory Council, and Peg Pinard, to the application of Pacific Gas and Electric Company for a license to construct and operate an independent spent fuel storage installation, or an ISFSI, at its Diablo Canyon 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 panel.

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

4 As part of our judicial function relative  
5 to the Diablo Canyon ISFSI proceeding, we are here  
6 this morning to entertain Oral Limited Appearance  
7 Statements in accordance with Section 2.715(a) of the  
8 Commission's Rules of Practice.

9 So there will be a common understanding  
10 about what is 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 is found in Volume 67 of the *Federal*  
17 *Register* beginning at page 19600, in accordance with  
18 Section 2.714 of the Commission's Rules of Practice,  
19 various intervenors requested a hearing to challenge  
20 the December 21st, 2001 application of PG&E for  
21 permission to construct and operate an ISFSI at its  
22 Diablo Canyon Nuclear Facility.

23 Thereafter, in June 2002, the various  
24 intervenors submitted proposed issues for hearing, and  
25 PG&E and the NRC staff filed responses to those issue

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1 statements, as well as the intervenors' arguments  
2 about why each had legal standing to be a party to  
3 this proceeding.

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

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

24 Based on the intervenor and governmental  
25 participant filings and their oral argument, on

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

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

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

22 Generally following such a ruling on  
23 standing and contentions, the parties and the  
24 interested governmental entities would proceed under  
25 the Agency's rules in 10 CFR Part 2, Subpart G, which

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1 provide for a formal trial-type hearing.

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

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

16 Considering the parties' filings and the  
17 oral argument, the Board is to issue a decision that  
18 designates those matters that require an evidentiary  
19 hearing and disposes of any issues that do not require  
20 such a hearing.

21 As was their right, PG&E and the NRC staff  
22 invoked the use of the Subpart K procedures. As a  
23 consequence, pursuant to a Board-established schedule,  
24 the parties have engaged in discovery regarding the  
25 admitted contention and will provide the Board with

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1 their written submissions.

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

9 This, in a nutshell, describes the NRC  
10 adjudicatory process relating to this proceeding. And  
11 this naturally prompts the question: What, then, are  
12 the limited appearances in which the public was  
13 invited -- in which the Board has invited public  
14 participation.

15 Under Section 2.715(a) of the Commission's  
16 Rules of Practice, the Board has the discretion to  
17 entertain from any person who is not a party a written  
18 or oral statement of his or her position on the issues  
19 in the proceeding. This provision, which was first  
20 adopted as part of the Agency's hearing rules back in  
21 1962, recognizes there's a need to provide an  
22 opportunity for input from members of the public who,  
23 despite not having sought party status, have an  
24 interest in the subject matter of the proceeding.

25 As we indicated in the January 24th, 2003

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1 Federal Register notice scheduling this and other  
2 sessions here in San Luis Obispo, Oral Limited  
3 Appearance Statements which are transcribed and placed  
4 into the official Agency docket for this proceeding  
5 are intended as an opportunity for members of the  
6 public to express their views and may help the Board  
7 or the parties in their consideration of the issues in  
8 this proceeding.

9 Indeed, as you can see, like the Board,  
10 the parties and several of the Section 2.715(c)  
11 interested governmental entities are here to listen to  
12 what is said this morning.

13 In this regard, I'd like to take a second  
14 now to have the representatives of the parties and the  
15 Section 2.715(c) interested governmental entities  
16 identify themselves for the record.

17 Why don't we begin with the Section 2.714  
18 intervenors, the San Luis Obispo Mothers for Peace,  
19 then the Section 2.715(c) interested governmental  
20 entities, then PG&E, and finally the NRC staff.

21 And I will turn to the San Luis Obispo  
22 Mothers for Peace.

23 MS. BECKER: Rochelle Becker, San Luis  
24 Obispo Mothers for Peace.

25 JUDGE BOLLWERK: Thank you.

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1 MR. McNULTY: Good morning. I'm Timothy  
2 McNulty. I'm a Deputy County Counsel representing the  
3 County of San Luis Obispo, which is an interested  
4 governmental entity in the proceedings.

5 JUDGE BOLLWERK: Thank you.

6 MS. TACHERA: Jennifer Tachera, California  
7 Energy Commission.

8 JUDGE BOLLWERK: Thank you.

9 MS. POOLE: Brooke Poole of the law firm  
10 Winston and Strawn on behalf of applicant Pacific Gas  
11 and Electric Company. Sitting to my left is Richard  
12 F. Locke, counsel for PG&E.

13 JUDGE BOLLWERK: Good morning.

14 MR. LEWIS: Good morning. For the NRC  
15 staff, Stephen Lewis, counsel; and Randy Hall, who is  
16 the Project Manager for the review of the ISFSI  
17 application.

18 JUDGE BOLLWERK: All right. Thank you  
19 very much.

20 In this regard, let me emphasize again  
21 that this is an opportunity to hear from interested  
22 members of the public. Consequently, the  
23 representatives of the admitted parties and the  
24 Section 2.715(c) interested governmental entities will  
25 not be making statements here this morning. Rather,

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1 like the Board, they are here to listen.

2 Finally, let me say just a word about the  
3 procedure for making a statement. We had some  
4 individuals who preregistered and will be afforded an  
5 opportunity to speak first at this session. Once  
6 we've heard from these individuals, we'll move on to  
7 anyone who registers here this morning. For anyone  
8 who wishes to make a statement, there's a table that's  
9 outside the double doors in the middle. There's a  
10 sheet where you can write your name and your  
11 affiliation, if any.

12 We'll collect those sheets from time to  
13 time and call the speakers in the order as they sign  
14 in. If you did not preregister, you must sign in if  
15 you wish to speak.

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

23 With regard to the oral statements, we'll  
24 keep a watch on the time each speaker is taking and  
25 advise you when you need to conclude your remarks.

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1 For this session, given the number of preregistrations  
2 and the size of the audience presently, we'll begin by  
3 permitting statements of up to five minutes.

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

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

16 With this explanation, let's begin with  
17 our first speaker. And in this regard, to ensure  
18 things move along smoothly, we're going to announce  
19 several names and then would ask that the additional  
20 speakers who are in the on-deck circle move to the  
21 microphones in the audience or come up in the vicinity  
22 of the podium so they can begin their remarks promptly  
23 after the preceding speaker is finished. And, again,  
24 you can speak from any of the microphones that are  
25 around the room, or from the podium, or from the

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1 table, wherever you're comfortable.

2 I would also mention, as an administrative  
3 matter, when we take a break the security in here, if  
4 you remain there, you're fine. If you go outside the  
5 table that's set up in the front you will have to be  
6 screened to come in again. So just bear that in mind  
7 when we take a break.

8 For this morning, the first speaker we  
9 have is Ira Winn. And after that is Megan Kirtland.

10 MR. IRA WINN: Good morning. My name is  
11 Ira Winn, and I'm a citizen of San Luis Obispo City  
12 and County. I want to begin by saying that I'm here  
13 representing Pam Marshall Heatherington, the Executive  
14 Director of ECOSLO, the Environmental Center for San  
15 Luis Obispo, who was called out of town to a family  
16 health crisis.

17 Pam asked me to make one major statement  
18 on her behalf, and that is that she feels very  
19 strongly that limiting the speakers to a radius of --  
20 I don't remember whether it's 12, or 15, or 17 miles -  
21 - is really not fair in this community because every  
22 day in San Luis half the people come in from outside  
23 the immediate area. They do not reside in San Luis  
24 Obispo. And these are the very people who would be  
25 far removed from their homes, and their families, and

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1 their children. And in the event of an emergency they  
2 will become rather desperate.

3 And she feels that the geographical area  
4 should be expanded so that anybody who works within  
5 San Luis Obispo City and County should be able to  
6 address this panel.

7 Having said that, I would like the five  
8 minutes to reserve for myself to make a few chosen  
9 comments.

10 What I choose to focus on is unanticipated  
11 events and the consequences thereof. And let me say  
12 what I understand is that Diablo Canyon plans to raise  
13 its storage from approximately 2,000 spent fuel  
14 assemblies, highly radioactive, to about 4400, roughly  
15 doubling the capacity of those storage pools.

16 We also understand that in 50 years' time,  
17 from the time those storage pools are doubled, each  
18 radioactive assembly would degrade from over two  
19 million curies to about a hundred thousand curies or  
20 from a surface ratio over 200,000 rem per hour to  
21 about 8,000 rem per hour.

22 So in 50 years' time we'd have 8,000 rem  
23 radiating out of those pools if, indeed, we could keep  
24 them contained. And we have to remember that 500 rem  
25 is lethal to human beings.

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1           Now when I think about this, I wonder:  
2           Are we fooling ourselves that we can keep this  
3           material contained? And what does it mean when we  
4           say, "We're going to leave it to the experts to  
5           contain this"? In my view, the people of this County  
6           are as much expert in the matter of their safety as  
7           anyone from a distant place or anyone who has degrees  
8           or any other source of scientific credibility.

9           We are the ones who understand this  
10          problem, who live with this problem on a daily basis,  
11          and who will suffer the consequences of any mistake.

12          Now I used to work for an environmental  
13          agency overseas, and I used to keep track of what's  
14          called "screw-ups" in the nuclear establishment. Last  
15          night I sort of went through some old files, and I  
16          came across a screw-up that intrigued me.

17          At first I wasn't going to report it to  
18          you because I thought it came out of the 1970s. But  
19          then I started to think, you know, the 1970s to now,  
20          we're talking about 30 years' time. And we have to  
21          realize that 30 years' time in geologic span and in  
22          terms of radiation it is nothing. We're talking about  
23          long-lived radiation, cesium being 30-year half-life  
24          and strontium-90 being 28 years, and, God help us,  
25          plutonium being who-knows-how-many-years.

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1           At Indian Point in the '70s, the famous  
2 Indian Point Plant, there was attempt to repair steam  
3 generator welds. We're still having these problems  
4 today. But the high radiation fields restricted the  
5 average worker repair time to 20 minutes exposure. It  
6 took them five minutes to crawl into the hole and five  
7 minutes to crawl out, so we had essentially ten  
8 minutes of work time before we had to leave because of  
9 the intensity of the radiation.

10           And they found they couldn't repair it  
11 onsite; the defective tubing had to be cut out and  
12 repaired offsite. Reinsertion could not be attempted  
13 by these personnel because they had already used up  
14 their radiation quota.

15           And finally what happened is that every  
16 single union welder in New York City had to be rotated  
17 in. And these less-experienced personnel resulted in  
18 a very low productivity per hour.

19           Then another event occurred at Indian  
20 Point. Over the course of months there was some  
21 extended radiation outage involving piping. In this  
22 case it took eight months to repair the pipes. It  
23 took 60 of ConEd's, all of 60 ConEd's skilled welders,  
24 50 health physicists to monitor the exposure and 600  
25 personnel in all to get this thing done that would

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1 have taken an ordinary fuel, fossil fuel, plant  
2 probably two weeks and 25 workers.

3 Now this raised an interesting question  
4 for wet or dry containment. We are not dealing with  
5 any concrete building that will contain radiation.  
6 We're talking about fuel assemblies lying in wet  
7 pools, two wet pools, maybe more.

8 And I ask: Where will the experienced  
9 personnel come from if there is a release, and how can  
10 they come close to the hot area? How will they create  
11 some degree of shutdown or control, even assuming that  
12 such would be available or assuming that it will be  
13 possible?

14 And the answer is: There won't be. They  
15 won't be able to approach these pools. What we're  
16 dealing with, in effect, is a giant landmine that is  
17 being implanted on the Central Coast of California.  
18 And there it sits waiting. And you're telling us: We  
19 got it covered; we're going to have it covered.

20 For how many years; 25, 50, 1,000, 20,000?  
21 It doesn't make sense. We're betting our lives and  
22 the economic livelihood of the people of California  
23 and the future generations on a twin gamble:

24 One, that nothing devastating will go  
25 wrong for 50, or a hundred, or a thousand years.

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1 That's a pretty unsteady assumption. And,

2 Secondly, that human error will never have  
3 to be factored in. But as I look at the history of  
4 nuclear power in this country, human error is very  
5 much a part of the things that have to be factored in.  
6 And these are the unanticipated events and  
7 consequences that I would like to sign off on.

8 I think there are signs of hubris  
9 everywhere. "Hubris" is an overbearing pride or self-  
10 confidence, even arrogance some people would call it.  
11 I think there are two things that the NRC can do that  
12 would be very helpful with regard to this issue.

13 The first is to warn the communities.  
14 There's no exit. There's no exit, and there's no  
15 return because of radioactivity. If you're going to  
16 put it in here, that's your decision to make. But we  
17 have to suffer the consequences, and we must know.  
18 You must publicize to the public, not just me and  
19 other people who are ordinary citizens. You must  
20 publicize to them that's there no exit and no return.  
21 If there's a screw-up, it's the end as far as the  
22 Central Coast goes.

23 And the second thing is I don't like the  
24 idea of a faceless bureaucracy which can make  
25 decisions and ten years down the line nobody will

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1 remember who made this decision. They will not know  
2 your name; they will not know the members of the  
3 Nuclear Regulatory Commission. They won't know  
4 anything.

5 And so, therefore, I want to make a rather  
6 strange proposal, that whichever way you rule on this  
7 issue of storage, of increased storage, that you put  
8 your names on a plaque, maybe made out of plutonium or  
9 something that lasts a very long time, and that  
10 everybody who has a part in this decision would have  
11 their name on this plaque, so if 50 years down the  
12 line something goes wrong and there's some horrendous  
13 event takes place, we will know who it is that made  
14 that decision. That is my challenge to you today.  
15 Thank you.

16 (Applause.)

17 JUDGE BOLLWERK: Thank you for coming to  
18 speak with us this morning.

19 The next speaker is Magen Kirtland, and  
20 then Mark Skinner. Megan Kirtland or Mark Skinner.

21 MR. MARK SKINNER: Goodday. My name is  
22 Mark Skinner.

23 I'd like to begin with a quote by Albert  
24 Einstein.

25 "Our task must be to free ourselves by

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1 widening our circle of compassion to embrace all  
2 living creatures and the whole of nature and its  
3 beauty."

4 Please pass this message to the five  
5 commissioners and Dr. William D. Travers. We share in  
6 the opportunity to demonstrate leadership,  
7 responsibility, and safety.

8 I've been against Diablo Canyon for 25  
9 years. Presently in the event of a catastrophe with  
10 a major release of radiation in the lowest worst-case  
11 scenario 2,700,000 people will be exposed to radiation  
12 of 10,000 millirems and above, producing cancer in  
13 81,000 or more people.

14 If the plant is allowed to operate to 2050  
15 and a catastrophic event occurs at least once in the  
16 years that follow, 5,400,000 people will be exposed to  
17 amounts of radiation above 10,000 millirems producing  
18 cancer in 162,000 or more people. Those are the  
19 numbers of just a single exposure. Six hundred  
20 thousand millirems is absolutely lethal.

21 At Chernobyl it has been reported that  
22 firefighters were exposed to 70,000; 1,340,000; and  
23 1.6 million millirems of radiation. Astonishing.  
24 These numbers only begin to tell the tale of pain and  
25 suffering that is already present in the history of

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1 nuclear power.

2 Here now we share in the grave  
3 responsibility and opportunity of keeping harm away  
4 from countless individuals. We can and must reduce  
5 the peril that will be inherited. We must act now to  
6 abate high-level nuclear waste.

7 Beginning with Diablo Canyon, there must  
8 be a phasing-out of production. We already have the  
9 capacity to replace it, particularly when transmission  
10 line 15 is upgraded, which will be soon. There will  
11 be jobs provided by the decommissioning, casking, and  
12 security work to follow.

13 The storage casks must be redesigned, not  
14 only for maximum safety, but also that they are not  
15 obviously seen. The very structures of the casks must  
16 withstand the worst possible assaults by terrorists.

17 The high-level nuclear waste issue is far  
18 from resolved. No plant should be built until it can  
19 be demonstrated that high-level nuclear waste will not  
20 accumulate. Across this great land there is ever more  
21 of this material accumulating without a solution for  
22 safe storage. We must refuse the seductions of  
23 nuclear power. Advances in design, conservation,  
24 efficiency, and natural power already offer a shift  
25 away from nuclear slavery.

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1           If we don't seize the opportunity to more  
2 fully utilize safer and better-designed alternatives,  
3 we will go down in history as a myopic, stubborn, and  
4 foolish people that has refused to understand the  
5 attention that must be paid to high-level nuclear  
6 waste.

7           The Nuclear Regulatory Commission must  
8 contemplate seriously that the production of the  
9 utility-generated energy by nuclear means, which is  
10 linked to the production and fate of high-level  
11 nuclear waste, is presently not worthy of being  
12 desired by consumers of energy that does not produce  
13 dread, fear, and catastrophe. The possibility and  
14 dread of a nuclear holocaust by the generation of  
15 high-level nuclear waste is with us all the time.

16           The amount of suffering that could come  
17 from such a nuclear catastrophe is more than any one  
18 of us can bear, let alone imagine. The scale of the  
19 horror that could happen is incomprehensible.

20           Let us not mess up the future with this  
21 burden. Let us bequeath a safer world and restore it  
22 to the pursuit of happiness and live up to the name  
23 "Man, the wise." Thank you.

24           JUDGE BOLLWERK: Thank you, sir, for  
25 appearing today.

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1 Let me try again. Megan Kirtland.

2 (No audible response.)

3 JUDGE BOLLWERK: All right. The next two  
4 speakers are Bernadette Del Chiaro, if I'm pronouncing  
5 that correctly, and Jim Blecha. Either of them  
6 available or present?

