

1 While people were talking, someone
2 mentioned the laws of probability. I remember when I
3 was just learning about Diablo Canyon and its dangers,
4 I felt somewhat assured that the chance was one in a
5 million that something would really seriously go
6 wrong.

7 Then I took a trip up to Sequoia National
8 Park on a ranger-led tour of the Sequoia trees. And
9 I stood in this beautiful grove of Sequoia trees. The
10 chance of one of those trees growing to that age is
11 one in a million. I was surrounded by one in a
12 million chances. It's not something to think it does
13 not happen.

14 So if you lived in our beautiful area
15 here, which of these issues would you want heard? We
16 deserve full hearings on all the issues. And we ask
17 that you truly, truly listen to our concerns. Thank
18 you.

19 (Applause.)

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

22 The next speaker, Otto Schmidt. Then
23 Jeannie Nix, then John Armstrong. And then I think
24 we'll take a break.

25 So, Otto Schmidt.

1 MR. OTTO SCHMIDT: Yes.

2 JUDGE BOLLWERK: Back in the back. Okay.

3 MR. OTTO SCHMIDT: Can you hear?

4 JUDGE BOLLWERK: Is there a problem with
5 the mic?

6 MR. OTTO SCHMIDT: I guess.

7 (Audiovisual personnel adjust microphone.)

8 MR. OTTO SCHMIDT: Thank you.

9 Good afternoon. My name is Otto Schmidt.
10 I've lived in the County for 40 years. And I've been
11 talking at numerous hearings for the last three
12 decades. And all I can ask you to do is to deny the
13 application for expanding this nuclear, high-level
14 nuclear waste dump. And, in fact, in all intelligence
15 and integrity and morality you should begin shutting
16 Devil's Canyon and decommissioning the plant as soon
17 as possible. Thank you.

18 (Applause.)

19 JUDGE BOLLWERK: Thank you, sir, for your
20 comments.

21 Jeannie Nix and then John Armstrong.

22 MS. JEANNIE NIX: Yes. My name is Jeannie
23 Nix, and I've lived in this County for 31 years. And
24 my current position is the position of Executive
25 Director for the American Red Cross here in San Luis

1 Obispo County. I've held that position for 21 years.
2 And Red Cross is mandated by congressional charter, as
3 many of you probably know, to provide assistance to
4 victims of disasters.

5 And in keeping with that mandate, Red
6 Cross is part of the Diablo Canyon Nuclear Power Plant
7 emergency plan for this County. In that plan Red
8 Cross will provide congregate care for evacuees,
9 should they need that in case of an evacuation.

10 And I guess that I'd like to -- I'm just
11 curious: How many people here have a disaster plan in
12 place for your family?

13 (Hands raised.)

14 MS. JEANNIE NIX: And do any of you, the
15 same or others, have disaster survival kits?

16 (Hands raised.)

17 MS. JEANNIE NIX: Very good.

18 This is a higher percent than I usually
19 see. I asked those questions because that's our first
20 line of being able to respond to any kind of an
21 emergency, regardless of what it might be.

22 And for over 21 years I've been involved
23 with the planning process and the exercises testing
24 the plan. And I've observed the PG&E staff over these
25 years as we've been involved in the planning along

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 with the County Office of Emergency Services.

2 The PG&E staff have demonstrated a
3 diligence and a professional pride in the
4 collaboration to make the emergency plan effective and
5 efficient. And this County is a better county as far
6 as preparedness is concerned, because we're better
7 prepared to meet all kinds of disaster because of the
8 extra work that has gone into this emergency plan for
9 Diablo Canyon.

10 Some of the additional things that we have
11 here all right better emergency response plans for all
12 kinds of disasters, also when we plan and we exercise
13 and demonstrate the ability to do each part that each
14 of us in the plan is supposed to do, that has built
15 our skills. And we have a group of people in this
16 County who are better trained because of that and
17 better able to respond.

18 Also we have some additional systems in
19 place in this County that are of benefit to us in case
20 of this. Should there be an accident at the plant, or
21 any other kind of disaster our sirens and our systems
22 that are already in place to notify people that there
23 is a reason to turn on their radios and listen. And
24 when the sirens go off in the emergency plan this does
25 not mean run for your lives. It means what the little

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 sticker says: Turn on your radio and listen for the
2 advice that will come to you through the -- based on
3 the kind of disaster, and why it's occurring, and what
4 you can do.

5 Also there has been some comment that it
6 would be difficult for people leaving the area in the
7 case of an emergency. And the plan specific for
8 Diablo Canyon has in it that the Highway Patrol would
9 send -- I believe it's at the Avila part of Highway
10 101 -- all lanes of 101 and all other arteries would
11 go south. And then north of Avila all arteries would
12 go north.

13 And there also have been provisions put
14 into the plan in case of disabled or slow vehicles.
15 So I believe that over the years, and this is over 21
16 years, and I believe that the plan was in place before
17 I joined Red Cross. So there's been a tremendous
18 amount of attention to detail and rehearsing of these
19 things.

20 And I would just like to say that in my
21 experience I've been very, very satisfied working with
22 PG&E and with County OES that they are sincerely
23 interested in the public safety and that they have
24 demonstrated to me that they do attend to the public
25 safety to the best of their ability. Thank you very

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 much.

2 (Applause.)

3 JUDGE BOLLWERK: Thank you for coming this
4 afternoon.

5 The last speaker before our break we will
6 be taking is Mr. John Armstrong.

7 MR. JOHN ARMSTRONG: Good afternoon. I'm
8 John Armstrong, a resident of San Luis Obispo. I live
9 about 10 miles from ground zero where you have that
10 hot fuel storage pool. I don't use the term "spent
11 fuel," because I believe it's very misleading.

12 The fuel rods go in the reactor relatively
13 safe. But when they come out, they're not spent of
14 energy. They're very energetic at that point.
15 They're full of biohazardous isotopes of strontium and
16 cesium and then a large amount of highly-radioactive
17 plutonium that's produced by the reactor. They're not
18 spent at all.