7 MS. BECKER: Bernadette contacted me, and  
8 will not be able to make it.

9 JUDGE BOLLWERK: All right. Thank you.  
10 Jim Blecha, then. Did I pronounce that  
11 correctly? I'm sorry.

12 MR. JIM BLECHA: No, but it's close  
13 enough.

14 JUDGE BOLLWERK: No. Well, maybe it is to  
15 you.

16 MR. JIM BLECHA: My name is Jim Blecha.

17 JUDGE BOLLWERK: All right. Thank you.

18 MR. JIM BLECHA: Good morning. I'm the  
19 current Chairman of Port San Luis Harbor District. At  
20 the request of the Port San Luis Harbor District  
21 Commission I'm here to present you with a document  
22 titled, "Diablo Canyon Nuclear Power Plant, Evaluation  
23 of the San Luis Obispo County Emergency Response  
24 Plan."

25 This was prepared for our Harbor District

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1 by a private consultant in January of this year. And  
2 also to ask that you consider in your licensing  
3 process an issue of concern locally regarding the  
4 safety of Diablo Canyon Power Plant under the local  
5 Emergency Response Plan.

6 I realize in your opening statement you  
7 went through a history that involved Port San Luis  
8 with the Board. At this point right now I'd just like  
9 to sort of provide a little background of the history  
10 of Port San Luis and our involvement in the Board  
11 here.

12 Port San Luis was established in 1954. It  
13 is a California Special District, the most local form  
14 of local government. There are approximately 65,000  
15 registered voters in the Harbor District.  
16 Commissioners are elected at large. The District  
17 encompasses roughly 80 percent of the City of San Luis  
18 Obispo and all of the cities to the south, to the  
19 southern border of our town, including Pismo Beach,  
20 Grover Beach, Nipomo, Oceano, Arroyo Grande, and Avila  
21 Beach.

22 The District has 24 full-time employees  
23 and up to ten part-time employees during high-use  
24 times. We own real property and control other  
25 properties. We're the closest private property

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1 owners, I believe, to Diablo Canyon. Including two  
2 public beaches and three piers.

3 The Port San Luis-Avila Beach area  
4 attracts approximately 850,000 day-use visitors per  
5 year. A majority of these visitors use the beaches  
6 that I just spoke of.

7 Insofar as possible the District is  
8 responsible for the safety of District employees,  
9 patrons, and visitors. We have a full-time Harbor  
10 Patrol and provide lifeguard services at the two  
11 beaches.

12 The main function of the District is the  
13 operation of the small-boat harbor, providing marina  
14 use, related access, and facilities to  
15 commercial/recreation fishers, boaters, beach use, and  
16 tourists.

17 However, when getting an opportunity to  
18 comment on the coastal use permit related to the  
19 proposed independent spent fuel storage installation  
20 at Diablo Canyon Power Plant, the Commission voted to  
21 become more involved in the safety issues of further  
22 development of nuclear storage facilities as it  
23 relates to Port San Luis.

24 As you suggested in your remarks, in May  
25 of 2000 the Port District, the Harbor District, began

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1 evaluations of dry cask storage license application at  
2 Diablo Canyon. In August of 2000 the NRC accepted  
3 Port San Luis as an interested party pursuant that the  
4 10 CFR 2.715(c). And we raised the issue of the  
5 adequacy of the local Emergency Response Plan.

6 In October of 2000 Port San Luis Harbor  
7 District testified before the NRC Licensing Board  
8 hearing on its concerns as an interested party. We  
9 were at the table and supported the contentions of the  
10 Mothers for Peace.

11 In November 2002 we submitted our  
12 contentions regarding the adequacy of the Emergency  
13 Response Plan. In December 2002, subsequently the NRC  
14 Licensing Board denied our contention of the Emergency  
15 Response Plan as being, let's see, inapplicable for  
16 consideration, I guess.

17 In January 2003 Port San Luis Harbor  
18 District withdrew as an interested party under 10 CFR  
19 2.715(c). Our primary reason for being here was  
20 denied. And, as it turns out, it also turned out to  
21 be fairly expensive for our small District to continue  
22 to participate.

23 But the Commission felt strongly that the  
24 safety issue was something that we wanted to pursue.  
25 So we published the report in January of this year.

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1 And we're currently circulating it until the end of  
2 the month among the community to get any further  
3 response we can.

4 I'd like to present you with this report  
5 at this time. It's a draft report. We're accepting  
6 comments until the end of the month. We'll publish a  
7 final report at some point, at which time we would  
8 like to present you with a copy of it. We submit it  
9 to you both for your information and for any comments  
10 you might wish to make. We would be happy to  
11 entertain any comments.

12 So, in conclusion, I'd just like to say  
13 that Port San Luis Harbor District, based upon  
14 findings of our evaluation of the San Luis Obispo  
15 County Emergency Response Plan as it pertains  
16 specifically to the Port San Luis, urge you to require  
17 an exclusive review and modification update of the  
18 County-wide existing emergency response to unexpected,  
19 potentially dangerous events at Diablo Canyon Power  
20 Plant as a condition for licensing and operation of  
21 the proposed construction of additional independent  
22 spent fuel storage facilities at Diablo.

23 Thank you very much.

24 (Presents Emergency Response Plan to the  
25 ASLB.)

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1 JUDGE BOLLWERK: All right. Thank you.  
2 Thank you very much for coming today.

3 MR. JIM BLECHA: Thank you.

4 (Applause.)

5 JUDGE BOLLWERK: Let me just ask: Have  
6 the other parties to the proceeding seen that  
7 document, any of them?

8 MR. LOCKE: No.

9 MS. BECKER: We have.

10 JUDGE BOLLWERK: You have.

11 MR. LEWIS: Yes, we have seen it.

12 JUDGE BOLLWERK: You have seen it.

13 MR. JIM BLECHA: I have a copy.

14 JUDGE BOLLWERK: You do have a copy. All  
15 right.

16 Thank you.

17 All right. The next speaker, Roger  
18 Miller. And after Mr. Miller, Carol Paulsen.

19 MR. ROGER MILLER: Good morning. My  
20 name's Roger Miller, and I'm the president of the San  
21 Luis Obispo County Cattlemen's Association.

22 I was sent here by my board of directors,  
23 representing over 300 cattlemen, to show our support  
24 for PG&E in their dry storage project. Since there's  
25 already approximately 23 nuclear power plants safely

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1 using aboveground dry storage systems, we will support  
2 this project and the people who live in our  
3 communities who are employees at Diablo Canyon. Thank  
4 you.

5 JUDGE BOLLWERK: Thank you, sir, for  
6 coming today.

7 Ms. Paulsen. And after Ms. Paulsen would  
8 be Stephen Plowman.

9 MS. CAROL PAULSEN: Good morning.

10 JUDGE BOLLWERK: Good morning.

11 MS. CAROL PAULSEN: After listening to the  
12 speakers yesterday and today, I had a few thoughts  
13 that I wanted to share with you. There was a man  
14 yesterday with his child, his "little friend," you  
15 kept calling him.

16 JUDGE BOLLWERK: Anthony, right.

17 MS. CAROL PAULSEN: Anthony. I never  
18 caught his name.

19 But he spoke about his relationship with  
20 safety over the past 20 years. And he assured you  
21 that he and his co-workers had safety on their minds  
22 every second of the day after they walk through the  
23 gates of Diablo to go to work. He felt so strongly  
24 about safety at the plant that he projected into the  
25 future that his son would be growing up and working

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1 there as a company man like himself. I just get  
2 nervous up here, so bear with me.

3 JUDGE BOLLWERK: No problem.

4 MS. CAROL PAULSEN: Okay. And I felt even  
5 if this person is as safe as he could possibly be, he  
6 still cannot protect the community from an unforeseen  
7 event, such as a tsunami, an earthquake, a terrorist  
8 attack, or human error.

9 And no matter how safe he is in his  
10 day-to-day doings at the plant, he doesn't see that  
11 his son's sons and daughters and their sons and  
12 daughters, and so on, will inherit the same deadly  
13 mess we're dealing with today, only multiplied by how  
14 ever many more curies are accumulated by then.

15 And then I realized again that many of us  
16 are polar opposites when it comes to nuclear power.

17 (Water is placed on the speaker's dias.)

18 MS. CAROL PAULSEN: I'll have a sip of  
19 that. Okay.

20 I'll never convince you how strongly I  
21 feel against the destruction of our planet, how even  
22 insects matter to me. And the thought of waking up in  
23 the morning without the songbirds is like a death  
24 sentence to humankind. These small creatures would  
25 also disappear in the event of a nuclear disaster.

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1           And you'll never convince me of the safety  
2 of nuclear power. I've talked to fishermen that have  
3 fished off the Coast near the plant for over 30 years,  
4 and they say the fish around Diablo are already  
5 mutating. Our views, yours and mine, are so opposite  
6 that I feel certain by now you probably are no longer  
7 listening to me: my voice is just a droning buzz in  
8 your ears.

9           In this community many of us have the  
10 sense that this arena, this hearing, is staged; the  
11 final plans are already in place. This is not  
12 something -- this is just something you have to do to  
13 appease us.

14           Similar to Bush and his war plan, he never  
15 intended anything but war. He never visualized a  
16 diplomatic solution because like you, in your  
17 industry, there's so much money to be made that it  
18 blinds you to the consequences of the future.

19           I talked to my parents last week about the  
20 proposed cask storage system. They're in the their  
21 mid-'70s and they live 10 to 12 miles downwind of  
22 Diablo. They told me that they've already decided if  
23 there's an accident at Diablo they would choose to  
24 stay home and die a radiation death as opposed to  
25 getting in their car to join the pandemonium of

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1 evacuation. "That would be suicide to get in our  
2 car," they said.

3 "It would be suicide not to," I said.

4 Another woman that spoke yesterday about  
5 the iodide pills. And I had my order slip for the  
6 pills. The part that stood out to me was if I ordered  
7 the pills and waited for them to arrive, I would  
8 receive two pills. If I take my pill in an  
9 appropriate and timely dosage it can block my thyroid  
10 gland from radiation, iodine.

11 However, it does not protect my eyes,  
12 skin, my bones, my teeth, and blood. It will not  
13 protect my heart, which will be breaking because it  
14 would be the end of life on the Central Coast as we  
15 know it. It's obvious the little pills would do  
16 nothing for anyone, except give some people a two-day  
17 supply of false hope.

18 Like the power plant, our Emergency  
19 Response Plan is a disaster waiting to happen. I have  
20 a sister confined to a wheelchair. She lives in a  
21 housing complex with a large group of people that also  
22 don't drive. Many of them need assistance to move  
23 from room to room. She oftentimes waits an hour and  
24 a half for a bus to accommodate her needs, a bus that  
25 would not fit a fraction of the people in their

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1 wheelchairs.

2           Anyway, I was thinking about her and her  
3 neighbors.    The *Telegram Tribune* recently had an  
4 article, "Be prepared, what would you do," or "what to  
5 do in case of a terrorist attack at Diablo Canyon."

6           One of the questions highlighted was: I  
7 have no transportation, how do I get out? The answer  
8 was: Residents who cannot evacuate themselves should  
9 go to a nearby collection point to be transported.  
10 And I was wondering if some of these people can't  
11 transport themselves from room to room, how will they  
12 get to the nearest collection point and where is the  
13 nearest collection point? For that it said, "Go to  
14 page A39 in your Pacific Telephone book."

15           So I went to that page and there was  
16 nothing about evacuation or collection points. It was  
17 misinformation. On page A32, however, it did give me  
18 a number to call, which I did. The number said it  
19 would be activated with information if an emergency  
20 happens, but you can call this other number for  
21 information, which I did. And that number had a  
22 recording that said, "Leave a message and we'll get  
23 back to you."

24           I also heard yesterday a young soon-to-be  
25 father for the first time. He showed his concerns and

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1 worries for the health and safety of his new baby.  
2 And it made me sad because I remembered about 20 years  
3 ago being accidentally arrested over at the Blue Line.  
4 A highway patrolman twisted my arm and forced me to  
5 walk across the Blue Line in the demonstration. I had  
6 my baby at the time in a Snuggly. And I'll never  
7 forget four giant men holding me down while the fifth  
8 man tried to unzip the Snuggly and remove the baby.  
9 I must be an unfit mother if I would get arrested with  
10 a child, so they wanted to place him in child  
11 protective custody.

12 In the event of an earthquake with  
13 bridges, power poles, and phone lines down, you could  
14 say we would all be committing suicide trying to get  
15 out of the County. But I would say to you, the NRC  
16 and PG&E, you would be committing murder.

17 Thank you.

18 JUDGE BOLLWERK: Thank you for coming to  
19 speak with us today.

20 Stephen Plowman, and then Peter Wagner.

21 MR. STEPHEN PLOWMAN: Good morning. My  
22 name is Stephen Plowman. Thank you for coming to San  
23 Luis Obispo and allowing me to speak.

24 I've resided in California all my life and  
25 in San Luis Obispo County for over 30 years. I am

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1 deeply concerned about the dangers of radiation  
2 poisoning in my homeland and consider Diablo Canyon a  
3 threat to my safety and security, as well as a threat  
4 to every living thing within its sphere of influence.

5 The fact that radiation is dangerous to  
6 living things seems to be recognized by most everyone,  
7 yourselves included. Everyone seems to agree that  
8 radioactive materials last for a long time. These  
9 dangers are still going to be present long after all  
10 of us in this room are gone.

11 To get in here to speak today, I had to  
12 pass through a security check manned by local law  
13 enforcement. Standing around the room were a variety  
14 of security personnel employed by PG&E. Probably  
15 there are federal spooks here, too. The overall ratio  
16 of security personnel to citizens is pretty high. My  
17 point is that when there are any risks to the big  
18 players, real or imagined, you all know how to cover  
19 your bases.

20 I would ask you to see to it that we, as  
21 citizens, get the same level of protection every day  
22 as we live in the shadow of the possible catastrophic  
23 effects of radiation release.

24 I'm hoping that this hearing will have a  
25 different process than many that have come before it.

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1 In the past the mandate seems to have been one of  
2 putting on a show of taking public input on these  
3 issues, fairly considering the information presented,  
4 and making a balanced and safe decision. Then you all  
5 get together with the representatives from PG&E and  
6 other big players in the system and you decide what is  
7 the best spin to put on the decisions that have  
8 already been made somewhere away from public scrutiny.

9 These decisions have consistently worked  
10 against the public health and safety of the citizens  
11 you are supposed to be protecting.

12 Before I came in this morning, I looked up  
13 the definition of "terrorism" in *Webster's Dictionary*.  
14 I quote, "Terrorism, a noun. The use of coercion,  
15 force, or violence to intimidate, et cetera,  
16 especially as a political policy."

17 I feel that currently the citizens of this  
18 County and state are living under a form of legalized  
19 nuclear terrorism that is being exercised by  
20 yourselves in conjunction with Pacific Gas and  
21 Electric Company and other decisionmakers hidden from  
22 public view.

23 I'm asking you to show some courage, show  
24 some conscience, show some humanity. Right now today  
25 take your job seriously, take the first steps to

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1 protect the public. We need you on our side. Thank  
2 you.

3 JUDGE BOLLWERK: Thank you for coming to  
4 address us this morning.

5 Mr. Wagner, and then Jack McCurdy.

6 MR. PETER WAGNER: Good morning. I'm  
7 Peter Wagner. I'm a resident of Morro Bay within 15  
8 miles of the power plant. I'm a member of the Sierra  
9 Club, but my remarks have not been shared with the  
10 Sierra Club, and I'm speaking as an individual. I am  
11 a physicist. I have a prepared statement which I'll  
12 leave outside when this is over.

13 An analysis of the repercussions of  
14 terrorists' acts is imperative. You cannot imagine  
15 the frustration I've experienced in trying to find out  
16 exactly who intends to examine this issue.

17 San Luis Obispo County has declined to do  
18 it in the EIS, citing preemption by higher authority.  
19 Well, you're the higher authority. But the "higher  
20 authority" represented by this Board and its parent  
21 have also denied responsibility based on an  
22 interpretation of the law that, frankly, borders on  
23 the absurd. If this legal opinion holds up, it will  
24 be a classic case of laws that blatantly contradict  
25 common sense.

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1 I urge everyone out here watching,  
2 listening, to read the California Attorney General  
3 Lockyer's letter of February 28th to NRC Chair  
4 Meserve, which convincingly refutes the legal basis  
5 for NRC's unwillingness to tackle the terrorism issue.

6 I've been told that the Defense Department  
7 or the new Homefront Security Department is the proper  
8 agent for such a study, but there's no evidence  
9 they're doing it. And, really, isn't it self-evident  
10 that you should be doing it?

11 Even if the law does permit you to escape  
12 doing your job, does the law actually proscribe such  
13 a study or merely permit you not to do it?

14 I cannot believe that the NRC is barred  
15 from acting on its own initiative to create a panel of  
16 experts charged with examining acts of malice at the  
17 plant. There's ample precedent. For example, in the  
18 NASA panels that analyzed the *Challenger* and the more  
19 recent space shuttle disasters. Please do this for  
20 the benefit of the people. We need it.

21 Further, the panel members should have no  
22 connection with NRC or with the nuclear industry. I  
23 have great respect for you, gentlemen. You have  
24 excellent credentials. But the findings of this panel  
25 will lack credibility if it appears that any of the

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1 members is in any way connected with either the Agency  
2 or the industry.

3 The spent fuel pools must immediately,  
4 immediately, be hardened against overhead attack. I  
5 implore you to require this action, irrespective of  
6 whether the ISFSI is ever built. The consequences of  
7 successful bomb, missile, or suicide-airplane attacks  
8 are simply too horrible to contemplate.

9 Do not let PG&E increase the packing  
10 density of spent rods as a way of putting off the  
11 long-term storage problem. Reracking should decrease  
12 the density, not increase it, especially in light of  
13 terrorists' threats and the vulnerability of the  
14 pools.

15 Finally, I urge you to place a moratorium  
16 on generation as soon as the existing storage capacity  
17 is used up, presumably by 2006, unless the generic  
18 problem of long-term storage has been solved by then.

19 A shutdown need not be disruptive, nor is  
20 it farfetched. Conservation alone can readily obviate  
21 the demand for Diablo's baseload generating capacity.  
22 Its 2,000 megawatts are roughly a little under four  
23 percent of California's overall capacity, though  
24 admittedly Diablo's contribution to overall  
25 consumption is larger because of its high-capacity

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1 factor, around 90 percent, I believe.

2           Nevertheless, compare this four percent,  
3 four percent, to the estimated ten-percent reduction  
4 in demand effected by our ratepayers in 2001.

5           In my own household we installed star-  
6 rated appliances and replaced lightbulbs with a  
7 combination of fluorescents and halogen bulbs with  
8 dimmers. Our electricity use, and we're typical  
9 people, is down by 25 to 30 percent with no reduction  
10 in the living standard. And we expect to carry out  
11 more conservation measures as time goes on.

12           Further, our use is almost entirely  
13 baseload; it's not peaking. We don't have air  
14 conditioning. I do not find it implausible for  
15 California to reduce baseload electricity demand by  
16 2,000 megawatts. And that's got to be in your report,  
17 that option.

18           The NRC, further, should do everything in  
19 its power to encourage and nurture conservation on its  
20 own merit, as well as a back-up strategy in the event  
21 no socially-acceptable solution to the fuel-storage  
22 problem will be found in time.

23           Thank you for your listening.

24           JUDGE BOLLWERK: Thank you for coming to  
25 speak with us today.

1                   The next speaker is Jack McCurdy, and then  
2 Betty Winholtz.

3                   MR. JACK McCURDY: Good morning. I'm Jack  
4 McCurdy.

5                   JUDGE BOLLWERK: There you are.

6                   MR. JACK McCURDY: I live in San Luis  
7 Obispo County. I'd like to make these points to  
8 underscore serious needs at Diablo Canyon.

9                   Most urgent is the need for immediate  
10 protection of the spent fuel pools on the Diablo  
11 Canyon site. Also reracking to lower the density of  
12 packing. The high-level analysis of potential acts of  
13 malice by an independent panel, to include scenarios  
14 for hypothetical attacks from overhead, preventive and  
15 counter measures to the extent they can be publicly  
16 revealed, and evacuation plans in the event of an  
17 incident, a detailed analysis of alternatives, which  
18 includes not building the dry casks, providing 2,000  
19 megawatts of baseload capacity either by alternative  
20 generation or demand reduction, and a moratorium on  
21 plant operations when the spent fuel pools are full  
22 unless a satisfactory method for long-term storage has  
23 been developed.

24                   To elaborate, at present the liquid  
25 storage pools appear to have virtually no protection

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1 from an overhead terrorist attack, nor has the FAA  
2 answered an inquiry about regulations or advisories  
3 covering overflights.

4 The public should be told what measures,  
5 if any, are in place. Any shortcomings must be  
6 remedied independently of the decision on outdoor  
7 storage, because the liquid storage pools will remain  
8 in use whether or not the application is approved.

9 The public should be told whether a risk  
10 analysis has been performed that treats terrorists'  
11 attacks, earthquakes, accidents, and other incidents  
12 that could breach plant security and have catastrophic  
13 consequences. If it has, the results should be made  
14 available. If not, such analysis should be undertaken  
15 by a highly-qualified panel, whose members have no  
16 connection with the nuclear industry or the  
17 governmental regulatory apparatus.

18 Any analyses that are applicable to Diablo  
19 should be provided by the applicant. If none exists,  
20 a new analysis should be performed by an independent  
21 panel at the level of expertise and credibility of,  
22 for example, the National Academy of Sciences. It  
23 would cover all plausible scenarios that could  
24 adversely affect public health, safety, and the  
25 environment.

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1           The probability of an episodic disaster  
2 can be estimated only qualitatively, but the  
3 repercussions of various disaster scenarios can be  
4 quantified and posed in a manner understandable to the  
5 lay public.

6           Also the public should be represented both  
7 on the panel itself and in the selection of panel  
8 members. Costs of operation should be borne by PG&E  
9 as part of its application.

10           It is clear that the Diablo Canyon Plant  
11 is capable of generating a huge release of radiation  
12 that could dwarf Chernobyl and rendering thousands of  
13 miles, square miles, of the state uninhabitable for  
14 years, perhaps decades, or centuries, experts now  
15 believe.

16           According to a recent news report, two  
17 nationally-known scientists say that the plant's spent  
18 nuclear fuel storage is vulnerable to terrorist  
19 attack. They are Frank N. von Hippell, a physicist  
20 and professor of public and international affairs at  
21 Princeton University, and Gordon Thompson, the  
22 director of the Institute for Research and Security  
23 Studies, a nonprofit group based in Cambridge,  
24 Massachusetts, which analyzes threats to national and  
25 international security.

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1                    Their fear is that if the pools are  
2 breached by a terrorist attack, water will drain away  
3 exposing the fuel assemblies. These will then self-  
4 ignite and send up huge plumes of radioactive  
5 isotopes.

6                    The Nuclear Regulatory Commission should  
7 meet its responsibilities and move promptly to protect  
8 -- to provide the protections that the public deserves  
9 at Diablo Canyon. Thank you.

10                    JUDGE BOLLWERK: Thank you, sir, for  
11 coming this morning.

12                    Betty Winholtz, then David Nelson.

13                    MS. BETTY WINHOLTZ: Good morning.

14                    JUDGE BOLLWERK: Good morning.

15                    MS. BETTY WINHOLTZ: My name's Betty  
16 Winholtz. I live in the City of Morro Bay. I am a  
17 member of the City Council there, but today I'm  
18 speaking as a private citizen.

19                    In elementary school my classmates and I  
20 were introduced to nuclear power as the new, clean  
21 energy of the future. And, yes, we understood that  
22 there was an issue about dealing with nuclear waste,  
23 but that that would be taken care of with our good  
24 scientists in the future.

25                    It's now 40 years later in the future, and

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1 that issue has not been yet resolved. And it doesn't  
2 appear that it would be, otherwise we would not be  
3 here today.

4 My desire is that when the storage  
5 capacity at Diablo is done in the year 2006 or sooner,  
6 that the plant be closed. To increase capacity  
7 increases our risk here in our community. And it's  
8 common knowledge that Yucca Mountain will not be  
9 available to us in a timely fashion. And, even if it  
10 were, I would not want to expose others, as we are  
11 being exposed here, in transporting to the mountain.

12 To make up for the loss of energy  
13 produced, Diablo can begin now the procedure to apply  
14 for an alternative fuel plant, whether that's natural  
15 gas, fuel cell, wind. To extend the life of this  
16 plant I believe is irresponsible when alternatives are  
17 available, including new technology like fuel cells  
18 that may make this obsolete.

19 I urge you to demonstrate the courage to  
20 close this plant, as it is so scheduled. Thank you.

21 JUDGE BOLLWERK: Thank you for coming to  
22 address us this morning..

23 David Nelson, and then Henriette Groot.

24 MR. DAVID NELSON: Good morning. My name  
25 is David Nelson. I live in Morro Bay, California.

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1 I'm here to talk to this whole issue of extending fuel  
2 capacity at Diablo.

3 I'm seeing -- I was there back in the '70s  
4 when we questioned the wisdom of putting this power  
5 plant where it was. And back then I was pretty  
6 cynical. I didn't come to your hearings and testify  
7 because I really, truly believed that it was a  
8 slam-dunk and the government had decided that this  
9 plant was going to be here and, no matter what we  
10 said, we had no control.

11 And I'm a little bit older now and I'm a  
12 little bit less cynical, perhaps, and that's why I'm  
13 standing here speaking to you today. I spent eight  
14 hours last week at a meeting with the Water Board on  
15 Diablo Canyon. And to see how our regulators treat  
16 this power plant is really phenomenal. It's no wonder  
17 I was cynical back then. You know, my cynicism is  
18 based in true reality.

19 And the reality is that once this thing  
20 starts rolling, it has a momentum of its own, and the  
21 only way we can stop it is for people like you to pick  
22 up the challenge that we're offering not to allow them  
23 to have more fuel there, not to store more of this  
24 stuff there. And that's the only way we can stop this  
25 from continuing. How many times are we going to go

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1 down in 25 years in double capacity for this because  
2 we haven't come to a conclusion?

3 I mean, you are scientists. I mean, when  
4 we go to Egypt, we can't even read what's on the  
5 pyramids in Egypt. And that's only a few thousand  
6 years. What are our poor human beings, if they  
7 survive, even thousands of years going to do at Diablo  
8 Canyon when they come across something like this and  
9 not be able to read the signs.

10 Perhaps the worldly wisdom will come up  
11 with some sort of a formula. But this is just crazy.  
12 I mean, it's just like -- just tell them, "Stop," if  
13 you can't figure out a way to handle the nuclear  
14 waste, to just close it down. It's only 2,000  
15 megawatts.

16 I didn't know that much about the energy  
17 business five or six years ago. But 2,000 megawatts  
18 can be made up by putting solar panels on every house  
19 in this County and just let them produce their own  
20 energy. I mean, we've given way to big corporations,  
21 one that I might add is in bankruptcy and wants to  
22 spin this off into a limited liability corporation.  
23 And for that reason alone you should deny this. I  
24 mean it's lived its 25 years and it has produced more  
25 problems than it has solved.

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1 I mean, we were gluttons for energy, and  
2 we can use all the energy that that power plant can  
3 put out. But as long as you keep allowing it to  
4 increase their damage to our environment, they're  
5 going to keep doing it.

6 And, like I say, the water problem over  
7 there was overlooked because they were going to throw  
8 out a few million dollars and a few thousand acres of  
9 land. But still they'll destroy our marine  
10 environment on that site. And that's a fact that I  
11 know about.

12 This other, spent fuel rods, and racking,  
13 and all this other stuff, I don't feel as though I'm  
14 really qualified to speak to other than we have more  
15 than enough on that site already. And I think to  
16 double their capacity is criminal. There's no  
17 solutions being handed down for this.

18 Every solution that comes in, we spend  
19 billions of dollars on it; lots of people get to buy  
20 Porsches and other fancy cars and houses, but that  
21 doesn't solve this problem. There is no present  
22 solution to this problem.

23 This power plant was built backwards, and  
24 we let them get away with it. This power plant was  
25 built on faults, and we let them get away with it.

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1 Now they want -- when we asked for alternative cooling  
2 on this plant, we were told that, "Well, we can't do  
3 that, because it's seismically not safe."

4 Now this is the kind of arguments that I,  
5 as a citizen, have to hear from regulators all around  
6 here and scientists who are really, truly good people,  
7 I'm sure. But as long as you keep rolling with this  
8 momentum, it's not going to be good for society. I  
9 mean this is, this is crazy, and this has to be  
10 stopped. And the only way we can stop it is to tell  
11 them: No, you can't have any more fuel on that site.  
12 Thank you.

13 JUDGE BOLLWERK: Thank you, sir.

14 (Applause.)

15 JUDGE BOLLWERK: Henriette Groot.

16 MS. HENRIETTE GROOT: Good morning. Thank  
17 you for coming to town to listen to us. And we do  
18 hope that you do listen. And my apologies for all the  
19 coughing earlier.

20 (Audiovisual personnel adjust microphone.)

21 MS. HENRIETTE GROOT: Yeah, thank you.

22 I'm a psychologist, Ph.D. from UCLA, 1960.

23 I'm involved with the Disaster Mental  
24 Health Team in the County here. These are volunteer  
25 mental health professionals who can be called out in

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1 case of disaster. I also am an amateur radio  
2 operator. Commonly we're called "hams." Let me first  
3 speak about our ham activity.

4 I serve with the San Luis Obispo County  
5 Emergency Communications Council. We are called up in  
6 case of any disaster. For example, in Morro Bay  
7 recently we had a hazmat event, an ammonia spill. I  
8 was called at midnight and was on the job the next  
9 morning, handheld radio in hand, several thousand --  
10 a couple thousand citizens were evacuated in Morro  
11 Bay. That was a small event.

12 The hams are also then involved with  
13 Diablo. We monitor the sirens in the annual siren  
14 test and report whether the sirens are working. We're  
15 involved in training exercises. Some of them are FEMA  
16 exercises. Training exercises occur several times a  
17 year. The next one will occur in April.

18 The scenario always involves a Diablo  
19 disaster. And I should explain why hams are so useful  
20 in events like that. If there's an earthquake, for  
21 example, the microwave power as the antennas for  
22 cellphones would be tweaked and cellphones will not  
23 work. So our two-way radios are often the only means  
24 of communication.

25 The County has a great deal of effort in

1 protecting us from Diablo. The Emergency Operations  
2 Center was built by PG&E and is the headquarters for  
3 County-wide emergency services involving police, fire,  
4 hospitals, Red Cross. Everyone gets into the act at  
5 these occasions.

6 I just realized I neglected to state that  
7 I'm speaking for myself only.

8 So you see this County has tried very hard  
9 to live with this danger, this nuclear danger in our  
10 backyard. And perhaps we were getting pretty smug  
11 about that; we were doing all these good things. All  
12 these measures gave some semblance of security.

13 But 9/11 has changed all that. There is  
14 a chasm between before and after. And now, speaking  
15 as a psychologist, our security blanket has been  
16 ripped off. The whole County, you know, is in a state  
17 of alert against terrorism attacks.

18 We read in the newspapers that Diablo is  
19 a target of choice. We know we're not safe. There's  
20 a great deal of anxiety here. And we know we cannot  
21 get rid of the physical equipment at Diablo. San  
22 Onofre could not even get rid of an old, unused  
23 reactor.

24 So we know that any fuel generated here is  
25 going to stay here in its radioactive state for eons

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1 to come. That's why we're looking to you for help in  
2 our distress. I implore you to pay heed to all these  
3 solutions that have been offered, the things that  
4 people feel you must do to make us feel safer.

5 First of all, you should take immediate  
6 action to protect the spent fuel pools. Those are  
7 wide open to not only terrorist attacks but also  
8 earthquakes could cause the water in the fuel pools to  
9 go out, and then there could be fire and a tremendous  
10 release. And no County emergency plan could cope with  
11 that.

12 We also need to make a comprehensive  
13 analysis of the safety measures needed to make Diablo  
14 as safe as possible. I did not say to make it safe;  
15 that is impossible. But at least we have the right  
16 that it should be as safe as possible.

17 And I'm worried about the Diablo  
18 Independent Safety Company. They really should be  
19 made independent, not appointed by anyone involved in  
20 Diablo. And they should be concerning themselves with  
21 all safety matters.

22 They do a good job on what they do, but  
23 the scope of their concern is far too limited. For  
24 the public to have confidence, that committee needs to  
25 be restructured. They should be more accessible

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1 locally. And basically for the public here to get  
2 less anxious about the whole thing, you need to take  
3 a good look at what is happening. And that I highly  
4 recommend an independent analysis of the safety  
5 measures is needed.

6 Thank you.

7 Where, where do I submit these comments?

8 JUDGE BOLLWERK: If you want to give them  
9 to the court reporter, they will be transcribed, but -  
10 - if you'd like to give them to her, we can do that.

11 MS. HENRIETTE GROOT: Yeah.

12 JUDGE BOLLWERK: You can just leave them  
13 on the table there. We'll pick them up. Thank you.

14 All right. Let me check again. Megan  
15 Kirtland, by any chance did she come in?

16 (No audible response.)

17 JUDGE BOLLWERK: All right. At this point  
18 we've come to the end of the preregistered speakers,  
19 and I think it's about time we take a brief break.  
20 Again, if anyone would like to speak that did not  
21 preregister, but you'd like to speak this morning, you  
22 do need to sign up on one of the sign-up sheets that  
23 are out in the lobby. We'll be going into the  
24 additional speakers when we return from our break.

25 Also if you'd prefer simply to give us a

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1 written statement, there are forms out there. You can  
2 certainly do that. And leave them out there, and we  
3 will review them later. And they will be placed in  
4 the record of the proceedings.

5 So at this point why don't we take about  
6 a ten-minute break, and we'll come back then and see  
7 what other speakers we have. Thank you very much.

8 (Recess taken from 11:10 a.m. to 11:22  
9 a.m.)

10 JUDGE BOLLWERK: All right. We have at  
11 this point two -- let's go back on the record. I'm  
12 sorry. We have two additional names. The first is  
13 Arlene Winn, W-i-n-n.

14 MS. ARLENE WINN: Good morning. I'm  
15 Arlene Winn. I'm a citizen of SLO. I just want to  
16 make some talking points on the denial of the updated  
17 seismic information by NRC's Licensing Board.

18 The Atomic Safety and Licensing Board,  
19 ASLB's denial of the San Luis Obispo community  
20 intervenor's contention regarding shortcomings of  
21 seismic design for PG&E's proposed high-level  
22 radioactive waste facility is not based on scientific  
23 fact, but rather on its opinion that this was not the  
24 proceeding to address this issue.

25 As stated earlier, the County Port and

1 California Energy Commission supported full hearings  
2 on this issue. The ASLB would have residents of San  
3 Luis Obispo believe that PG&E's proposed facility to  
4 store over 4400 nuclear fuel assemblies does not allow  
5 for new seismic information that may be relevant, but  
6 has occurred since the nuclear power facility was  
7 licensed.

8 In other words, new information arising  
9 from new scientific and/or technical data on  
10 earthquakes cannot be introduced into a proceeding to  
11 store high-level radioactive waste because the  
12 facility is co-located on a nuclear site that was  
13 deemed seismically qualified over two decades ago.  
14 This is ludicrous.

15 A building permit to expand a home  
16 requires that new scientific, technical, and legal  
17 qualifications be met. Should an increasing nuclear  
18 waste in San Luis Obispo's coastal zone be held to a  
19 lesser standard?