19 I use the term "hot fuel" to indicate
20 these rods are removed from the reactor because they
21 got too radioactive to handle safely, not because
22 there is little energy remaining.

23 And I thank you for bringing this hearing
24 to San Luis Obispo so that we, the public, has a
25 chance to vent our fears about living next to all that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 hazardous material. Indeed, PG&E's economic problems
2 are a very important consideration that you should
3 take into account in permitting this.

4 I am convinced that it's acutely economic
5 reasons that is keeping the plant operating well past
6 its designed life. Neither the state, nor PG&E, nor
7 even the County can afford to lose that large
8 contribution to the power grid and the economy
9 locally.

10 Yet I fear that PG&E's bankruptcy is
11 emphasizing economic considerations over all others,
12 making them way too important compared to the issue of
13 security for those of us who live nearby.

14 How do PG&E's economic problems impact the
15 permitting that is proposed, hot fuel storage site?
16 First the design is clearly one that minimizes
17 instead of maximizing security.

18 I have heard several options here already
19 which would greatly reduce the risk, such as digging
20 a cave in the mountain; building a berm to separate
21 the casks; spreading them out among several smaller
22 pads; and building enough additional pads to reduce
23 the rack density in the cooling pool. I'm sure all of
24 these have been considered and rejected because they
25 are not cost-effective solutions to the storage

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 security problem.

2 I maintain that if PG&E had the money the
3 most secure of these options would have been proposed
4 for the peace of mind of the neighbors, if no other
5 reason.

6 PG&E's economic problems impact the
7 security of a planned hot fuel site for other reasons,
8 too. One is the drive for cost-cutting. PG&E
9 management is proud of the fact that they have the
10 cost to keep Diablo's electric competitive with other
11 sources. This has come about because of cost-cutting
12 that they claim has not affected safety and security.

13 But now, but now that other scientists and
14 nuclear engineers that used to be on staff at the
15 plant have been laid off or transferred, who is to
16 question them on this subject? Who's looking over the
17 decisions of these cost accounts? No one with
18 intimate knowledge of the plant's idiosyncrasies and
19 the education to suspect the consequences. And you
20 also have their families living nearby, like the rest
21 of us, in harm's way.

22 Economic cost-cutting has already meant
23 layoffs and disgruntled employees. People with
24 intimate knowledge of the plant and motivation to get
25 back at PG&E. It has meant a falling property tax

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 bill which has affected up to a third of our local
2 teachers. More disgruntled people.

3 Economic problems lead to the replacement
4 of full-time PG&E employees with contract employees.
5 Sometimes the same laid-off people are rehired by
6 contractors to do the same or similar jobs, but
7 without the pay or benefits of being PG&E employees.
8 Now they have disgruntled ex-employees with plant
9 access. I'm told that all of these people have psych
10 evaluations before they're let back in. Like that's
11 going to really help.

12 These are all human problems that are
13 solvable in theory, but the cumulative impact of
14 PG&E's economic problems is a much increased
15 likelihood of disaster.

16 Now I realize PG&E doesn't want a nuclear
17 disaster any more than I do. But the closing of the
18 plant would be a disaster to them. So they're willing
19 to go to great lengths to keep it open.

20 PG&E's cost-cutting has already reduced
21 the safety margin of the plant to dangerously low
22 amounts, but it's always been justified with
23 scientific testimony that these decisions are fine.
24 The refueling intervals have been lengthened, making
25 the hot fuel even hotter to store than it was

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 originally. The cooling ponds have been stacked
2 tighter, creating a fire hazard.

3 The utility's large reactor reserves were
4 reclassified as excess and have been distributed to
5 the parent company, and then the parent company lost
6 most of this in poor investment decisions and
7 mismanagement. I fear any further risky decisions in
8 order to cut costs will push Diablo into a disaster.

9 It will be not easy for you to dismiss all
10 of our terrorists' fears as irrelevant to the question
11 at hand. They are not. Economic problems have
12 already affected the proposed design. Clearly, PG&E
13 has proposed the lowest cost solution.

14 Cost-cutting has already increased hazards
15 with the hot fuel already stored at Diablo, making it
16 more of a terrorist target. Cost-cutting increases
17 the number of people with a motive to go over the edge
18 into terrorism.

19 The regulation was the first reason to cut
20 cost. Now bankruptcy leads to a second round of
21 cost-cutting. I urge you to insist on the securest
22 means of hot fuel storage possible, even if that means
23 that the plant no longer meets PG&E's criteria for
24 profitability.

25 In closing, I want to point out that there

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 is a political aspect to your decision, not just
2 business and scientific aspects. All judges must take
3 into account the effect on the general populace when
4 they decide controversial cases. How it appears can
5 be more important than the cost accountants' sharp
6 pencils.

7 I urge you not to dismiss our terrorism
8 concerns from consideration. Please understand that
9 when neighbors want to keep the plant going, they will
10 not tolerate terrorist activity. Please take the
11 possibly expensive path to well fortifying and
12 dispersing the dry cask storage.

13 JUDGE BOLLWERK: Thank you, sir, for your
14 remarks.

15 (Applause.)

16 JUDGE BOLLWERK: All right. At this point
17 I think we're ready to take about a ten-minute break.
18 I would remind you that anyone that wants to speak
19 that might be in the room that did not preregister,
20 they need to sign up on the sheets that are outside
21 the double doors.

22 Also anyone who would prefer to give us a
23 written statement, as opposed to an oral statement,
24 there are sheets for doing that as well. And you can
25 leave them with us in the wooden box out there, and we

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 will review them and put them into the administrative
2 record of this case.

3 We'll take a ten-minute break and be back.
4 Thank you.

5 (Recess taken from 3:24 p.m. to 3:35 p.m.)

6 JUDGE BOLLWERK: We're about to go into
7 approximately the last hour of this session of Limited
8 Appearance Statements.

9 Again, I would request that those
10 individuals who are speaking, to the degree they can,
11 try to limit their statements. We do have a number of
12 people, and we want to make sure that everybody does
13 get an opportunity to address the Board at least to
14 some degree.