20 The burden of proof for seismic issues  
21 should be on the utility, not the public. And the NRC  
22 must require PG&E to meet current standards before any  
23 licenses are granted. It is the citizens of  
24 California, not the bureaucrats in D.C., who will be  
25 forced to live with the increased risks without

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1 benefit of full public hearings on the issues of  
2 seismicity.

3 I wonder if you lived here with your  
4 children would you be standing on this side of the  
5 podium and asking these questions as well? Thank you.

6 JUDGE BOLLWERK: Thank you for addressing  
7 us this morning.

8 The next speaker would be Connie Dunbar.

9 MS. CONNIE DUNBAR: Good morning. I'm  
10 Connie Dunbar; I spoke with you last night. I'm also  
11 Constance Dunbar. I sign that name, too.

12 JUDGE BOLLWERK: Right.

13 MS. CONNIE DUNBAR: And I wanted to speak  
14 to you again today because I live in Arroyo Grande.  
15 And I may be right on the 17-mile line, or maybe I'm  
16 17.1 miles from Diablo Canyon as the crow flies. So  
17 I wanted to speak to you about the 17-mile limit that  
18 was imposed the last time we met at the hearings last  
19 September. And we were at The Cliffs at that time.

20 I prepared a statement and I haven't put  
21 it in big enough font, so I need my glasses. And I'm  
22 a slow reader. Because of the visual disability I  
23 also do not drive. And the comments about  
24 transportation and how people who don't drive will get  
25 to their children and get out of the County in a

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1 reasonable amount of time are very applicable to me.

2 I have set up networks with my neighbors  
3 if they happen to be available on the day when I need  
4 them. It's kind of a hit-or-miss situation. And I'd  
5 hate for my safety and my children's safety to rest on  
6 whether I can find someone to help me evacuate.

7 On December 2nd, 2002 the Atomic Safety  
8 and Licensing Board denied California residents living  
9 beyond the 17 miles of Diablo Canyon the ability to  
10 participate in any proceedings regarding PG&E's  
11 proposal to increase the nuclear waste storage.

12 The ASLB order stated that standards for  
13 standing require that a petitioner demonstrate that it  
14 has suffered harm or will suffer a distinct and  
15 palpable harm that constitutes injury, in fact, within  
16 the zone of interest arguably protected by the  
17 governing statutes.

18 The injury can be --

19 Number two, the injury can be fairly  
20 traced to the challenge actions, and

21 Number three, the injury is likely to be  
22 redressed by a favorable decision.

23 As PG&E's proposal will triple the amount  
24 of high-level nuclear waste at the -- to be stored in  
25 San Luis Obispo's coastal zone and will triple the

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1 amount of nuclear waste that will eventually need to  
2 be transported from Diablo Canyon, passing within one  
3 mile of approximately seven million Californians, I  
4 believe that the previous decision is flawed.

5 The NRC's order further stated that if the  
6 petitioner resides within or frequently comes into  
7 contact with the facility zone of possible harm,  
8 whether such a presumption applies depends on whether  
9 there is obvious potential for offsite consequences.

10 I believe in this case that many people  
11 have addressed the possible consequences, not only of  
12 an accident at the site but of the effect that  
13 transportation and the difficulty of transportation  
14 for the nuclear fuel would have upon the residents  
15 living outside the 17-mile zone.

16 I ask for you to continue to consider  
17 extending the zone past the 17-mile limit, because I'm  
18 right on the edge there, and I feel the effect of what  
19 is being decided here today.

20 Yesterday I told you about my children.  
21 I have two children in two different schools. I can't  
22 drive to get them. In the 1970s there was a poster  
23 that said, "In the event of a nuclear accident, you  
24 should kiss your children goodbye." And my children  
25 are far enough from me that I won't even be able to

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1 kiss them goodbye. So please reconsider your 17-mile  
2 rule.

3 Thank you.

4 JUDGE BOLLWERK: Thank you for coming back  
5 to address us today.

6 We have three other names that were given  
7 to us yesterday by individuals that indicated they  
8 wanted to speak at some point today, but they didn't  
9 specify when. Let me just check and see if any of  
10 these individuals are here right now.

11 Mark Thoreau, Frances de Lorenzo, or Gary  
12 Adams.

13 (No audible response.)

14 JUDGE BOLLWERK: All right. At this point  
15 that is the speakers we have signed up. We're going  
16 to go ahead and take another break here. If there's  
17 anyone else in the audience that is interested in  
18 signing up to speak, you should do so at this point.

19 We indicated in our initial notice that  
20 while this session could last as late as noontime,  
21 that if we did not have any speakers signed up, we  
22 were saving the opportunity to actually adjourn early.  
23 And we're certainly considering doing that if we don't  
24 have any other speakers who are signed up at this  
25 point.

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1           So why don't we go ahead and take a  
2 five-minute break. That will allow anyone else that  
3 wants to sign up to speak to do so. If you prefer not  
4 to sign up, you can certainly leave us a written  
5 statement. That's perfectly appropriate.

6           I reviewed the ones we received yesterday  
7 last night. And if someone wants to do that again, we  
8 certainly will receive them and put them into the  
9 record. So why don't we go ahead and take a  
10 five-minute break, see if anyone else that's here who  
11 wants to speak, and then we'll decide what to do after  
12 that. But we'll take a five-minute break at this  
13 point. Thank you.

14                       (Recess taken from 11:32 a.m. to 11:40  
15 a.m.)

16           JUDGE BOLLWERK: At this point I don't  
17 think we've had any other speakers sign up. So I  
18 think we're going to go ahead and end this session a  
19 couple minutes early, probably about 20 minutes early.  
20 I understand from someone in the audience that Gary  
21 Adams, the name that we had, wants to speak at 1:30  
22 this afternoon. And we'll certainly put him down  
23 then.

24           One thing I should mention about the  
25 afternoon session, given the number of

1 preregistrations that we have, I would urge  
2 individuals that are coming back this afternoon to be  
3 here early. We will start on time. We have a number  
4 of individuals who wish to speak. So if you want to  
5 come in this afternoon, make sure you're here early so  
6 you can get through the security because we may have  
7 a larger crowd than we've had this morning, although  
8 we've had, I think, a good representation here.

9 I think at this point if there are no  
10 other speakers -- and, again, if anyone wants to  
11 leave written comments, you can certainly do so. The  
12 form is out in the lobby. Go ahead and fill it out  
13 and leave it with us. We will thank all the speakers  
14 that took the time to come and address us this  
15 morning. We very much appreciate the efforts.

16 I see a gentleman walking up toward the  
17 podium. Do you wish to say something?

18 MR. LIONEL JOHNSTON: I sure do. Yes,  
19 sir.

20 JUDGE BOLLWERK: All right. Did I miss  
21 it? I'm sorry. Your name?

22 MR. LIONEL JOHNSTON: Lionel Johnston from  
23 Morro Bay, California.

24 JUDGE BOLLWERK: Is there another list  
25 that I missed, Jack, or are we --

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1 Did you register outside?

2 MR. LIONEL JOHNSTON: Yes, I did.

3 JUDGE BOLLWERK: All right. I apologize.  
4 I'm not sure what we missed. Before you start, can I  
5 mention one other thing?

6 Megan Kirtland also had signed up but  
7 hasn't appeared. And I take it she's still not here.  
8 Okay.

9 MR. LIONEL JOHNSTON: I'm Lionel Johnston.  
10 I live in Morro Bay, California. I'm pretty sure I'm  
11 within that 10-mile zone. And I'm also a retired  
12 ironworker. I worked at Diablo Canyon back in the  
13 '70s and help build it.

14 But I'm extremely concerned about the  
15 safety out there in light of what's been going on in  
16 the last couple of years in the United States. And I  
17 think that right now, with the technology we have in  
18 lighting, we could get rid of what we're getting from  
19 nuclear power by throwing away our incandescent  
20 lightbulbs and screwing in compact fluorescent bulbs  
21 and using a little bit of conservation.

22 So the idea of continuing to accumulate  
23 highly-toxic materials that we're going to bequeath to  
24 the next, you know, several hundred generations is  
25 really not a good idea. And these plants are

1 extremely vulnerable to sabotage. Any scenario that  
2 we can think up here in the United States has probably  
3 been thought of a dozen times and a dozen ways by the  
4 enemies of our society. And that's not something to  
5 laugh about or just let the thing get caught in a  
6 bureaucratic football and, you know, sort of  
7 administrative nitpicking and rule things.

8 We're in serious danger here in this area,  
9 tremendous danger. And, you know, like I said, any  
10 scenario we can think of I'm sure the Al Qaeda guys  
11 have thought of it in ten different ways. And then  
12 there's also just criminals who might want to try and  
13 ransom or hijack something, you know.

14 Those open spent fuel pools out there are  
15 dangerous, extremely dangerous. We just can't  
16 continue to run the railroad the way we have been.  
17 The world has changed. We've got to take every  
18 possible avenue to protect ourselves and our citizens.

19 And so whatever kind of, you know, issues  
20 or whatever ideas you take back to Washington, which  
21 is where I presume you will go with all this  
22 information, just please keep in mind that the safety  
23 of millions of people are endangered and the property  
24 damage from any kind of an earthquake scenario that  
25 might happen at Diablo, or a terrorism scenario, would

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1 just basically wipe out everything around here in  
2 terms of real estate.

3           There's not enough -- the Price-Anderson  
4 Act isn't going to pay the citizens who might lose  
5 property a fair price for their property because  
6 literally billions of dollars of real estate would  
7 just evaporate. That's just money. That's not, you  
8 know,... and the thought is how many lives would be  
9 endangered.

10           You go down Highway 101 to Santa Maria,  
11 the two bridges that go over the Santa Maria River  
12 were built by friends of mine back in the late '50s,  
13 early '60s. They're really narrow two-lane bridges  
14 that are decrepit, you know, that you could knock them  
15 over with a feather, just about. And at this point  
16 CalTrans has plans to widen the freeway south of there  
17 to six lanes, but no plans to replace the bridges.  
18 And a chain is only as strong as its weakest link.  
19 Okay. That's a weak link for any kind of evacuation  
20 that might happen. If those bridges are down, you're  
21 not going to get anybody to get south of Nipomo,  
22 because there's a giant river wash from sand and in  
23 the winter from the water and sand in between them and  
24 wherever they might go.

25           There's very narrow evacuation routes

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1 here. Just a little bit north and a little bit south.  
2 And so we're kind of -- we're trapped here with that  
3 plant. So you've got to do everything you can to make  
4 it as safe as possible. Money isn't the issue here.

5 I mean, if something goes wrong out there,  
6 if we have to spend a hundred million dollars before  
7 something goes wrong, then spend it. If it requires  
8 storing this spent fuel in dry casks, and doing other  
9 things with them, I don't know, burrowing into the  
10 hill and burying them, or something, whatever it takes  
11 we've got to do that, because the future of our  
12 country is, you know, in the hands of you guys and  
13 everybody else in the NRC.

14 All right. Thank you very much for your  
15 time.

16 JUDGE BOLLWERK: Thank you, sir, for  
17 coming this morning.

18 All right. Anyone else we've missed or  
19 for any other reason wants to make a statement at this  
20 point?

21 (No audible response.)

22 JUDGE BOLLWERK: All right. Then as I  
23 mentioned before, we will go back into session today  
24 at 1:30. I would urge you to be on time as the Board  
25 plans on starting on time, given the number of

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1 preregistered speakers we have.

2 I thank everyone that took the time to  
3 come and speak with us this morning. We appreciate  
4 your taking the time to come and talk with us and your  
5 comments that you've provided the Board.

6 At this point we stand adjourned until  
7 1:30. Thank you.

8 (Luncheon recess taken from 11:47 a.m. to  
9 1:37 p.m.)

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A-F-T-E-R-N-O-O-N P-R-O-C-E-E-D-I-N-G-S

(1:37 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, the Central Coast Peace and Environmental Council, the Avila Valley Advisory Council, and Peg Pinard, to the application of Pacific Gas and Electric Company for a Part 72 license under the Agency's regulations to construct and operate an independent spent fuel storage installation or an ISFSI at its Diablo Canyon Power Plant.

To my right is Dr. Jerry Kline. Judge 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 attorney  
3 and 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 Section 2.715(a) of the  
8 Commission's Rules of Practice.

9 So there will be a common understanding  
10 about what is 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. And, again, I apologize to the parties. You've  
14 heard this speech a couple times before, but I think  
15 it's important that we let everyone here know what the  
16 background is we're dealing with.

17 In response to a Notice of Opportunity for  
18 a Hearing published in the *Federal Register* on April  
19 22nd, 2002, which can be found in Volume 67 of the  
20 *Federal Register* beginning at page 19600, in  
21 accordance with Section 2.714 of the Agency's Rules of  
22 Practice, various intervenors requested a hearing to  
23 challenge the December 21st, 2001 application of PG&E  
24 for permission to construct and operate an ISFSI at  
25 its Diablo Canyon Nuclear Facility.

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1           Thereafter, in June 2002, the various  
2 intervenors submitted proposed issues for hearing, and  
3 PG&E and 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  
13 Section 2.715(c) of the Agency's procedural  
14 regulations, sought leave to participate in the  
15 proceeding as interested governmental entities and, in  
16 some instances, to gain admission of issues for  
17 further litigation.

18           On September 10th and 11, 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 the various Section 2.714  
23 petitioners' 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 their 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 those participants 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 on  
2 standing and contentions, the parties would proceed  
3 under the Agency's rules in Part 2, Subpart G of the  
4 Commission's procedural regulations which provide for  
5 a formal trial-type hearing.

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

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

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

25           As was their right, PG&E and the NRC staff

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

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

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

18 Under Section 2.715(a) of the Commission's  
19 Rules of Practice, the Board has the discretion to  
20 entertain from any person who is not a party a written  
21 or oral statement of his or her position on the issues  
22 in the proceeding. This provision, which was first  
23 adopted as part of the Agency's hearing rules back in  
24 1962, recognizes there is a need to provide an  
25 opportunity for input from members of the public who,

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1 despite not having sought party status, have an  
2 interest in the subject matter of the proceeding.

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

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

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

20 Why don't we begin with the Section 2.714  
21 intervenors which is the San Luis Obispo Mothers for  
22 Peace, then the Section 2.715(c) interested  
23 governmental entities, then Pacific Gas and Electric  
24 Company, and finally the NRC staff.

25 MS. BECKER: Rochelle Becker, San Luis

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1 Obispo Mothers for Peace.

2 JUDGE BOLLWERK: Thank you very much.

3 MR. McNULTY: Good afternoon. I'm Timothy  
4 McNulty. I'm a Deputy County Counsel with San Luis  
5 Obispo County, which is an interested governmental  
6 entity.

7 I just want to point out, I think Dr.  
8 Kline was going to inform you as well --

9 JUDGE KLINE: Yes.

10 MR. McNULTY: -- that the date is May  
11 19th.

12 JUDGE BOLLWERK: It's May 19th. Did I say  
13 March 19th?

14 MR. McNULTY: Yeah.

15 JUDGE BOLLWERK: That's past. It is May  
16 19th.

17 MR. McNULTY: It's just that I think we  
18 were listening, because I had heard it so much.

19 JUDGE BOLLWERK: Right. And I've been  
20 saying it too often, as well. May 19th is the date  
21 for the oral argument.

22 Thank you.

23 MS. TACHERA: Jennifer Tachera, staff  
24 counsel, California Energy Commission.

25 MS. POOLE: Brooke Poole of the law firm

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1 Winston and Strawn on behalf of Pacific Gas and  
2 Electric Company.

3 JUDGE BOLLWERK: All right. Thank you.

4 MS. POOLE: With me is Richard Locke.

5 Am I not on?

6 JUDGE BOLLWERK: Mr. Locke, thank you.

7 MR. LEWIS: Stephen Lewis, attorney for  
8 the NRC staff, and with me Randy Hall, the Project  
9 Manager for the NRC staff's review of the ISFSI --  
10 ISFSI --

11 JUDGE BOLLWERK: ISFSI, that's a hard word  
12 to say. It's an acronym.

13 MR. LEWIS: Well, yeah. But I notice that  
14 you pronounce it pretty much the same way I do. It's  
15 ISFSI, yes.

16 -- application for Diablo Canyon.

17 JUDGE BOLLWERK: All right. Thank you.

18 In this regard, let me emphasize again  
19 that this is an opportunity to hear from interested  
20 members of the public. Consequently, the  
21 representatives of the admitted parties and the  
22 Section 2.715(c) interested governmental entities will  
23 not be making statements here this afternoon. Rather,  
24 like the Board, they are here to listen.

25 Finally, let me say just a word about the

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1 procedure for making a statement. We had some  
2 individuals who preregistered and will be afforded an  
3 opportunity to speak first at this session. Once  
4 we've heard from those individuals, we'll move on to  
5 anyone who registers here this afternoon. For anyone  
6 who wishes to make a statement, on the table through  
7 the double doors out there is a sheet to write your  
8 name and affiliation, if any.

9 We'll collect those sheets from time to  
10 time and call the speakers in the order as they sign  
11 in. If you did not preregister, you must sign in if  
12 you wish to speak.

13 Additionally, if you wish to provide your  
14 views to the Board, but do not wish to make an oral  
15 statement, there are sheets on that table that can be  
16 completed and left in the box on the table. These  
17 written statements will be reviewed by the Board  
18 members and placed in the Agency's official docket for  
19 the proceeding as well.

20 Now with respect to the number of  
21 statements, let me make kind of a request and a plea  
22 for some help here. We have 35 preregistrants for  
23 this session. Yesterday in about the same amount of  
24 time that we have for this session we did 35  
25 statements, but we had about 18 preregistrants and

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1 about 14 individuals that came in through the door.

2 I know we now have about eight individuals  
3 who have shown up at this session and want to  
4 register. I would ask for your help and your  
5 cooperation in being able to give everyone here an  
6 opportunity to say at least something during the next  
7 three hours or so.

8 What that means is while we've tried to  
9 give people, we'd like to give people five minutes, I  
10 think we're going to have to ask you to be a little  
11 shorter at this point in order that we can be able to  
12 provide everybody with an opportunity to address the  
13 Board.

14 So if you came prepared to speak for five  
15 minutes, if you could do it perhaps in three or four,  
16 it would be much appreciated, simply because I want to  
17 make sure that everybody that's here has an  
18 opportunity to say something.

19 And I will say if someone has a written  
20 presentation or an oral presentation they think will  
21 run a little longer, if we happen to get done early we  
22 can always entertain that statement or the remainder  
23 of it at the end. But I would like to see that  
24 everyone that comes today does have an opportunity to  
25 say something for some period of time. So I'm asking

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1 for your help and cooperation so that everyone leaves  
2 here this afternoon with an opportunity to have  
3 addressed the Board at least to some extent. And,  
4 again, I'm asking you to help us out.

5 I will be telling folks when they've been  
6 speaking for about three minutes. I don't like to  
7 sound like I'm cutting anybody off, but I think it's  
8 important that we try to get at least some opportunity  
9 for everyone here to say something. And at this point  
10 we have a number of people who want to talk and,  
11 unfortunately, we don't have unlimited time.

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

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

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1 audience or come up in the vicinity of the podium so  
2 they can begin their remarks promptly after the  
3 preceding speaker is finished. And, again, we have a  
4 podium here; we have a table; we have microphones  
5 throughout the audience. You're welcome to speak at  
6 any one of those venues that you wish, wherever you're  
7 comfortable. It's entirely up to you as to how you  
8 wish to do it.

9 With that let's go ahead -- oh, let me  
10 mention one other thing. Administratively we will  
11 take at least a short break at some point. If you  
12 leave the security area out here and go into the rest  
13 of the hotel, you'll have to pass back through the  
14 security area. So if you do leave, you'll need to be  
15 screened again to come back into the area, just so  
16 you're aware of that.

17 All right. Our first speaker this  
18 afternoon is Mary Jane Adams. And after Ms. Adams is  
19 Klaus Schumann, and then an A. Stern. Those are the  
20 first three speakers.

21 MS. MARY JANE ADAMS: Good afternoon.  
22 Thank you for the opportunity to address you this  
23 afternoon. My name is Mary Adams. I'm a member of  
24 the SLO Green Party County Council and on the SLO  
25 Green Party Steering Committee. I speak this

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1 afternoon for the more than 2700 registered Green  
2 voters in San Luis Obispo County. The Green Party is  
3 the largest political party on Earth. We are active  
4 in over 90 countries and on all five continents.

5 Naturally, there is a wide diversity of  
6 opinion and expression. But when it comes to nuclear  
7 power, the Green Parties everywhere on Earth speak  
8 with one clear voice: Phase out nuclear power now and  
9 stop producing the dreadful radioactive wastes.

10 How much sense does it make to continue  
11 with the technology which benefits just one or two  
12 generations but then burdens the next 12,000  
13 generations with safeguarding the extremely toxic  
14 radioactive wastes. Without taxpayer subsidies,  
15 bailouts, recovery of stranded costs, and similar  
16 schemes nuclear power cannot compete with benign and  
17 sustainable energy sources.

18 Why continue to expose the residents of  
19 our planet to the risks of a nuclear catastrophe when  
20 other forms of energy production are readily  
21 available. As Ralph Nader said, quote: Nuclear power  
22 is the only form of generating electricity which  
23 requires an evacuation plan. There are less risky,  
24 more economical, and certainly more environmentally  
25 benign ways to boil water, end of quote.

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1           Furthermore, since 9/11 it has become  
2 clear that nuclear plants are also a threat to  
3 national security, as well as a threat to the safety  
4 and health of anyone living within 500 miles of any of  
5 the nation's 65 plant sites.

6           In addition, at Diablo there is continuous  
7 damage to our marine environment. Therefore, the SLO  
8 Green Party strongly urges: Phase out Diablo now.

9           Two-thirds of the radioactive waste  
10 problem can still be avoided. For the already  
11 accumulated waste, we recommend the concept of robust  
12 storage as developed by Dr. Gordon Thompson, which  
13 combines low-density pools with fortified and  
14 dispersed dry casks.

15           The SLO Green Party is particularly  
16 disappointed in your decision regarding the  
17 contentions of the local intervenor groups. We agree  
18 with California State Attorney General, Bill Lockyer,  
19 who describes your decision as, quote, deficient and  
20 troubling, end quote.

21           In fact, you have chosen not to even  
22 consider the merits of all but one of the contentions.  
23 You reject several well-reasoned contentions, such as  
24 earthquakes on highly-questionable legalistic grounds  
25 as correctly outlined by California's Attorney

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1 General.

2 Moreover, we find it especially offensive  
3 that you rejected the contention on terrorism with the  
4 absurd excuse that you were unable to calculate the  
5 risks in mathematical terms.

6 If this is, indeed, so, then you had every  
7 obligation to order full hearings on the issues in  
8 question. After all, your explicit mission is to  
9 regulate the industry in the interests of public  
10 health and safety, not to protect the bottom line of  
11 the industry. That is precisely and by law the  
12 difference between you and the old Atomic Energy  
13 Commission.

14 Where does your approach leave the health  
15 and safety of the people? Clearly you have it upside  
16 down. The SLO Green Party demands that you hold full  
17 hearings on all intervenor contentions.

18 The present administration in Washington  
19 has made it abundantly clear that it views nuclear  
20 plants as prime terrorist targets. It has also  
21 indicated that the present war might only be the first  
22 of many.

23 According to the annual New Year's poll  
24 conducted by the Associated Press two out of three  
25 Americans believe that wars against terrorism overseas

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1 will trigger terrorist attacks at home.

2 Your own studies indicate that in  
3 worst-case scenarios large parts of this County could  
4 become permanently uninhabitable. Moreover, fatal  
5 radiation-induced cancers could kill thousands of  
6 people as far away as 500 miles from the site. In  
7 this type of risk environment and with these kinds of  
8 ramifications, you must side with the people, not with  
9 corporate interests. Thank you. And Klaus Schumann  
10 will complete our statement.

11 JUDGE BOLLWERK: Thank you very much for -

12 -

13 (Applause.)

14 JUDGE BOLLWERK: Thank you very much for  
15 appearing this afternoon. Mr. Schumann.

16 MR. KLAUS SCHUMANN: Yeah. Good  
17 afternoon. My name is Klaus Schumann. I live in Paso  
18 Robles. I'm a property owner there. I am also the  
19 chair of the Green Party Subcommittee on high-level  
20 nuclear waste at Diablo Canyon, also served for six  
21 years on the County Nuclear Waste Management  
22 Committee.

23 To continue our statement, fortunately all  
24 these risks are completely avoidable. Improved energy  
25 efficiency and conservation and a switch to renewable

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1 forms of energy, as advocated by the Green Party,  
2 would generate no lethal waste at all, and create far  
3 more jobs, a boom in the economy, and a more  
4 diversified tax base in the County.

5 The National Environmental Policy Act  
6 requires consideration of a "no project alternative."  
7 Yet so far we have not seen any evidence that you are  
8 even contemplating sensible alternatives.

9 PG&E's proposals are flawed, unsafe, and  
10 risky. The industry has never fulfilled its promise  
11 to deliver "power too cheap to meter" and has broken  
12 its promise that its deadly waste would be no problem.

13 Instead, we are now told that nine times  
14 more waste will be stored on our coast than when the  
15 plant was first licensed and built. Residents of San  
16 Luis Obispo County continue to pay 50 percent more for  
17 their electricity than the national average.

18 Worst of all, PG&E proposals would leave  
19 the vulnerable spent fuel pools at full capacity and  
20 high density for as long as the plant operates. With  
21 relicensing that would be for at least another half a  
22 century. These pools are located outside the  
23 containment area and will contain 20 times as much  
24 cesium 137 as was released in the Chernobyl accident.

25 Remember, it was cesium 137 which caused

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1 most of the offsite contamination at Chernobyl.  
2 Cesium 137 is a strong emitter of lethal gamma rays  
3 and has the consistency of talcum powder. It is,  
4 therefore, easily dispersed over a vast area.

5 Your own studies show that much, if not  
6 all, of this isotope would be released into the  
7 environment in the event of a pool fire. Clean-up  
8 costs, clean-up and health costs, healthcare costs,  
9 would amount to hundreds of billions of dollars.

10 Finally, we would like to quote the  
11 renowned nuclear scientist, Arjun Makhijani, who  
12 stated in May '99, and I quote:

13 The time at which a nuclear power plant  
14 runs out of storage space for spent fuel is an  
15 appropriate time to consider alternatives to its  
16 continued operation, since building new storage  
17 requires significant new regulatory and economic  
18 decisions, end of quote.

19 That time at Diablo is now.

20 And that concludes our comments. Mr.  
21 Chairman, if I may and there is some time remaining,  
22 I'd like also to address and take the opportunity to  
23 take up the offer by Mr. Oatley, vice president and  
24 general manager of Diablo Canyon Nuclear Power Plant,  
25 as he made in a letter to the editor just this weekend

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1 in the *Tribune*, in which he offered to give the facts  
2 on storage pools to "any party," I believe he put it,  
3 who asks for it.

4 Well, we have asked for information on the  
5 following questions for a year and a half now and  
6 never got any answer to it. How much radioactivity  
7 will be out there, total; how much radioactive, in  
8 particular, regarding cesium 137 will be in the pools  
9 when they are full; how much radioactivity regarding  
10 cesium 137 will be in one of the storage casks; what  
11 are the ramifications if successful terrorist attacks  
12 on the pools or the casks are going to happen?

13 We would very much appreciate it if Mr.  
14 Oatley, as he offered in the newspaper, could give us  
15 the answers to those questions. Thank you very much  
16 for your time, Mr. Chairman, and I also wanted to  
17 thank you for making additional time available for us  
18 in the afternoon session yesterday.

19 JUDGE BOLLWERK: You're very welcome, sir,  
20 and thank you.

21 (Applause.)

22 JUDGE BOLLWERK: A. Stern.

23 MS. ADELE STERN: My name is Adele Stern.

24 JUDGE BOLLWERK: Adele Stern. Just one  
25 second. And then David Weisman and Thomas Becker.

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1 I'm sorry. Go ahead.

2 MS. ADELE STERN: I live in unincorporated  
3 San Luis Obispo County and am no expert and represent  
4 no large group, other than the people I've been  
5 talking to who seem to agree with me.

6 I moved here over 30 years ago knowing  
7 that Diablo Canyon would go online and accepting it,  
8 also knowing that it would someday be decommissioned  
9 and would have rods left over and these things would  
10 be taken care of by the federal government and be no  
11 danger to me in San Luis Obispo County. I find I'm  
12 wrong. It now seems to be in your hands to take care  
13 of the danger to San Luis Obispo County.

14 So I'll guess I'll talk to you like your  
15 mother would and say: Guys, ladies, you've got a  
16 problem. What you have is if you can assume maybe the  
17 most treasured relic of your religion was given to you  
18 and inside it is an evil genie. And it's your job to  
19 make sure that this genie does not get out, because  
20 this is a real bad genie. It can kill thousands of  
21 people, do an awful lot of damage.

22 So now that you've got this job to contain  
23 this genie for the next couple of thousand years,  
24 you've got choices. You can put in pools in your  
25 backyard and hope for the next couple of thousand

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1 years somebody will have enough interest and enough  
2 money to make sure that this genie doesn't get out of  
3 that pool, or maybe you can build a nice strong box  
4 and put it in that box and put that in your backyard  
5 and hope, again, for the next thousands of years that  
6 somebody will care enough to guide this box, or maybe  
7 among you experts there's some way of figuring out how  
8 this genie can be contained. I'm not going to say  
9 we're not going to have nuclear power. We have it.  
10 But you guys have got to take care of something so  
11 that this genie does not get loose and make  
12 devastation far beyond. So it's your job, because  
13 maybe somebody that belongs to you is going to be hurt  
14 by this genie if you don't do your job right. Thank  
15 you.

16 JUDGE BOLLWERK: Thank you.

17 (Applause.)

18 JUDGE BOLLWERK: Thank you for coming to  
19 speak with us today. David Weisman, then Thomas  
20 Becker and Elaine Holder.

21 MR. DAVID WEISMAN: Good afternoon. My  
22 name is David Weisman, and I live in Morro Bay. I  
23 thank the NRC for their attention to our requests and  
24 appreciate greatly the display and informed and  
25 passionate concern expressed by the residents.

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1 By a quick show of hands in the room, how  
2 many of you have ever been through Chernobyl? Okay.

3 How many even within about 50 miles of it,  
4 which is where the Ukrainians will let you go without  
5 donning protective gear. Okay.

6 Well, as we have heard, the radiation  
7 released at Chernobyl represents only a fraction of  
8 the amount contained in the spent fuel pools at Diablo  
9 Canyon. And yet that explosion in 1986 created an  
10 area surrounding Chernobyl 40 miles in diameter,  
11 colloquially known locally as the "zone of  
12 estrangement." I think that suffers somewhat in the  
13 translation. It will remain uninhabitable forever.

14 I, myself, have visited the Chernobyl  
15 Institute in Kiev, conducted interviews for a  
16 broadcast that I did as a production. I have visited  
17 and seen the classroom of hairless Ukrainian children  
18 suffering disproportionately high levels of unusual  
19 childhood cancers.

20 I enjoy living on our beautiful Central  
21 Coast too much to see it become a target inside a  
22 "zone of estrangement." I would not appreciate waking  
23 up one day to see a map on which my residence is  
24 labeled "inside a sacrifice zone."

25 I remember when I first started coming up

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1 to this area. It was back in 1987. I was somewhat  
2 puzzled by these mysterious brown labels I found stuck  
3 behind the door of the Motel 6 in Morro Bay. And now  
4 I see them in the back of the restroom, and in the  
5 label on -- in the Denny's, and on the trailmarkers in  
6 Montana del Oro. It was puzzling. You know the label  
7 I'm talking about. "If you hear a steady siren for  
8 three to five minutes, turn your radio to FM station  
9 98.1."

10 But I couldn't figure out what this meant.  
11 Was there a military installation nearby? What is  
12 going on? It was never clear to me why this was a  
13 concern. I hadn't seen this in other cities. The  
14 sticker should have said, as they never did, because  
15 you are ten miles from a nuclear reactor, which  
16 prompted me to wonder: What is the status of the  
17 Diablo Canyon evacuation plan and what proposals are  
18 there to modify it to meet the threats added by  
19 terrorism and this additional storage of high-level  
20 radioactive waste.

21 In the 1970s, when Diablo was licensed,  
22 the population of this County was only 110,000. By  
23 the time the reactors went online it was over 160,000.  
24 It is currently approaching a quarter of a million and  
25 expected to grow.

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1           In all that time we still have only one  
2 major north-south evacuation route, Highway 101,  
3 itself in the middle of a protracted and ongoing  
4 renovation over the critical Cuesta Grade. That  
5 leaves Coast Highway 1 and winding, twisting Route 41  
6 as a major escape route for coastal communities like  
7 mine, Morro Bay.

8           Now, admittedly, as those of you who know  
9 me know I do drive with somewhat of a heavy foot.  
10 However, NRC representatives, if you lived in our  
11 County you would know how frustrating it is to be  
12 stuck behind a slow-moving motorhome as it winds its  
13 way up Highway 41. More frustrating, of course, if  
14 one is attempting to escape a cloud of radioactive  
15 gas.

16           So I ask: How has the increased  
17 population in this County been factored into the  
18 evacuation plans? There have been no new arterial  
19 roads constructed, but the population has nearly  
20 doubled. Heck, I've seen cars backed up for four  
21 hours on our local roads just trying to get out of  
22 Morro Bay after the fireworks on the 4th of July.

23           What would happen if such an incident  
24 occurred at a resort town on the crowded summer or  
25 holiday weekend? Why has there been no full-scale

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1 attempt to test the evacuation plan for this County or  
2 any of the reactor communities around this country?

3 Sure, it means giving up a day of possible  
4 rest and recreation; sure it requires some planning.  
5 But, after all, there'll be monitors and analysts  
6 watching and making sure things don't get out of hand.

7 In fact, why not make it something fun,  
8 you know, to raise funds. The Breast Cancer Awareness  
9 holds a run-a-thon; and the AIDS. Well, why not have  
10 one to test this? We could call it the 'First Annual  
11 SLO County Run For Your Life.' We could offer prizes  
12 to the people who made it to the outlying settlement  
13 and dispensation areas first. People could go on  
14 recumbent bicycles and solar-powered vehicles. It  
15 could be a wise activity.

16 Well, perhaps the reason such an exercise  
17 hasn't been conducted is the truth that it would  
18 reveal, in fact, that evacuation scenarios impeccably  
19 modeled by the latest and fastest computers cannot in  
20 any imaginable way begin to calculate the sense of  
21 fear, panic, and chaos that would ensue in such event.  
22 Perhaps the truly unimaginable is left unknown and  
23 unconfirmed.

24 Now I have here in my hand a bottle of  
25 potassium iodate, as it's called, or iodide. This is

1 the magic pill that is now being touted as the  
2 precautionary measure for exposure to radiological  
3 release. Take some to prevent damage to your thyroid  
4 while the rest of your body is bombarded with  
5 genetically-mutagenic radiation.

6 Frankly, folks, the potassium iodide won't  
7 be much help in the situation as I sit stalled in  
8 traffic, nervously pounding my steering wheel on the  
9 twisting, winding, and narrow road. You know, I think  
10 you've got it wrong. It's not potassium iodide.

11 Why don't you just fill these with Prozac?  
12 Because, trust me in the long run, the people will be  
13 much more grateful and you will experience far less  
14 mass hysteria and panic, which has prompted me to  
15 create my own personal evacuation plan.