15 I should remind anyone that would like to
16 leave a written statement with the Board that there
17 are the sheets outside, outside the door, that you can
18 leave a written statement. We will review those and
19 put those in the administrative record, as well.

20 All right. The next individual we have
21 signed up, preregistered, is Evy Justesen. Am I --

22 MS. EVY JUSTESEN: It's okay.

23 JUDGE BOLLWERK: All right. I appreciate
24 it.

25 MS. EVY JUSTESEN: No problem. My name is

1 Evy Justesen.

2 JUDGE BOLLWERK: Thank you.

3 MS. EVY JUSTESEN: And I've been a
4 resident of San Luis Obispo 20-some years. Thank you
5 for letting us speak today.

6 I'd like to address emergency planning
7 issues. This united for the County, through an
8 emergency drill last October, the first since
9 September 11th, included a simulated large-scale
10 terrorist attack, a car bomb, loss of cooling water,
11 release of radio action about two hours after the
12 ponds were bombed. It did not include distribution of
13 potassium iodide to Avila, Avila Valley, or See Canyon
14 residents.

15 However, this has been available since the
16 state -- the state made it available later, but it was
17 not at the time.

18 It did not include precautionary
19 evacuation of residents of Avila, Avila Valley, or See
20 Canyon. It did not include assumptions that plant
21 emergency or school personnel would alert their
22 families by phone or email and unplanned chaos might
23 ensue.

24 The Port of San Luis, Diablo Canyon's
25 closest neighbor, found numerous deficiencies in the

1 County's emergency drill. Among these deficiencies
2 were inadequate evacuations, inadequate equipment and
3 training, and communication delays.

4 And yet this Licensing Board denied the
5 Port of San Luis's contentions regarding in emergency
6 planning, resulting in the Port's decision to turn its
7 back on the NRC's flawed licensing process and do its
8 own study.

9 Elected representatives in New York
10 critically reviewed their emergency plans and
11 determined their plans to be woefully inadequate.

12 Why is it that the NRC did not come up
13 with the same conclusions? Is it time for the NRC and
14 its Licensing Board to take a hard look at the
15 public's perception of how it upholds its mandate to
16 protect U.S. citizens from radioactive exposure. The
17 NRC's credibility is at an all-time low, and now would
18 be a perfect opportunity to reverse this perception
19 and courageously uphold its mandate and let the
20 nuclear industry's chips fall where they may.

21 Our lives may depend on your willingness
22 to assure residents that Diablo Canyon is adequately
23 protected from terrorism, acts of malice, or insanity,
24 and that demonstrated, workable emergency plans are in
25 place.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 I would like to add something sort of ad
2 lib if the gentlemen -- and I don't see them -- are
3 still here from the union of construction workers,
4 because I think they're missing a point. They should
5 join us.

6 By demanding and hopefully getting much
7 more safe storage, dry cask storage, getting more
8 safety, having the berms around and spacing them
9 farther apart, they would have more work. I don't see
10 how that would be a negative aspect for them. Thank
11 you.

12 (Applause.)

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

15 The next individual is Brook Muller, then
16 Cathleen Corlett, then Dennis Hennessy.

17 MR. BROOK MULLER: Thank you.

18 To begin I'd like to express my
19 appreciation for the politeness and civility by which
20 you've conducted these meetings the last two days.

21 There is a great irony that on this
22 beautiful and sunny afternoon we're gathered in a
23 windowless space with hundreds of light fixtures on,
24 with an HVAC system providing us with the air we need
25 to breathe.

1 In one sense that we can create an
2 artificial environment, such as this, exemplifies our
3 ingenuity; in another it represents a colossal failure
4 of design. As an architect, I know from direct
5 professional experience that it is very possible to
6 design and realize buildings that consume a third of
7 the energy that typical buildings use. These
8 buildings can be attractive, healthy, functional, and
9 need not cost a dime more than a conventional
10 building. It simply requires forethought and
11 sensitivity in configuring buildings to take advantage
12 of what a site and a climate may offer.

13 Given my knowledge of buildings and the
14 potential for conversation, it's been extremely
15 frustrating for me to hear at the highest levels of
16 our government very little about the role of
17 conservation in our energy policy.

18 I've heard that we have a, quote, problem
19 of supply and not demand. I've heard in a recent
20 Senate debate as to whether to drill in the Arctic
21 National Wildlife Refuge that is necessary to drill in
22 order to protect the American way of life.

23 I see the subject in a completely
24 different light. For me conservation, if necessary,
25 radical conservation that would enable us to shut down

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Diablo is far more likely to ensure the preservation
2 of those values we, as Americans, hold most dear.

3 Conservation will lead to energy savings.
4 It also suggests to me personally a more graceful
5 relationship to the place we call home. But, most
6 important, at this juncture in history conservation
7 will help us to avoid a threat and, therefore, enable
8 us with greater likelihood to remain free as a people.
9 This is a strong statement, and let me try to explain.

10 When in the aftermath of the second World
11 War the German poet and philosopher, Martin Heidegger,
12 attempted to envision a more positive future for his
13 country he looked back to the old German and old
14 English origins of the words for freedom. And this is
15 what he found:

16 "The word for peace, Friede, means the
17 free, das Frye, and "fry" means preserved from harm
18 and danger, preserved from something; safeguarded."

19 In other words, according to Heidegger to
20 be free is to be safe. If people are threatened, if
21 they live with the burden of insecurity, they are not
22 free.

23 What this suggests to me is that the NRC
24 is not only mandated to store nuclear waste safely and
25 to protect the health and safety of those who would be

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 affected by any accident or an intentional act of
2 terrorism.

3 You are entrusted to ensure the
4 continuance of our freedom. That is an awesome
5 responsibility, and I hope you take it very seriously.

6 Weighing the risks and benefits, the
7 ethical position that I have arrived at leads me to
8 recommend closing the plant and thereby eliminating
9 the generation of more waste and doing everything in
10 our power to design a waste storage facility for the
11 existing waste that is as safe as possible.

12 Now, I'm certainly no expert, although it
13 would seem like a heavily shielded or protected
14 low-density and decentralized type of storage would be
15 the best thing that we could do.

16 As a resident of San Luis Obispo I have no
17 choice but to assume that I've entered into a
18 many-thousand-year contract to do whatever I can to
19 ensure the health of the place I live. This is a
20 contract I will need to pass down to my son-to-be and
21 he will then have to pass it on down to his children,
22 and on and on.

23 I would like to hear a similar declaration
24 of commitment from those who are empowered to
25 determine the future of storage of nuclear waste at

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Diablo. If we continue to make compromises now after
2 only 20-plus that the plant has existed, I shudder to
3 think of the kind of decisionmaking that will play out
4 over the next thousand. We must do everything we can.

5 I would ask you to please consider what
6 freedom means to you, consider the kind of environment
7 you would like your children and grandchildren to grow
8 up in, and please act accordingly. Thank you.

9 (Applause.)

10 JUDGE BOLLWERK: Thank you for your
11 comments and coming by to speak with us today. All
12 right.

13 Cathleen Corlett and then Dennis Hennessy.

14 MS. CATHLEEN CORLETT: Thank you for
15 allowing me the chance to speak to you today. I have
16 all these prepared notes, but I think I'm going to not
17 really read them. I've been thinking about this theme
18 people talked about today. Oh, yeah, I'm going to
19 threaten to move away because it's just too scary. I
20 think maybe that thought has occurred to all of us.
21 And I'm reading the most recent *National Geographic*.
22 There's a wonderful article on nuclear waste, and it
23 looks like North Dakota might be the place. But, you
24 know, that's -- really there's no "away" anymore.

25 Even if we move to North Dakota, this

1 problem wouldn't go away. There'd still be nuclear
2 waste permanently stored at Diablo in de facto
3 permanent storage happening out there, given the
4 improbability of moving it anywhere.

5 So I think that since we have that problem
6 out there, the most responsible thing to do as
7 residents is try and deal with it. And I don't think
8 anybody wins if we just move away.

9 In thinking about this issue, if we really
10 limit our thinking to this generation, as has been
11 mentioned, we have to think in terms of 10,000 years
12 at least.

13 I was thinking I could illustrate by
14 saying, you know, it's not just my unborn son, but his
15 unborn children, and his children's children, and his
16 children's children's children, and his children's
17 children's children's children, and you just, you
18 know, kind of lose track and it could probably use up
19 my five minutes and go on, and I wouldn't get anywhere
20 near a thousand generations. But it's some way of
21 illustrating that. And so we can't really afford to
22 think in terms of short-term economics either, can we?

23 We're talking about trying to keep a
24 substance that's going to be dangerous to human life,
25 and let's not forget the rest of the biosphere for

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 that. I mean at a time when these are aberrants, to
2 just think in terms of you right now when we really
3 have no idea what kind of legacy, you know, think
4 about the legacy we're leaving.

5 So in terms of that sort of money issue,
6 I just want to close by quoting Frances McDormand from
7 the movie *Fargo*. You might have seen that movie.
8 After she captured the other character who had
9 murdered someone and she was sort of trying to reason
10 with him, and she said, "Remember, there's more to
11 life than just a little bit of money. Don't you know
12 that?"

13 Thank you.

14 (Applause.)

15 JUDGE BOLLWERK: Thank you very much for
16 coming this afternoon.

17 Dennis Hennessy, then Peg Pinard, please.

18 MR. DENNIS HENNESSY: Let me find a
19 microphone that --

20 JUDGE BOLLWERK: You need to move the
21 switch toward you, in other words, toward the speaker.

22 MR. DENNIS HENNESSY: Yes. There it goes.

23 JUDGE BOLLWERK: It's on; you're on.

24 Okay. Go ahead, sir.

25 MR. DENNIS HENNESSY: The volume just

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 wasn't up.

2 Good afternoon. Thank you for allowing me
3 to speak. My name is Dennis Hennessy. I live in
4 Arroyo Grande, which you've heard is downwind and in
5 the emergency planning area. I've lived in that
6 community -- in two locations for the past 12 years.
7 I'm retired, and I have no plans to leave this area.
8 I'm a native Californian, and I've lived all over
9 California. And I find this the place that I want to
10 stay.

11 For 30 years prior to retiring I worked in
12 the customer service side of the utility business.
13 I've had the grand opportunity to meet with state
14 officials, local officials, CEOs of major companies,
15 people who live in single-family residences. I've
16 just had the opportunity to meet with all kinds of
17 people.

18 If there's one thing that everyone has
19 impressed upon me is that for the safety and
20 well-being and quality of life, they do not want to
21 see an interruption in their electric supply. In that
22 30 years I've had the opportunity to work with people
23 in conservation measures and also encourage them to
24 look at and explore alternative energy sources.

25 Now formerly I lived in -- and currently

1 I work with several nonprofit organizations who -- and
2 I do community service advising on economic activities
3 and opportunities in this County.

4 Formerly I lived in the San Francisco Bay
5 Area. I grew up very near the Vallecito's Nuclear
6 Power Plant which went online in 1956. And I have to
7 say in 50 years the technology, like all technologies,
8 has advanced substantially. And I know PG&E was a
9 participant in that Vallecito's Plant.

10 In the 12 years that I've lived in this
11 area, I've watched the five cities area, which
12 includes Arroyo Grande, grow substantially with the
13 immigration of families moving from Northern and
14 Southern California, fleeing the congestion and
15 problems associated with urban life.

16 After buying two homes in this area, I'm
17 well aware, as are the thousands of other people, who
18 have also purchased homes here, of the disclosures
19 about living in the emergency planning zone.

20 In this community I have total confidence
21 and trust in the people who manage the Diablo Canyon
22 Plant. I know that many of their employees also
23 reside in my community. I know that their decision to
24 pursue spent fuel dry storage onsite is a prudent
25 decision, and I support it because there currently is

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 not a better option.