16 JUDGE BOLLWERK: I'm sorry. I don't mean  
17 interrupt you, but you need to kind of wrap up here.

18 MR. DAVID WEISMAN: One paragraph?

19 JUDGE BOLLWERK: That's fine.

20 MR. DAVID WEISMAN: Thank you.

21 I will have my own personal protective  
22 gear. In this case, my wetsuit. I will then grab my  
23 surfboard and, as surfers do, jog with some gusto down  
24 the beach into the water and begin paddling west.  
25 Perhaps some kind current will catch me from below and

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1 power my board out of any deadly plume's reach.

2 If not, perhaps the kind seas will swallow  
3 me beneath, that I may slide quickly and quietly to  
4 become one with the blue vastness. Don't feel sorry  
5 for me. I can assure it will be infinitely preferable  
6 to the demise that awaits others, that which awaits  
7 the classroom of the baldheaded Ukrainian third  
8 graders, their bodies riddled with unparalleled  
9 incidence of childhood cancer, victims of their  
10 government's indifference, neglect, and subterfuge.

11 Certainly, we can, we should, we will  
12 expect more and better of you.

13 (Applause.)

14 JUDGE BOLLWERK: Thank you, sir, for  
15 coming and making your remarks today.

16 The next speaker is Thomas Becker. Then  
17 Elaine Holder and Peggy Koteen.

18 MR. THOMAS BECKER: I am Tom Becker, and  
19 I have been a resident of the Central Coast for 32  
20 years. For the last 26 years I have lived in Grover  
21 Beach which is directly downwind from the Diablo  
22 nuclear reactors and Diablo radioactive waste disposal  
23 site.

24 The NRC is responsible for protecting the  
25 public and future generations from the dangers of

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1 nuclear materials. The public safety should be the  
2 highest priority for the NRC. No permanent storage  
3 site exists for the deadly radioactive wastes that  
4 Diablo has already generated and continues to  
5 generate.

6 The NRC has allowed radioactive waste to  
7 be stored in spent fuel pools. The original safety  
8 spacing of nuclear fuel rods has been modified several  
9 times so this deadly material is packed tighter and  
10 even more dangerous than was originally designed.

11 The radioactive waste stored in the pools  
12 presents a deadly target for terrorists or other  
13 deranged individuals. No nation or even small group  
14 of anarchists need develop their own nuclear weapons  
15 to threaten our nation. The use of radioactive  
16 material to make a dirty, radioactive bomb that would  
17 contaminate a large area is within the reach of  
18 extremists, both foreign and domestic.

19 The entire United States population was  
20 horrified by the tragedy at Oklahoma City. This  
21 tragedy was perpetuated by two psychopathic American  
22 citizens using diesel fuel, fertilizer, and other  
23 commonly available materials. As awful as those  
24 murders were, if that bombing had destroyed the pool  
25 containing radioactive waste, the death toll would

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1 have been much greater, and the death and disease from  
2 nuclear contamination would be continuing today and  
3 for many years to come.

4 What is to stop some deranged psycho from  
5 flying a helicopter with a bomb which would destroy  
6 the spent fuel pool and cause a massive release of  
7 radioactivity that would contaminate a large area and  
8 make our homes and businesses uninhabitable for  
9 decades?

10 The NRC should require a no-fly zone  
11 within 50 miles of the Diablo nuclear reactors and the  
12 Diablo radioactive waste dump site. The military  
13 forces equipped with anti-aircraft missile batteries  
14 should be protecting us onsite 24 hours a day all year  
15 long.

16 The pools that store radioactive waste  
17 should be protected with a bunker-style, bomb-proof  
18 structure so as to minimize the chances of the world's  
19 deadliest, dirty radioactive bomb destroying our  
20 community and our futures.

21 Since there is no other permanent storage  
22 site for the deadly radioactive waste already stored  
23 near an earthquake, stop allowing the generation of  
24 more of this high-level nuclear waste. The NRC has  
25 too much deadly radioactive waste already. Allowing

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1 more deadly waste only compounds the problem.

2 Also keep in mind that PG&E is a bankrupt  
3 utility. PG&E is accused of participating in an  
4 energy scam which defrauded California ratepayers of  
5 billions of dollars. PG&E is accused of passing these  
6 ill-gotten gains on to their parent company and then  
7 declaring bankruptcy. The California State Attorney  
8 General is now suing PG&E to recoup the losses  
9 incurred during that scam.

10 No one knows in what form PG&E will emerge  
11 from bankruptcy. PG&E has become the Enron of  
12 radioactive waste. Their legacy will live on for  
13 centuries in the form of deadly nuclear waste which  
14 all of our grandchildren and their future generations  
15 will need to be protected from. Only PG&E's army of  
16 lawyers could foist such convoluted arguments that  
17 making more deadly radioactive waste and storing it  
18 next to an earthquake fault in a terrorist vulnerable  
19 building is in the public interest.

20 The NRC must become the aggressive  
21 watchdog for the public, not the toothless lapdog  
22 catering to a bankrupt utility.

23 (Applause.)

24 JUDGE BOLLWERK: Thank you, sir, for  
25 coming and addressing us this afternoon.

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1           The next speaker is Elaine Holder, then  
2 Peggy Koteen, and then Michael Cannon. All right.

3           MS. ELAINE HOLDER: Emergency response  
4 planning has been of special interest to me for  
5 several years. I served a couple of years on the  
6 Public Safety Committee that oversees the Cal Poly  
7 plan. Then I was on a Mothers for Peace committee  
8 that spent months reviewing the County plan, and  
9 that's a lot of fun.

10           And then Dan Levi and I did some research  
11 on nuclear power attitudes when I was teaching at Cal  
12 Poly. And that meant that we had to review the  
13 research literature, which is even more fun.

14           Emergency response plans are essential,  
15 but they don't always work the way they're supposed to  
16 work. The Soviet Union had engaged in emergency  
17 planning since 1969, but when the Chernobyl accident  
18 occurred it overwhelmed the local resources. There  
19 was a lot of confusion and *ad hoc* planning was  
20 necessary.

21           As a psychologist, I am particularly  
22 concerned about some of the assumptions about human  
23 behavior in the Diablo Canyon plan. That plan  
24 essentially describes the duties of various officials,  
25 the way they coordinate with each other, the way they

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1 make use of resources. It just assumes that people in  
2 the community will do as they are told and will act in  
3 a rational manner, and that is not necessarily true.

4 There are some fuzzy functions that  
5 underlie much emergency response planning. For  
6 instance, it's often assumed that people will respond  
7 in a technological disaster, like a nuclear accident,  
8 for instance, pretty much the same as they respond in  
9 a natural disaster, like earthquakes or tornadoes.  
10 There are some important differences.

11 Also predictions about the way people will  
12 behave in emergencies are often based on catastrophic  
13 events like earthquakes or tornadoes that occur and  
14 are over, leaving people to pick up the pieces. In  
15 such emergencies, panic is not too likely, and often  
16 people come together and support each other.

17 Panic is most likely to occur when two  
18 conditions are present. One, when people believe  
19 there is an immediate and a severe danger that is  
20 increasing; two, when they believe they have a limited  
21 number of escape routes that will close or become  
22 clogged pretty fast. Think about it.

23 Radiation is a very mysterious and  
24 frightening entity to most people. It can't be seen,  
25 or felt, or heard. Whether it is an increasing danger

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1 or not, we will assume that plume is headed our way  
2 fast and we'd better get out of there.

3 So, what are you escape routes? Highway  
4 1 for Los Osos and Morro Bay; across the Grade for San  
5 Luis Obispo; or you can be trapped inside the  
6 perimeter road at Cal Poly. It kind of doesn't matter  
7 what is actually happening. People are likely to  
8 believe the escape routes are closing. They are  
9 likely to believe that the danger is increasing and  
10 they may panic or they may become very emotional.

11 When people get very emotional, they don't  
12 always think rationally. They don't always behave  
13 orders well. They often don't act effectively.

14 So I've got some questions about the way  
15 an evacuation will actually work here. For instance,  
16 if people are told to wait until their protective  
17 action zone is evacuated, will they wait, or will they  
18 be like the people around Three Mile Island? Two  
19 thousand five hundred people, mostly pregnant women  
20 and families with children, young children, were told  
21 they should leave. One hundred and forty-four  
22 thousand people evacuated.

23 And in a highly-charged emotional  
24 situation, will all of the public officials, school  
25 teachers, bus drivers, and so forth, actually stay and

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1 do their jobs and trust that their families will  
2 escape and be taken care of, or will they rush home or  
3 clog up the phone lines calling home? What would you  
4 do? What are the priorities.

5 So, in other words, in a real, highly  
6 emotionally-charged emergency that people believe to  
7 be accelerating, with the escape routes they believe  
8 will be closing, how will people actually behave? If  
9 they don't act like they are predicted to act, then  
10 the emergency response planning will not work any  
11 better here than the planning and procedure of the  
12 Chernobyl disaster.

13 (Applause.)

14 JUDGE BOLLWERK: Thank you very much for  
15 coming in and giving us your comments this afternoon.

16 The next speaker is Peggy Koteen.

17 MS. PEGGY KOTEEN: Hi, I'm Peggy Koteen.

18 JUDGE BOLLWERK: Koteen?

19 MS. PEGGY KOTEEN: Yeah.

20 JUDGE BOLLWERK: Okay. Just one moment.  
21 Then Michael Cannon, and then Orval Osborne.

22 All right. I'm sorry. Go ahead.

23 MS. PEGGY KOTEEN: Yes. I'm a resident of  
24 San Luis Obispo and very concerned about the very  
25 active waste that's already been generated in our

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1 locale. It seems insane, as an insanity, to generate  
2 more spent fuel. For the already accumulated waste,  
3 I would like to consider what was already suggested by  
4 the local Green Party, the concept of robust storage  
5 which combines low-density with fortified and  
6 dispersed dry casks.

7 Also the National Environmental Policy Act  
8 requires consideration of a no-project alternative.  
9 Please take into account alternatives to continuing  
10 production of nuclear energy and waste at Diablo.  
11 Since Diablo will soon run out of storage space for  
12 spent fuel, this is an appropriate time to consider  
13 alternatives to its continuous operation.

14 Please seriously consider the safest  
15 alternative, which is to stop production of any  
16 nuclear waste. Thank you for your time.

17 JUDGE BOLLWERK: Thank you for coming to  
18 speak with you today.

19 (Applause.)

20 JUDGE BOLLWERK: The next speaker is  
21 Michael Cannon, then Orval Osborne, then Carrie  
22 Filler.

23 Mr. Cannon?

24 (No audible response.)

25 JUDGE BOLLWERK: Mr. Osborne?

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1 (No audible response.)

2 JUDGE BOLLWERK: How about Carrie Filler?  
3 After Ms. Filler is Richard Keller.

4 MS. CARRIE FILLER: Good afternoon. My  
5 name is Carrie Filler, and I am a resident and  
6 homeowner in beautiful Morro Bay.

7 I would like to extend to you folks my  
8 heartfelt welcome to our beautiful Central Coast. I  
9 hope you have time to relax and enjoy the magnificence  
10 that this special place that we work hard to call  
11 home. I thank you for coming to listen and hopefully  
12 address our very serious concerns.

13 Let me also thank my employer for giving  
14 me the time off this afternoon to be here to express  
15 my deep concerns for my safety from the PG&E  
16 highly-radioactive spent fuel problem.

17 As I have learned more of the details of  
18 exactly what is being produced and being allowed  
19 storage at Diablo Canyon and how PG&E plans to deal  
20 with the waste, my concerns and my worries for my  
21 safety have only increased. The very plant for all  
22 intents and purposes during my lifetime, I have  
23 learned, is nothing more than a toxic waste dump of  
24 radioactive waste. And a hundred-year measure for  
25 temporary storage of spent fuel is absurd.

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1 My hope for retirement is 90 percent in my  
2 home. But what happens when there is a significant  
3 amount of radioactive material released at Diablo  
4 Canyon by an act of insanity, or malice, or release of  
5 radioactive material because of personal error, or  
6 even due to an act of Mother Nature: Fire,  
7 earthquake, large seas, you-name-it.

8 I respectfully ask you in the unlikely  
9 event of a radioactive release from the power plant  
10 and, let's say, the PAZ, Protective Actions Zone,  
11 Method of Emergency Evacuation as planned and laid out  
12 in our phone book, and say I get out of here alive and  
13 with only a limited amount of harmful exposure, what  
14 about my personal property left behind? How is the  
15 value of my home going to be affected? I'm asking  
16 this. I'm assuming I'm getting out of here alive and  
17 having a life left to live.

18 I went through my homeowner's policy, and  
19 there is no coverage for loss due to the radioactive  
20 leak at Diablo. As a matter of fact, there seems to  
21 be a clear exclusion of such coverage due to such an  
22 occurrence. I ask this not only on my behalf, but for  
23 my friends and my equally-concerned neighbors. Who  
24 holds this liability insurance policy for us if we  
25 can't get it for ourselves that regulates living in a

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1 danger zone of the PG&E waste products?

2 And if such a policy does exist, whether  
3 at a state or a federal level, what caps or limits  
4 exist? Does the reserve amount even come close to the  
5 true value of the assets we've accrued in our homes  
6 and our businesses? What kind of compensation will be  
7 paid to all of those affected monetarily, physically,  
8 and emotionally as a direct result from the  
9 radioactive materials stored at Diablo Canyon Nuclear  
10 Power Plant?

11 My husband and I have worked hard to build  
12 a home together. When we moved into this community  
13 years ago the issue of Diablo Canyon was more of a  
14 nuisance that you just didn't really talk about or  
15 want to think about, but we knew it was there. We  
16 lived, as I realize, in relative stupidity and naivete  
17 to the true danger just around the corner from us.

18 Now the majority of the time we spent  
19 together the last weeks has been consumed, not on  
20 planning our next vacation or fixing up your home, but  
21 it's spent worrying and going over our options. We  
22 love living in Morro Bay. We're so disturbed by what  
23 we have learned about the spent fuel problem in Diablo  
24 that we are evaluating our decisions to continue being  
25 homeowners here or in the vicinity and are seriously

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1 contemplating moving away.

2 I plead with those of you that are here  
3 that have the power to deal with citizens' rights to  
4 please use your integrity and wisdom to make PG&E  
5 implement the best and most assured method of safe  
6 storage of their waste byproduct. The dry cask  
7 storage system, as PG&E has proposed, falls short of  
8 the best protection for the beast they have created  
9 and that plagues us all.

10 And before I leave, I was reading the *TT*,  
11 as I am apt to do on Sunday, and I got this lovely  
12 guide, "Living here, 2003." And with these topics in  
13 mind it said, "The only guide you'll need for life on  
14 the Central Coast."

15 There is an essential part of this  
16 missing. And it's how to get the hell out of here  
17 alive if you hear the siren wailing and telling you  
18 something is very, very wrong.

19 (Applause.)

20 JUDGE BOLLWERK: Thank you for coming this  
21 afternoon and addressing us.

22 The next speaker is Richard Keller, then  
23 Elizabeth Apfelberg, and then Leslie Halls.

24 MR. RICHARD KELLER: Hello, folks. My  
25 name is Rick Keller, and I'm a fellow chowderhead.

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1 I'll explain that reference by the end of my talk.  
2 I'm a licensed marine engineer. I've got 20 years'  
3 experience operating, installing, and repairing power  
4 and auxiliary systems. High-power electric,  
5 cogeneration, done that. High-pressure, hydraulic,  
6 main propulsive systems, four to 20 main controls.  
7 PLC logic, triple redundancy control systems. Been  
8 there. I've learned from some of the best and I've  
9 worked for some of the worst.

10 After graduation I shopped around for the  
11 best companies to work with. Good pay, benefits,  
12 retirement. It's the same rhetoric we've been telling  
13 our kids for generations now. As long as there is a  
14 paycheck, don't make waves. At least you've got a  
15 401K retirement, or do you? How's your retirement  
16 looking with PG&E in bankruptcy?

17 Once upon a time PG&E knew that its  
18 employees, as well as its business side, had to be  
19 integrated to be successful. As it grew though, it  
20 forgot some of its roots or got greedy at the top.  
21 I've seen PG&E employees come up and talk about how  
22 great the company and the Diablo Canyon facility is.

23 I've got to admit, the people working for  
24 PG&E are nice folks, but the people are no longer the  
25 company. PG&E is a business and from a business point

1 of view, the employees are a liability. That's why  
2 corporate employees feel like they are second string  
3 on a larger team.

4 The people out at the plant work hard to  
5 do the best they can within the budget constraints.  
6 They watch the costs, work extra. Repair rather than  
7 replace. What's the reward from a bankrupt company?  
8 Maybe a small year-end bonus. You might get a company  
9 picnic. When it's negotiation time, the union still  
10 has to scratch and kick to keep the benefits and try  
11 to get a small percentage cost-of-living adjustment.  
12 Any of it keeping up with the true cost of living  
13 around here?

14 Here's some facts. PG&E has been in  
15 Chapter 11 for years. PG&E is the mother company. It  
16 has created a side company called PG&E National Energy  
17 Group, which has grown vigorously because it has been  
18 shielded through legal and accounting maneuvers known  
19 as "ringfencing."

20 It allows all profits to stay in a side  
21 corporation while the books on the mother company look  
22 depleted. PG&E-NEG operates in 21 states and has  
23 grown bigger than the parent at over 71 million in  
24 profits. PG&E has stated that Chapter 11 proceedings  
25 will have no effect on its offspring.

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1                   The executives at PG&E are not affected by  
2 Chapter 11. 2000 salary and bonus compensation:

3                   Robert Glynn, 945,000; Peter Darbee,  
4 860,000; Thomas Boren, 1,665,000; P. C. Iribe,  
5 740,000; T. B. King, 234,000 -- I'm sorry --  
6 2,347,000.