2 I also know that the method to be used has
3 been proven in California at plants like Rancho Seco
4 and in many other plants around the United States. I
5 also know that this is a temporary solution until the
6 federal government completes a permanent repository.

7 So you, sirs, have a difficult decision to
8 make, but this is the situation. We have to decide
9 what to do right now. I trust that the local trades
10 people, which you've heard from, can build it to
11 specification, and I trust that PG&E can continue to
12 operate this facility safely and securely.

13 I do have concerns. I have concerns about
14 not allowing storage onsite. Diablo Canyon plays an
15 important part in providing the necessary energy to
16 run California's fragile economy. This state will
17 continue to grow from births within the state and the
18 continual influx of people from all over the world.
19 Energy conservation and alternative energy resources
20 will not solve the problem. So what we rely upon will
21 always play a part.

22 Interruption in delivery of ten percent of
23 California's energy needs from Diablo Canyon would
24 devastate this state of California economically. It
25 would also have immediate impacts to the qualify of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 life in local communities, as the thousands of
2 employees who work at Diablo Canyon are an integral
3 part of this society.

4 I support the people who live in my
5 community who work at Diablo Canyon and have over a
6 half century of experience with nuclear technology.
7 I believe they will continue to be responsible and
8 capable to manage this project and to continue to
9 contribute to the well-being of our state's economy.
10 Thank you.

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

13 (Applause.)

14 JUDGE BOLLWERK: The next speaker is Peg
15 Pinard, and then Tom O'Mahoney, and then Hank Lewis.

16 And before you begin, maybe I can just say
17 a word. As you're aware, we generally do not let
18 parties to the proceedings speak at one of these
19 Limited Appearance Statements. And we had a
20 discussion, as you're probably aware, with Ms. Curran,
21 your counsel, who was a very forceful advocate and a
22 very persuasive advocate on your part. You are
23 admitted in this case as an individual, not as a local
24 legislator, which you are, but Ms. Curran convinced to
25 grant you, make an exception in your case, given your

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D C 20005-3701

1 status, and allow you to speak today. So that is all,
2 just so everyone is aware of what happened.

3 And, again, you should thank Ms. Curran,
4 because she did yeoman's service on your behalf.

5 MS. PEG PINARD: Thank you very much for
6 allowing me to speak. I would like to identify who I
7 am, so that people will understand what your comments
8 were about. I am Peg Pinard. I am a County
9 Supervisor representing the Avila Valley, the area
10 where the nuclear plant exists and where the existing
11 spent fuel pools are and where the proposed ISFSI is
12 going to be.

13 Today, though, I am speaking to you as one
14 government official to another. And I wanted to speak
15 to the power that you have. The war against terrorism
16 and the war in Iraq have made all of us more aware of
17 the power wielded by a few. The power of a few who
18 lead countries or armies and the power of a few who
19 triggered all this by flying planes into buildings.

20 In this climate of terrifying power, it is
21 only you who have the power to make hundreds of
22 thousands of American men, women, and children safer.
23 Only you have the power to cut through all this Alice
24 in Wonderland process which is telling people that
25 terrorism is not foreseeable and refusing to address

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 the issue as it relates to these spent fuel pools.

2 If you really believed that, then why all
3 the security outside this building? And in all the
4 documents I've received they refer to the *Alice in*
5 *Wonderland* process. I've received probably three feet
6 of documents that relate strictly to process, where we
7 can be and when, who can say what, and when.

8 And as you pointed out, there have been
9 tremendous conversation from attorneys and even the
10 Judge about where I can sit in order to be heard.
11 What is this all about?

12 The issue of the vulnerability of the
13 spent fuel facilities is what we need to concentrate
14 on, both the current and the proposed. They are not
15 in containment structures like the reactors, and they
16 are not bunkered against an intrusion by air or sea.
17 We are not even talking about the necessity for a huge
18 jet, but the intrusion that could come from armor
19 fired from such a small plane or boat.

20 If terrorism becomes a horrible reality
21 here, the legacy you will leave will be one of two
22 things. History will say that you had the power to
23 make the radioactive storage pools safer and you did,
24 or you had the power to make it safer and the horrible
25 reality is that you didn't.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 We are all on orange alert against any
2 terrorist strikes. Our government, your bosses, are
3 telling us that nuclear power plants are low-range
4 targets. With all this official information, your
5 Agency still says that such concerns are not
6 foreseeable and, therefore, you will allow no
7 discussion of it.

8 Gentlemen, you have the power to recommend
9 that there be full discussions of this very evident
10 reality. You've heard from at least 21 attorney
11 generals on the seriousness of their concerns. You've
12 heard from numerous representatives from every state
13 in the nation. You have the power to make this the
14 absolutely safest spent fuel facility we know how to
15 build in the year 2003. And that is what we want to
16 hear say, not that it's the cheapest, but that it is
17 the safest way we know how to build in this day and
18 age. Thank you.

19 (Applause and standing ovation.)

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

22 The next speaker is Tom O'Mahoney, and
23 then Hank Lewis, and then Mark Thoreau.

24 MR. TOM O'MAHONEY: Good afternoon. My
25 name is Tom O'Mahoney, and I represent the Plumbers

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 and Pipefitters, Local 409, here in San Luis Obispo.
2 On behalf of my brothers and sisters I am here to
3 support the construction of the aboveground storage
4 facility at Diablo Canyon. Twenty-three others of
5 these are already in service. And members of Local
6 409 are highly-trained, highly-skilled workers. They
7 are the best of the best. PG&E needs the project to
8 continue to provide quality service to the people of
9 California. The project is necessary and will provide
10 safe storage for rad waste products.

11 Once again, Local 409 wholeheartedly
12 supports this project. Thank you for your time.

13 JUDGE BOLLWERK: Thank you, sir, for
14 coming and addressing us this afternoon.

15 Hank Lewis is the next speaker, and then
16 Mark Thoreau, and then Gary Adams.

17 MR. HANK LEWIS: I am Hank Lewis, Business
18 Manager of the Electrical Workers Union here in San
19 Luis Obispo. We represent over -- or I represent over
20 200 local electricians in San Luis, not the PG&E
21 workers, but the contract workers that will perform
22 the bulk of the work on this project, the workers that
23 some of you previously described as "temp workers."
24 And that's what we are. We are temp workers.

25 Construction is kind of funny business in

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 that the first day you get on the job and every day
2 you spend on the job you're getting one day closer to
3 getting laid off that job. That's a different concept
4 to work under. But because of that my concern is with
5 those temps and how will they be treated on that
6 jobsite. I'm not here to push for a bigger project or
7 a larger project. My job is not really even to push
8 for the project or against the project, but to
9 advocate for the workers on that job, to secure for
10 that workforce an agreeable wage and working
11 conditions, support of apprenticeship, medical
12 programs, pension programs, and uniform safety
13 standards.

14 And in return what we supply is high-
15 quality construction, optimum productivity, and
16 efficient completion of a safe jobsite.

17 Now PG&E has committed to those
18 conditions. They met with us. They agreed to it; we
19 agreed together on it. They demonstrated by doing
20 that, in agreeing to that, they demonstrated their
21 support for the workers in this community. And,
22 therefore, we do support that part of the project.

23 Thank you for letting me speak today.
24 You've got a tough decision and good luck on that.
25 Thank you.

1 JUDGE BOLLWERK: Thank you, sir, for
2 coming this afternoon.

3 (Applause.)

4 JUDGE BOLLWERK: Mark Thoreau, and then
5 Gary Adams.

6 Is either Mr. Thoreau or Mr. Adams here?

7 MR. GARY ADAMS: Mr. Adams.

8 JUDGE BOLLWERK: All right.

9 MR. GARY ADAMS: My name is Gary Adams,
10 and I have been a resident of San Luis Obispo County
11 for over 20 years, since before the construction of
12 Diablo Canyon. Myself, my children, my grandchildren
13 live within Diablo's arbitrary 17-mile concentric zone
14 of death.

15 As I speak and as you breathe, Diablo
16 Canyon is producing hot, deadly substances that have
17 never before been encountered by earthly life in its
18 four-billion-year-old history. The unnatural isotopes
19 are strontium, cesium, and uranium, and newly-created
20 unnatural elements, such as plutonium, as I know that
21 you must be aware, are the most deadly, long-lived
22 substances ever encountered by life on Earth. And for
23 what justification? To produce heat energy to run a
24 circuit 19th century steam turbine that produces
25 electricity to burn these lights.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D C 20005-3701

1 You turn off the lights, but the stuff is
2 left behind. Long after your bones are dust, and your
3 grandchildren's bones are dust, and this building is
4 dust, this insidious metallic scrap pile will go on
5 killing any living being that has the misfortune to
6 come near it. There's enough of it now to kill all
7 life in California over and over and over for a
8 hundred thousand years or more.

9 And you say and they say: Let's continue
10 to do this as long as there's money to be made. And
11 today I've heard people in this room who spoke out for
12 this had economic gain to be made.

13 This is the new American plan directive.
14 All other considerations, including life on Earth, as
15 you direct, are rescinded. This is our legacy to our
16 ancestors. Long after our art, our literature, our
17 architecture are lost in the dust of time this garbage
18 will remain. What a legacy we will leave. The age of
19 greed and stupidity.

20 A good friend and neighbor of mine is a
21 manager at Diablo. Over the years we have had long
22 and deep conversation about what goes on inside in the
23 plant. I find great comfort from him that everything
24 he and his co-workers do is driven by safety. There
25 are numerous oversights, checks, inspections of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 everything that goes on and is done in the plant.

2 My concerns, however, and his, are with
3 you, the NRC, and this ugly corporate behemoth, PG&E.
4 You continue to act only in your self-interest
5 regardless of the consequence to all others. Your
6 duties as prescribed by the rule of law are to ensure
7 the health, safety, and well-being of American
8 citizens, not to protect and nourish the profits of an
9 international calculus of corporate stockholders.

10 But when I realized that your bosses in
11 our executive branch of government are politically
12 paid off by these same corporate gluttons, well, sadly
13 I'm not confused by your actions.

14 If you grant this application for an
15 ISFSI, it will give Diablo Canyon another 15 years or
16 so to produce more tons of this stuff, a single
17 airborne microgram of which is enough to send any one
18 of us into a horrible, convulsing, painful death. I
19 say let these corporate buffoons run out of space in
20 2006, to just stockpile their deadly garbage.

21 The most important principle of our time
22 is scientific literacy. Without a literal
23 understanding of how the world works, we are playing
24 with natural physics that will undo us. I'm afraid
25 for us when I realize that more than 98 percent of our

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 country, arguably the most advanced country in the
2 world, is scientifically illiterate. Most people
3 cannot tell you why the sky is blue, or why a healthy
4 baby human is fat and chubby, or exactly what a
5 radioactive isotope is. And yet scientifically
6 illiterate people like these prevail on issues of the
7 most deadly consequences to ourselves and our
8 ancestors.

9 The last scientifically literate president
10 to serve was Thomas Jefferson. And the last
11 scientifically literate state leader to serve was
12 Margaret Thatcher of Great Britain. It is because of
13 her and her close ties to Ronald Reagan that unnatural
14 ozone-depleting chemicals have seized to be created.
15 This historical change of direction was made over the
16 strong objections of the American-based multinational
17 corporations that produced them.

18 You have the power to stop the production
19 of commercial nuclear fission byproducts. You can be
20 historical. You can be responsible. You have
21 reasoned rational thinking on the side of shutting
22 this technological monster down. I ask you, or you,
23 or anyone, please give me some reason, some hope, some
24 comfort to believe that I am not living on the *Planet*
25 *of the Apes*.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 (Applause.)

2 JUDGE BOLLWERK: Thank you, sir, for
3 coming in and addressing us this afternoon.

4 That is the last of our preregistered
5 speakers, with the exception of two individuals that
6 we called out earlier and at least weren't present at
7 that point. Let me see if Michael Cannon or Orval
8 Osborne, either one of those individuals are here.
9 Michael Cannon, Orval Osborne.