7                   2002: Robert Glynn, 2,081,000; Peter  
8 Darbee, 783,000; Thomas Boren, 1,369,000; P. C. Iribe,  
9 732,000; T. B. King, 732,000; Gordon Smith, 1,295,000.

10                  And now, as of March 21st, 2003, three  
11 executives, president and fuhrer, Robert Glynn gets  
12 787,000 bonus on top of a salary of 1,050,000 for  
13 running a bankrupt company on the backs of  
14 hard-working employees. PG&E has been around since  
15 1905. That's a long time. The power industry is an  
16 old industry, and it likes to use older, tried, and  
17 true equipment. Understandably. You don't want to  
18 take a chance on systems that haven't proven  
19 themselves.

20                  Nuclear is a tough industry, especially at  
21 Diablo. 1960s technology paradigm design built over  
22 a quarter of a century ago. It's hard to get a feel  
23 for the track record of how long systems run before  
24 you can't keep up with all the little problems, all  
25 the odd glitches that at first seem to cure

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1 themselves. It might have been a loose connection or  
2 a slow sensor, seems okay now.

3 There are thousands of connections,  
4 hundreds of sensors. Some of them are exposed to the  
5 environment, or vibration, or radiation. Which one is  
6 going to fail next or give a false reading? Can't  
7 afford to rewire and replace the entire control  
8 network.

9 How about the waste pool containment? Out  
10 here and in the rest of the world cement hardens and  
11 turns brittle over ten years. How does concrete react  
12 to long-term radiation exposure? I've asked the new  
13 experts at Livermore labs. No real data to draw  
14 conclusions from. Because of the age of the Diablo  
15 plant, it's now showing unplanned and unexplained  
16 failures, both electrical and mechanical. I've  
17 experienced similar breakdowns in other aging plants.  
18 Fools. But we in the room are fools.

19 The battle was lost 25 years ago. The  
20 radioactive waste is here to stay forever. I admit,  
21 I was a chowderhead, and I was ignorant when I  
22 purchased my home here 12 years ago. I have now  
23 learned the awful truth. I see no solution that is  
24 safe. With the plant existing, every day we get a  
25 little extra radiation along with our monthly power

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1 bill.

2 I thank the real estate lobbying for  
3 suppressing information regarding the past and recent  
4 accidents and incidents at the plant from reaching the  
5 public. This has protected my investment and kept  
6 prices of homes from plummeting.

7 When you watch a documentary where a  
8 volcano's smoking steam vents and the ground bulging,  
9 you wonder why the people don't leave. The evidence  
10 is before them. We in the room have now witnessed the  
11 evidence and the indicators before us.

12 I lost my uncle in Hiroshima. He died a  
13 slow and agonizing death. Personally, I'm starting  
14 the process of cleaning up my belongings and have  
15 started a search for a new place to live. I don't  
16 want to remain and be a chowderhead any longer.

17 (Applause.)

18 JUDGE BOLLWERK: Thank you, sir, for  
19 coming to address us today.

20 The next speaker is Elizabeth Apfelberg,  
21 then Leslie Halls, then Katherine Barnett.

22 MS. ELIZABETH APFELBERG: My name is  
23 Elizabeth Apfelberg, and I've lived in San Luis Obispo  
24 since 1971. In 1973, when Pacific Gas and Electric  
25 Company first applied for a license to operate Diablo

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1 Canyon, to get a license to operate it, I and other  
2 members of the community intervened, very naively at  
3 that time, although it's been proven true that we were  
4 naive when we thought that the AEC and then the NRC  
5 would protect us at that time.

6 Two of the original contentions that we  
7 filed in November of 1973 had to do with the very  
8 issues that we are still talking about. And I just  
9 wanted to quickly read them:

10 Disposal of radioactive waste from the  
11 Diablo Canyon Units 1 and 2 pose another threat to our  
12 safety. These radioactive wastes which remain lethal  
13 for periods of tens of thousands of years and more  
14 must be removed from the reactor core, encased,  
15 transported, and stored without the slightest room for  
16 any error, mechanical or human.

17 This requirement defies the scientific  
18 laws of probability, and it still does.

19 The second, the next contention which we  
20 filed in 1973 had to do with terrorism and sabotage.  
21 The existence of the possibility of sabotage and theft  
22 is a clear and present danger. Only small amounts of  
23 plutonium need to be stolen to fashion a crude bomb.  
24 Very small amounts, micrograms, of plutonium or  
25 strontium-90 are lethal to large populations. Power

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1 plants could be held ransom or political means, just  
2 as planes are hijacked today. 1973.

3 In the event of war a nuclear power plant  
4 would be quite vulnerable to enemy attacks. Back then  
5 we thought we -- no one in their right mind, knowing  
6 these things and the other contentions we had, would  
7 license the plant.

8 We were allowed some very limited areas  
9 for discovery. Of course, when it came to the end of  
10 hearing, even these were denied. We had the board at  
11 that time in dealing with our contentions, either then  
12 or after the hearings, say, "The Board concurs with  
13 the position of the applicant and staff." "The Board  
14 agrees with the staff." "The Board concurs with the  
15 applicant and staff." "The Board concurs with the  
16 applicant and staff," time and time, over and over,  
17 "The Board concurs with the statements of the  
18 applicant and staff" concerning the issues that we  
19 have raised.

20 This morning when I looked at the  
21 newspaper, and I just want to read again what was  
22 quoted as the official policy of the Nuclear  
23 Regulatory Commission in respects to terrorism. "The  
24 Agency's official policy is that the possibility of a  
25 terrorist attack is speculative and too far removed

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1 from the natural or expected consequences of Agency  
2 action to require that the Licensing Board look at  
3 this issue as it relates to the proposed dry cask  
4 storage facility."

5 It seems to me and to many others that the  
6 reason why they are not looking at it is because they  
7 really do not have a solution to further production of  
8 waste and the storage of it, so we'll just wipe our  
9 hands of it as an issue, as was done 30 years ago.

10 We have had domestic sabotage, terrorism  
11 in Oklahoma City. We have had international terrorism  
12 in the United States. I was there six blocks from the  
13 World Trade Center on September 11, 2001 and saw just  
14 about everything, smelled, felt, saw the people  
15 evacuating up the East River Drive. This was  
16 something that was never considered that anything like  
17 that could happen. Why are you considering that no  
18 terrorism could happen at Diablo Canyon?

19 Some people new to the area might wonder  
20 why the NRC would not order robust -- excuse me --  
21 would not order protective domes over the spent fuel  
22 pools, similar to the ones over the reactor domes.  
23 Why won't you reduce the density of the assemblies in  
24 the spent fuel pools to reduce the likelihood they  
25 would catch fire?

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1                   But to us we think it is completely a  
2 dollar issue, not a health and safety issue. And we,  
3 for one, are asking you to consider, please, health  
4 and safety over dollar issues. Thank you.

5                   (Applause.)

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

8                   Leslie Halls is the next speaker; then  
9 Katherine Barnett, then Susan Harvey.

10                  MS. LESLIE HALLS: Hello. My name is  
11 Leslie Halls. I moved to San Luis Obispo in 1979.  
12 And I wanted to speak today because -- I guess I'm in  
13 the right place. I thought that the subject of the  
14 hearings was supposed to be the proposed plans to  
15 build an aboveground spent fuel storage facility; it  
16 wasn't supposed to be about, you know, evacuations,  
17 and all the rest of it.

18                  But I work with a lot of contractors every  
19 day. And I've read through some of the material.  
20 And I have to say that I think the plan they've come  
21 up with is the best that we can hope for, given the  
22 situation that we have.

23                  When Diablo went online and during the  
24 planning process, even before it went online, it was  
25 expected that the spent fuel would be sent to some

1 sort of federal repository, either in Nevada or  
2 someplace else.

3 And, unfortunately, the federal government  
4 over the years has dragged its feet on establishing  
5 such a federal repository. Even moving the fuel to  
6 someplace else presents its own problems with trying  
7 to put it on trucks, or whatever it is, and ship it  
8 halfway across country or even just to the next state.

9 The plans that PG&E has put together  
10 provide for these things to be stored onsite. They'll  
11 be surrounded by concrete seven feet thick, and  
12 there'll be hydrogen gas in there to try and stop any  
13 additional chemical reactions, or anything. I'm not  
14 a rocket scientist or a nuclear engineer. I'm just a  
15 person who lives here. But, you know, we have this  
16 idea in America that everything's going to be neatly  
17 solved in 30 minutes like it is on the sitcoms on TV.  
18 And, you know, real life isn't really like that.

19 This is serious problem, and it's not  
20 going to go away. But just to say, 'We're going to  
21 close the plant,' isn't going to solve anything,  
22 either. I think PG&E is trying to make the best of a  
23 bad situation. And from what I understand of this, I  
24 think that they've got a pretty good plan.

25 And as a resident of San Luis Obispo, I'd

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1 rather have it shut up there than being driven all  
2 over our highways, like the fuel from Vandenberg a few  
3 years ago, where there'd be a greater chance of other  
4 things going wrong. So I guess I support the  
5 applicant. Thank you.

6 JUDGE BOLLWERK: All right. Thank you for  
7 coming to address us this afternoon.

8 (Applause.)

9 JUDGE BOLLWERK: The next speaker is Susan  
10 Harvey, and then Mark Mitchell.

11 MS. KATHERINE BARNETT: My name is  
12 Katherine Barnett. I live in Paso Robles and speak  
13 not as part of any organization but as a citizen of  
14 the County of San Luis Obispo.

15 I do have an interest in this matter.  
16 Thank you for allowing me to speak. I also appreciate  
17 the time given by the members of the public to address  
18 PG&E's application for permission to construct and  
19 operate an independent spent fuel storage installation  
20 at its Diablo Canyon Power Plant.

21 Most issues have been addressed by  
22 previous speakers, so I'll make my comments short or  
23 suggestions brief. I'm not asking the NRC to shut  
24 down Diablo Canyon. However, I am concerned about  
25 sending nuclear waste to Yucca Mountain. I am asking

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1 the NRC to hold additional public hearings to address  
2 the environmental impacts of transportation. Don't  
3 wait until that day occurs. Start the process now.

4 I am asking the NRC to do everything  
5 possible to protect the public's health and safety,  
6 not just the financial health of PG&E. It is my  
7 understanding that the President of the United States  
8 stated that written information from terrorists has  
9 been discovered and nuclear power plants are high on  
10 the list of potential targets.

11 If NRC regulations do not require  
12 licensees to plan for or to design their facilities to  
13 protect against attacks by enemies of the United  
14 States, please change the regulation.

15 In January at a public hearing of the  
16 Diablo Independent Safety Committee, a speaker from  
17 Arroyo Grande suggested that PG&E consider excavating  
18 a large cave in back of the plant to store the spent  
19 fuel rods. I think the idea of protection of the hill  
20 merits further consideration and discussion.

21 At yesterday's public hearing a gentleman  
22 held up a San Francisco *Chronicle*, showing a picture  
23 of a very visible Diablo Canyon. My reaction is in  
24 the form of a question, a question I pose to you: Why  
25 not camouflage the facility? It may not deter an

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1 enemy attack, but our military service units must  
2 think it offers some form of protection.

3 In closing, I would like to make a comment  
4 concerning PG&E's bankruptcy and its recent, recent  
5 decision to give bonuses to managers in the amount of  
6 15.1 million. They may have the right to do so, but  
7 I question whether it was a smart or timely decision.  
8 As an individual in bankruptcy, but not obligated for  
9 expenses involved in licensing for nuclear fuel  
10 storage, if I decided to treat my relatives to a  
11 cruise, -- by the way I'm ninth in a family of a  
12 dozen, so have lots of relatives -- I think that  
13 members of the public would have the right to question  
14 my mental stability, at least my ability to make sound  
15 financial decisions.

16 In view of the bankruptcy and bonuses, I  
17 can only question what other kind of decisions PG&E  
18 will make. Will they cut corners to construct an  
19 independent spent fuel storage installation? Will  
20 PG&E have the necessary funds to meet its financial  
21 obligations associated with the activities for which  
22 a license is sought? If through the bankruptcy the  
23 plan is to sell Diablo Canyon, why not wait to grant  
24 a license to the new owner? Again, I thank you for  
25 giving me the opportunity to speak to you.

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1 JUDGE BOLLWERK: Thank you very much for  
2 coming this afternoon.

3 (Applause.)

4 JUDGE BOLLWERK: The next speaker is Susan  
5 Harvey, and then Mark Mitchell, and then Terry Hayes.

6 MS. SUSAN HARVEY: Good afternoon, and  
7 thank you very much for offering us this opportunity.  
8 The previous speaker, previous a while back,  
9 notwithstanding, if PG&E were trying to make the best  
10 of a bad situation, they would improve the design or  
11 decommission the plant.

12 In the March 18th *Tribune*, PG&E Diablo  
13 Canyon spokesman stated, quote: It's extremely  
14 unlikely, unquote, that terrorists could successfully  
15 attack Diablo Canyon, given that it is a  
16 heavily-guarded armored target.

17 The Attorney General of California, Bill  
18 Lockyer, cited spent fuel pools as one of the most  
19 vulnerable components -- this is the quote -- as one  
20 of the most vulnerable components at a nuclear power  
21 plant, end quote. Excuse me.

22 We need to be thinking outside the  
23 proverbial box here. I'm not expecting terrorists or  
24 whackos to be making a full-tilt charge at the front  
25 door of Diablo Canyon. And the spent fuel pools are

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1 not armored.

2 Sometime back you may recall terrorists  
3 attempted to shoot a commercial airline out of the sky  
4 with a shoulder-held surface-to-air missile. At the  
5 time of that attack, it was revealed that these kind  
6 of munitions could be bought for \$5,000. That means  
7 50 of us trucking in a hundred dollars could have one,  
8 or a hundred of us for \$50. That's only one example  
9 of the kind of world that is around us now.

10 I'm not expecting a plane to dive straight  
11 into the spent fuel pools, but something could be  
12 catapulted into it. And I'm sure there are many other  
13 kinds of munitions I have no knowledge of that can be  
14 easily got.

15 PG&E is in bankruptcy and not showing any  
16 signs of recovery. They lavish large bonuses on their  
17 executives. That tells us something about their  
18 priorities. I think they'll be looking for ways to  
19 cut costs. Let's look at a few possibilities for  
20 cutting costs that your average company takes. They  
21 lay off employees and have remaining staff work  
22 12-hour days. The facility would be fully staffed,  
23 but the staff would be far from at their peak of  
24 performance. Tired people make mistakes. People  
25 taking amphetamines to stay awake make worse mistakes.

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1           They lay off high-priced, very skilled,  
2           very expensive employees and hire employees with lower  
3           skill sets and education levels. That is they dumb- -  
4           - excuse me, I'm sorry -- that is, they dumb-down the  
5           job description requirements.

6           Another old favorite:     Hire outside  
7           consultants and temporary workers for one lump sum.  
8           You have no obligation to train the employee, provide  
9           benefits, or retirement.     The employer and the  
10          employee have no continuing continuity, loyalty, or  
11          responsibility to each other.

12          Serious disasters are often the result of  
13          a series of oversights.     If we take all of these  
14          possibilities in the aggregate, I think we are being  
15          extremely foolish not to think in the wider  
16          perspective when we're dealing with further licensing  
17          of Diablo Canyon.     Thank you.

18                                     (Applause.)

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

21           Mr. Mitchell, then Terry Hayes, then Sybil  
22           Casey.

23           MR. MARK MITCHELL:   Good afternoon.   Mark  
24           Mitchell, physicist until two years ago when I moved  
25           to Morro Bay.

1           Why are we here today? Officially we are  
2 here to consider the PG&E proposal to building an  
3 ISFSI at Diablo Canyon. You will hear testimony that  
4 explains the spent fuel storage will involve the  
5 long-term storage of massive amounts of radioactive  
6 materials on the grounds of Diablo Canyon.

7           Until recently the only shouts of  
8 opposition against Diablo arose from those living in  
9 the immediate shadow of that power plant. This, I  
10 believe, is because of the delusion that is shared by  
11 the citizens of California. I see that delusion  
12 confusing my friends and family members, misdirecting  
13 civil authorities, and even affecting the words of  
14 some of the fellow speakers.

15           This myth is that the pattern of a  
16 radioactive fall-out cloud falls in neat little  
17 circles around the source. In this case, Diablo  
18 Canyon Nuclear Power Plant. How else to explain the  
19 neat little emergency zones around Diablo in our  
20 telephone books that stretch from Cayucos to Nipomo?  
21 How else to explain the relative disinterest of cities  
22 south of Santa Maria in the operation of an emergency  
23 response proposal for Diablo? How else to explain the  
24 neat assumption by many that the thousands of square  
25 miles of contamination mentioned by expert, Dr. Gordon

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1 Thompson, means thousands of square miles and neat  
2 little circles centered on Diablo Canyon?

3 This delusion eases the minds of those who  
4 live outside the immediate shadow of Diablo. If you  
5 live elsewhere you sleep peacefully at night,  
6 believing Diablo cannot touch you and your family.

7 What would really happen if an explosion  
8 occurred at Diablo and a radioactive cloud was  
9 released? Let us look to Chernobyl for answers. On  
10 April 26, 1986 reactor 4 at Chernobyl power plant  
11 exploded. A radioactive fall-out cloud was unleashed  
12 that eventually forced 184 villagers and 180,000  
13 people to be evacuated in this sparsely-populated  
14 agricultural area. This map shows as orange the  
15 closed zones that will remain off limits to  
16 cultivation and settlement well into this century  
17 because of the high levels of radioactive cesium 137.

18 There is a closed zone centered on the  
19 power plant. However, there are other separate close  
20 zones as far as 160 miles away to the northeast.  
21 These areas are permanent casualties of the Chernobyl  
22 explosion, despite their great distances from that  
23 explosion.