10 (No audible response.)

11 JUDGE BOLLWERK: No. All right. We have
12 several other individuals that have registered to
13 speak at this session.

14 Joan Carter.

15 MS. JOAN CARTER: My name is Joan Carter.
16 I'm from Morro Bay. And as we all listened to the war
17 coverage this past week it's so apparent that there's
18 a totally different world reality now leading to
19 heightened likelihood of nuclear power plants being
20 targeted and the vulnerability of spent fuel in a
21 terrorist attack, and the protection that we don't
22 have.

23 You may wonder why there are not a
24 thousand people here today. For every one of me there
25 are a hundred others who think the same as I do, who

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 have the same concerns and fears. They aren't here
2 because most people can't face the ominous and
3 overwhelming knowledge of what could happen to them.
4 They bury themselves in basketball, and Wal-Mart
5 sales, and Academy Awards, or they watch TV with awe
6 and shock at war damage far away and feeling powerless
7 to be heard.

8 They can't face the totally inadequate
9 waste storage, the totally inadequate evacuation plan,
10 the possibility of devastation from San Diego to Palm
11 Springs to San Francisco. And they're worn down by
12 opposing Diablo for 20 years now and seeing it proceed
13 anyway to this precarious point. And they are worn
14 down -- and we won't have media coverage in San Luis
15 Obispo County on Diablo's safety issues. We have to
16 read the San Francisco Chronicle to get our
17 information. The media here is totally controlled,
18 and so people repress, and they don't think about the
19 dangers on a regular basis, because this information
20 is not presented locally.

21 People also don't come here in large
22 numbers because the sentiment is that nothing will
23 change, because your Board is controlled in the same
24 ways. Predetermined. And the NRC is just going
25 through the motions and is not responsive.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 For myself and all these others, I want to
2 ask you what you can do to change the reasons people
3 are so discouraged and don't show up. I see that as
4 your job, to inform and protect the public, not to
5 protect the industry, a bankrupt industry.

6 (Applause.)

7 JUDGE BOLLWERK: Thank you very much for
8 coming in today and giving us your comments.

9 The next speaker would be Linda Selig --
10 I'm sorry -- Linda Seeley. Excuse me.

11 MS. LINDA SEELEY: Good afternoon. Is
12 this on?

13 JUDGE BOLLWERK: I think it is, yes.

14 MS. LINDA SEELEY: My name is Linda
15 Seeley. I've lived in San Luis Obispo for 20 years.
16 I work as a midwife. I've delivered over a thousand
17 babies in this community, and I'm very, very concerned
18 about life in this community.

19 First, I want to tell you my fear. My
20 fear is that you've already made your decision and
21 that this is a futile exercise that we're practicing
22 here. I see a closed look on your faces sometimes
23 when you're listening to the citizens here.

24 I have a hope also and I have a hope that
25 you will listen to us because we're very sensible

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 people here and we love our community. I hold my own
2 idea about what you could do about this situation, is
3 that you could look at it in a new way.

4 I don't think it's safe to produce more
5 and more and more radioactive substance at Diablo
6 Canyon, or anywhere else, for that matter. However,
7 I do think that we have to store it onsite. And so I
8 would hope that you could consider recommending the
9 closure of the plant.

10 As you know, as all of us know, with
11 conservation we really don't need Diablo Canyon
12 producing ten percent of our electricity in
13 California. We could get along without it. If the
14 building trades could be supported in building
15 containment structures that are safer than the ones
16 that are proposed. And they could be supported in
17 that way.

18 I want to tell you something, too, that
19 I'm -- the weekend of November 22nd to 24th of this
20 past year, 2002, there were 32 people from this County
21 who got together for the weekend to talk about
22 becoming what are called "nuclear guardians."

23 And the concept of nuclear guardianship is
24 that this toxic substance that we have there that is
25 acknowledged to be toxic to the biosphere for the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 240,000 year -- I don't know how long; some incredible
2 amount of time -- but we will have to take care of
3 that, that somebody is going to have to monitor that.

4 I don't think -- from what I've heard,
5 these storage casks that they're proposing are going
6 to last about 50 years, but they don't -- they haven't
7 thought about what to do after that. So the citizens
8 have decided that we are the ones who will have to
9 monitor that, and that we will have to carry on the
10 story of what is there to the following generations.
11 And so we have taken upon ourselves to do that and to
12 tell the story to the next generation and ask them to
13 tell it to the generation following, because we feel
14 that it's the only reliable way of passing on the
15 information.

16 They are committed people here who love
17 this place and who will transmit of that, this place,
18 to the future generations. I hope and pray that you
19 will listen to us and hear us with open ears and open
20 hearts. Thank you.

21 (Applause.)

22 JUDGE BOLLWERK: Thank you for your
23 comments.

24 At this point we have two additional
25 individuals that have spoken at a prior session. I

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 think what we'll do is take about a five-minute break,
2 allow anybody else that has --

3 Did I miss a name?

4 MS. NANCY NORWOOD: I signed up.

5 JUDGE BOLLWERK: All right. I'm sorry.

6 What is your name?

7 MS. NANCY NORWOOD: I need a microphone.

8 JUDGE BOLLWERK: You can come there. If
9 it's easier, you're welcome to come up here.
10 Whatever's --

11 MS. NANCY NORWOOD: This is fine.

12 JUDGE BOLLWERK: All right.

13 MS. NANCY NORWOOD: As long as -- I'm a
14 little shorter.

15 (Audiovisual personnel adjust microphone.)