24 There are other maps that show the  
25 Chernobyl fall-out cloud traveling across Europe

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1 leaving nuclear contamination in concentrated areas  
2 here and there in 24 countries. While the other ones  
3 in other countries were not relocated, they are still  
4 having problems 17 years later, as mentioned by  
5 speaker Russ Ferriday.

6 For those who focus on the bottom line, a  
7 conservative estimate for the financial damage caused  
8 by Chernobyl is \$16 billion, U.S.

9 Now let's apply our knowledge of Chernobyl  
10 to Diablo Canyon. The radioactive fall-out cloud of  
11 Chernobyl would, if emitted from Diablo, reach Los  
12 Angeles pushed by the southeast wind that flows past  
13 Diablo. In this map Santa Barbara, Oxnard, and the  
14 San Fernando Valley would be uninhabitable. A  
15 conservative estimate of the number of people  
16 permanently relocated would be one million.

17 Are public officials ready to evacuate a  
18 million people? L.A. has already erupted in riots  
19 before, so it's not inconceivable that news of an  
20 approaching radioactive fall-out cloud would trigger  
21 panic and social breakdown as too many people tried to  
22 escape on too few roads.

23 From the Diablo Canyon Power Plant in 1996  
24 Annual Radioactive Effluent Release Report, we see  
25 that the wind blows towards the southwest, towards Los

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1 Angeles, 34 percent of the time.

2 When you leave the building today, I  
3 invite everyone to look at the flags in front of the  
4 building. You will see them blowing towards Los  
5 Angeles.

6 There are those who say that Diablo is no  
7 Chernobyl. I must agree. The pools and casks of  
8 Diablo will produce 20 times the radiation produced by  
9 Chernobyl. The damage to California would be much  
10 worse. The permanently-contaminated zones are likely  
11 to cover a wider area, reach further, and affect many  
12 more lives.

13 There are those who say that there is no  
14 way of still knowing without a doubt if a Diablo  
15 fall-out cloud would reach Los Angeles. This starts  
16 to enter the world of statistics with any answer  
17 possible and no answer certain.

18 However, NRC Report 1738 considers  
19 fall-out distances up to 500 miles, so the 160-mile  
20 distance to Los Angeles is well within the realm of  
21 possibility. As an aside, I must commend the NRC for  
22 making this document available to the public.

23 Together, the spent fuel pools currently  
24 at Diablo and the dry casks of the future spent fuel  
25 storage form an ideal target for terrorists: easy to

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1 set on fire, impossible to extinguish once burning,  
2 and located ideally for terrorizing Los Angeles.

3 After the fall-out cloud reaches Los  
4 Angeles, millions of people will be asking who in the  
5 NRC approved the independent spent fuel storage  
6 installation. For the lawyers who will have to fight  
7 off the legions of lawsuits, you are on public record  
8 as having prior knowledge of the horrible  
9 possibilities resulting from a single terrorist act at  
10 Diablo Canyon. The I-didn't-know argument will not  
11 work now.

12 To the project manager of the spent fuel  
13 storage project, have you already found a way to  
14 insure your project for \$16 billion? Considering the  
15 population of California is 34 million, this works out  
16 to \$470 for each resident of our state.

17 Thank you.

18 (Applause.)

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

21 The next speaker is Terry Hayes, then  
22 Sybil Casey, and then Steven Weiner.

23 MR. TERRY HAYES: I'd like to thank the  
24 NRC for giving each of us an opportunity to share our  
25 views here this afternoon. I'd also like to thank the

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1 Mothers for Peace for their awareness and tenacity.

2 My name is Terry Hayes. I live in Arroyo  
3 Grande. That would be zone 11 downwind. My thanks  
4 again to the NRC for their continued oversight of the  
5 nuclear industry, as it is impossible to have much  
6 confidence in a utility company which filed for  
7 bankruptcy. This would be the same company which is  
8 responsible for the safekeeping of their deadly  
9 stockpiles of spent fuel at Diablo Canyon.

10 This begs the question: If they cannot  
11 keep their company solvent, how do we assume they can  
12 adequately protect the public from their poisonous  
13 spent fuel?

14 I find it difficult to believe that with  
15 all the intelligent people in this highly-technical  
16 industry their comprehensive long-term disposal plan  
17 for spent fuel was not developed and implemented  
18 before generating all this deadly material.

19 It appears as though the industry and  
20 government forged ahead with its nuclear business in  
21 hopes of finding a disposal solution sometime later.  
22 What an irresponsible and foolhardy approach. In any  
23 case it is now later and we are still faced with the  
24 disposal issue.

25 The public needs to know what the

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1 projected costs for spent fuel containment are  
2 expected to run. Then we can factor in costs for  
3 security measures, guards, et cetera, for thousands of  
4 years that our future generations will have to protect  
5 all this poisonous material from terrorists, and the  
6 like. Even then guards cannot protect these  
7 stockpiles from a missile or bomb attack. In fact, an  
8 attack on these stockpiles would have the result of a  
9 dirty bomb. A terrorist will only need to provide a  
10 detonator as the radioactive material would already be  
11 in place. How convenient for the terrorist.

12 I hardly think we can afford to harden  
13 these stockpiles against a missile attack, because to  
14 do so would be extremely costly. The utility's  
15 stakeholders would most likely accept our risk instead  
16 of paying for the protection.

17 It would seem a much more common sense  
18 approach to this problem would be to use all the  
19 billions and billions of dollars needed to contain and  
20 secure this poisonous material to instead find and  
21 implement more benign emerging power technologies  
22 which currently exist.

23 I pray the NRC will accept the  
24 responsibilities on behalf of us all and halt  
25 production of more poisonous spent fuel until an

1 accessible, comprehensive disposal plan is in place.

2 Please make the health and security of all  
3 Americans a priority over corporate gain. Truly we  
4 are all downwind.

5 (Applause.)

6 JUDGE BOLLWERK: Thank you for your  
7 remarks.

8 Sybil Casey, and Steve Weiner, and then  
9 Duane Waddell.

10 Sybil Casey?

11 MS. [SPEAKER]: She's unable to attend.

12 JUDGE BOLLWERK: All right. Then Steve  
13 Weiner, Steven Weiner.

14 MR. STEVE WEINER: Good afternoon. My  
15 name is Steve Weiner, and I'm the Executive  
16 Secretary-Treasurer of the Santa Barbara-San Luis  
17 Obispo Counties Building and Construction Trades  
18 Council. I represent the working men and women of 27  
19 craft unions that will build this project.

20 When we first heard about the dry cask  
21 facility project, we asked PG&E to give a presentation  
22 to the Council. At that presentation we were informed  
23 of several facts.

24 One, that Diablo Canyon is one of the  
25 largest employers in San Luis Obispo County and that

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1 they pay a livable wage and benefits to their  
2 employees, which is vital to the County's economy.

3 Diablo Canyon is responsible for about 10  
4 percent of California's nation source; that there are  
5 approximately 23 other nuclear power plants in the  
6 country already safely using an aboveground dry  
7 storage system; and also that the Rancho Seco power  
8 plant in Sacramento Municipal Utilities District has  
9 been using the same dry storage technology since  
10 August 2002.

11 At the end of their presentation, we told  
12 PG&E that we had some concerns about the construction  
13 part of the project. We wanted to ensure that they  
14 use local people for local jobs; that it was a quality  
15 of work; that the workers would be paid area standard  
16 wages and benefits; and that it would be a safe work  
17 environment for our members.

18 We worked with PG&E on these concerns and  
19 put together a project labor agreement addressing all  
20 these issues. It is for these reasons that the  
21 working men and women of the 27 craft unions of the  
22 Santa Barbara-San Luis Obispo Counties Building and  
23 Construction Trade Council support this project and  
24 ask that you do also. Thank you.

25 (Applause.)

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1 JUDGE BOLLWERK: Thank you, sir, for  
2 coming to address us today.

3 Duane Waddell, Sherry Lewis, and Walt  
4 Mankins are the next three speakers.

5 MR. DUANE WADDELL: Ten miles over the  
6 hill as a crow flies in Diablo Canyon we have some  
7 stored potential weapons of mass destruction. Can any  
8 of you guarantee us that this potential will never be  
9 released? Please raise your hand if you can give us  
10 this guaranty.

11 Well, if you can't guarantee this, how can  
12 you even consider storing more of this deadly material  
13 in our community? I could go on, I guess, but I think  
14 that pretty much says it all.

15 (Applause.)

16 JUDGE BOLLWERK: Thank you, sir, for  
17 coming this afternoon.

18 Sherry Lewis, Walt Mankins, and Steve  
19 Zawalick.

20 MS. SHERRY LEWIS: My name is Sherry  
21 Lewis; I live in San Luis Obispo. I want to read  
22 excerpts from a letter from Bill Lockyer, Attorney  
23 General, to Richard Meserve, Chairman of the U.S.  
24 Nuclear Regulatory Commission:

25 "The safety of this plant, and the full

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1 evaluation of the measures taken to handle and store  
2 spent nuclear fuel at the site, is of great importance  
3 to every Californian."

4 "The Attorney General of the State of  
5 California has reviewed the Panel Decision and the NRC  
6 Decision and find them deficient and troubling.

7 "...in its determination of the referred  
8 contentions regarding the environmental consequences  
9 of potential acts of terrorism directed against the  
10 proposed [independent spent fuel storage  
11 installation], the NRC relied on a flawed  
12 understanding of the [National Environmental  
13 Protection Act] and an assumption about the likelihood  
14 of such acts of terrorism that is at odds with  
15 statements made by the President, the Secretary of  
16 Defense, and the Secretary of Homeland Security.  
17 Accordingly, we request that the NRC order public  
18 hearings on the significant safety and environmental  
19 issues raised by the petitioners..."

20 "The civic organizations and government  
21 entities that have sought intervention in PG&E's  
22 licensure proceedings have raised important questions  
23 regarding the safety and security of PG&E's proposed  
24 [independent spent fuel storage installation]. If the  
25 public is to have confidence in PG&E's operation of

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1 any spent fuel storage facility approved for Diablo  
2 Canyon, or, indeed, in PG&E's operating of the power  
3 plant itself, and if the public is to have confidence  
4 in the NRC permitting process, these issues must be  
5 analyzed publicly on their technical merits. The NRC  
6 should order public hearings on the critical safety  
7 and environmental issues raised by the petitions in  
8 this matter."

9 That's it.

10 (Applause.)

11 JUDGE BOLLWERK: Thank you for coming this  
12 afternoon.

13 The next speaker is Walt Mankins, then  
14 Steve Zawalick, and then Joshua Oldczak.

15 MR. WALT MANKINS: I just want to say good  
16 afternoon and thanks for the opportunity to speak to  
17 you people. My name's Walt Mankins. I'm a president  
18 for the Santa Barbara-San Luis Obispo County Building  
19 Trades; also a business representative for the  
20 International Union of Operating Engineers, Local  
21 Number 12.

22 I'm here today to put on record that I,  
23 that we support this dry cask storage facility in its  
24 entirety. I'm a third generation resident in this  
25 area. I feel that it's the best thing to do, common

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1 sense, to keep the waste material onsite. I don't see  
2 there's any purpose in endangering our neighbors by  
3 shipping and placing the waste in their backyards.  
4 But, like I say, I am totally for the project. Thank  
5 you for the time.

6 (Applause.)

7 JUDGE BOLLWERK: Thank you, sir, for  
8 appearing this afternoon.

9 The next speaker is Steve Zawalick and  
10 Joshua Oldczak, and then Ginny Monteen.

11 MR. STEVE ZAWALICK: Hi. Thank you. My  
12 name is Steve Zawalick. Good job on the  
13 pronunciation. It's not an easy one.

14 I wanted to thank all of you for listening  
15 to us today. This is not easy work. My wife and I of  
16 12 years have a daughter, and I wanted to discuss her  
17 future a little bit today. This is a picture of her.  
18 She's three years old, and she's absolutely everything  
19 to us. We intend to raise her as well as we can and  
20 provide her every possible advantage so that she may  
21 contribute to our society in some way in the future.

22 As a family, we are good neighbors. And  
23 we love our home in San Luis Obispo. We live just 12  
24 miles from Diablo in evacuation zone 8. When Maureen  
25 and I moved to San Luis Obispo, we were amazed at the

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1 culture, community, environment in this pocket of  
2 paradise.

3 Twenty-three years ago as a junior in high  
4 school I started studying radiation by growing a plant  
5 in radioactive nutrients and mapping the flow of food  
6 through the plant. Since then I've gone on to become  
7 a reactor operator. I've gotten a degree in nuclear  
8 engineering, and I've gotten a degree in physics.  
9 I've become a radiation engineer for Westinghouse.  
10 I've done instrumentation in uncertainty analysis;  
11 I've done quality oversight; and now I'm a system  
12 engineer at Diablo.

13 So I wanted to talk a little bit about  
14 what we're trying to propose here and see if some of  
15 this stuff makes sense.

16 As far as my daughter goes, why on earth  
17 would I move here if I was at all afraid of what we're  
18 doing. It's important, right? I would never do that.  
19 I could live anywhere in the country I wanted to work.  
20 I came to Diablo because it's one of the best power  
21 plants in the country. And ever since I've started  
22 working there I've found an amazing collection of  
23 tenacious, honorable, and consistent people who are  
24 dedicated and trustworthy. Their safety record is  
25 excellent. Their security is excellent. Their

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1 decisionmaking is excellent. I feel safe; I feel  
2 confident; and I feel comfortable with this team.  
3 Please ensure that this important work goes on. Let's  
4 keep the lights on and reduce our dependence on  
5 foreign oil. Thank you.

6 (Applause.)

7 JUDGE BOLLWERK: Thank you for coming to  
8 address us this afternoon.

9 Joshua Oldczak, then Ginny Monteen, then  
10 Otto Schmidt.

11 MR. JOSHUA OLDCZAK: Okay. Thank you.  
12 Yes, Joshua Oldczak.

13 JUDGE BOLLWERK: If I'd gotten nearer, I'd  
14 have probably --

15 MR. JOSHUA OLDCZAK: That is as about as  
16 good as it usually gets.

17 I'm a licensed building contractor, ROP  
18 credentialed instruction, technology instructor, and  
19 teacher. And I'd like to talk a little bit about our  
20 schools just south of here. We have at least two high  
21 schools downwind.

22 And me a sailor of both monocrraft hull  
23 vessels and also a windsurfer, I'm very familiar with  
24 the air currents in this area. And I believe it's  
25 probably most of the time that the wind is blowing

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1 south from here. It's blowing out of the northwest.  
2 Almost anytime we have strong winds, the strong winds  
3 are going to come out of the northwest, and that will  
4 bring it down through Lucia Mar Unified School  
5 District, okay, which is in the path, in view of the  
6 power plant's cloud formation area.

7 I would also like to say during  
8 California's electrical deregulation *de facto* fiasco  
9 California reduced over 15 percent of its electrical  
10 needs from the previous year. This was done merely  
11 through citizen conservation without high-tech  
12 equipment or long-term planning.

13 My research has concluded that California  
14 created about 13 percent of its electrical energy from  
15 nuclear reaction power plants that same year. We  
16 should consider demand-side management instead of  
17 supply-side management. We have proven that  
18 Californians can reduce our energy demands by mere  
19 conservation.

20 Therefore, I recommend that we  
21 decommission all nuclear reactors and redesign the  
22 containment domes to store the radioactive waste that  
23 is stored in sheetmetal buildings at this time.

24 While young soldiers are sacrificing their  
25 lives in foreign countries, we patriotic Californians

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1 will consider it an honor to make small sacrifices in  
2 energy conservation.

3 Thank you.

4 (Applause.)

5 JUDGE BOLLWERK: Thank you, sir, for  
6 coming this afternoon.

7 Ginny Monteen, Otto Schmidt, and Jeannie  
8 Nix.

9 MS. GINNY MONTEEN: Hello. My name is  
10 Ginny Monteen. I'm a resident of the City of San Luis  
11 Obispo and have been since 1978.

12 I'm also here as the Director of SLO  
13 Cancer Action Now. This is a group whose mission is  
14 to address the environmental links to cancer. And one  
15 proven, definitively proven, cause of cancer is  
16 radiation. So we're talking about radioactive waste  
17 here. There's a very direct correlation.

18 Since the 1950s the rate of cancer has  
19 increased in our country at a frightening rate. And  
20 I find it interesting that this rate of increase  
21 corresponds directly with the increased use of nuclear  
22 power in our country. This is an issue that we must  
23 address, I think. I'm a cancer survivor. You know  
24 cancer survivors. You know people who have not  
25 survived cancer. It may be expeditious right now to

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1 make a quick decision. To die a slow death from  
2 cancer is a horrible thing.

3 The NRC's refusal to deal with in-depth  
4 defense at our nation's nuclear power plants is both  
5 disheartening and frightening. If it is not your  
6 responsibility, then would the NRC please tell us  
7 whose responsibility it is?

8 Local residents have spoken before this  
9 oversight agency for decades, and we're puzzled why we  
10 must pass through metal detectors, presumably for  
11 safety, while the need for safety at a high-level  
12 radioactive waste dump in an earthquake prone coastal  
13 zone is being ignored.

14 Who are you here to protect? This Board  
15 and the NRC decided to ignore our community's rights  
16 to full hearings on the issues of seismic adequacies  
17 of PG&E's proposal nuclear storage at Diablo; safety  
18 implications of PG&E's bankruptcy, such as who will  
19 own Diablo? Will there be adequate funding to build,  
20 maintain, operate, secure, and eventually decommission  
21 Diablo? Will PG&E remain under state jurisdiction?

22 The other issue is transportation of  
23 high-level radioactive waste from Diablo. Terrorism,  
24 a very real issue before us through acts of violence  
25 and/or insanity.