16 MS. NANCY NORWOOD: Is that going to work?
17 Can you hear me?

18 JUDGE BOLLWERK: Yes.

19 MS. NANCY NORWOOD: Is that all right?

20 My name is Nancy Norwood. I live in San
21 Luis Obispo within the 12-mile zone around Diablo
22 Canyon.

23 JUDGE BOLLWERK: All right. Is that
24 N-o-r-w-o-o-d?

25 MS. NANCY NORWOOD: Right, um-hum.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 JUDGE BOLLWERK: All right.

2 MS. NANCY NORWOOD: I am recently retired
3 from a 30-year career in several capacities with folks
4 who have developed mental disabilities as an educator,
5 administrator, and services coordinator, among other
6 things. I have limited mobility due to having had
7 polio when I was in my teens. And I founded the local
8 Post-Polio Support Group here in San Luis Obispo. And
9 that's the perspective that I want to use to make my
10 comments today.

11 I've been concerned for many years about
12 the total inadequacy of the Emergency Response Plan
13 with regard to anyone living in congregate care
14 facilities, such as the large Intermediate Care
15 Facility for the developmentally disabled in San Luis
16 Obispo and the numerous skilled nursing facilities.
17 And I have expressed this concern to the County
18 emergency planners over the years. Indeed, at the 99-
19 bed facility where I was in charge of the
20 administrative task of receiving the phone calls when
21 there was an emergency drill, I would get the phone
22 call and they would say, "We're having an emergency
23 drill," and I would say, "Yes, and I have 99 people
24 here who need assistance."

25 And they would say, "Oh, this is just a

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D. C. 20005-3701

1 test of the communication." That was what I got year
2 after year after year. And I have spoken to several
3 people with never any assurance.

4 And now I am increasingly concerned
5 because of the growing numbers of disabled and elderly
6 people scattered throughout the community living
7 either independently and in some sort of assisted
8 living arrangement. These are folks who do not drive
9 and have limited ability to provide adequately for
10 either evacuation or sheltering.

11 I'm not sure if the woman from the Red
12 Cross is still here, but I'd sure like to talk to her.
13 When I was working with a task force of people in this
14 community who are disabled with an organization called
15 SLOCO Access a couple of years ago, the Red Cross had
16 no accessible shelters in this community.

17 9/11's lesson for Americans was that we're
18 all vulnerable and also there is no one hundred
19 percent safe. I know that. However, it's foolhardy
20 to neglect to do whatever can be done to make
21 obviously dangerous situations as safe as possible.

22 Acts of terrorism are no longer just a
23 possibility, but they are a probability. It does seem
24 to me the height of hypocrisy for your Board to say
25 that nuclear power plants have little likelihood of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 being the target of a terrorist attack and yet
2 surround yourselves at your own expense with the tight
3 level of security we're all subjected to today. I
4 find that real hard to understand. And then to read
5 the comments in today's newspaper of Mr. Dricks, your
6 spokesperson, saying that "the precautions were
7 necessary due to the war in Iraq and homeland security
8 concerns."

9 Therefore, I ask that you address the
10 issue of terrorism at Diablo Canyon Power Plant, which
11 is now becoming a *de facto* long-term radioactive waste
12 storage facility. I also strongly ask that you
13 reconsider your previous decision that terrorism need
14 not be considered with regard to the proposed dry cask
15 storage and its safety and the quality of that storage
16 at Diablo Canyon.

17 Careful analysis and insistence that
18 PG&E's storage of waste meet the most rigorous safety
19 standards seems not only prudent but without question
20 a necessity.

21 Thank you for your attention.

22 JUDGE BOLLWERK: Thank you for coming
23 today.

24 (Applause.)

25 JUDGE BOLLWERK: All right. At this point

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 we're going to go ahead and take a five-minute break.
2 We have several individuals that have spoken at a
3 previous session. When we come back, we'll allow them
4 another opportunity to address the Board.

5 If there's anyone else that wishes to
6 speak at this session, there are sign-up sheets out in
7 the hallway near the table, please sign up.

8 If for whatever reason you'd prefer to
9 make a written statement, there's a form for that as
10 well. You can place it in the box; we'll review it
11 and make it part of the administrative record. So
12 we'll take a five-minute break and come back and hear
13 from whoever else wants to speak. Thank you.

14 (Recess taken from 4:19 p.m. to 4:26 p.m.)

15 JUDGE BOLLWERK: The next individual we
16 have that has not spoken before is David Weisman.

17 MR. DAVID WEISMAN: I have spoken before.

18 JUDGE BOLLWERK: I'm sorry. You are --
19 you're right. You spoke yesterday, Sunday?

20 MR. DAVID WEISMAN: Earlier today. But I
21 will speak on behalf of someone who is not here.

22 JUDGE BOLLWERK: All right.

23 MR. DAVID WEISMAN: Yes. This afternoon,
24 later afternoon session I speak on behalf of Rochelle
25 Becker to ask the question: Who is this NRC deciding

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 our fate?

2 In January of this year we learned of an
3 Office of Inspector General Report regarding the NRC
4 staff's fears to raise safety issues. The Office of
5 Inspector General, which is the NRC's internal
6 watchdog, surveyed 1,525 NRC employees after the
7 safety culture within the NRC. And some of their
8 findings included:

9 One, only 53 percent of NRC employees felt
10 it is, quote, safe to speak up in the NRC, end quote.

11 Two, 24 percent -- that's a quarter --
12 don't believe that, quote, the NRC's commitment to
13 public safety is apparent in what we do on a
14 day-to-day basis, close quote.

15 Less than one-half of the NRC staff thinks
16 that the NRC trusts their judgment. Employees are
17 worried that the NRC is, quote, becoming influenced by
18 private industry and its power is diminishing, close
19 quote.

20 The NRC does not directly check for or
21 require that there be an appropriate safety mindset at
22 the nation's 102 nuclear power plants. For example,
23 the safety culture at the Davis-Besse reactor, the now
24 infamous hole in the containment, and the boron, and
25 the radiated water, had been decaying for years

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 unnoticed by the NRC workers until last March when it
2 was found that the leaking reactor coolant had eaten
3 a pineapple-sized hole through the reactor's steel
4 lid.

5 We conclude that we must agree with David
6 Lochbaum of the Union of Concerned Scientists when he
7 states that, quote: There are really smart capable
8 people working for the NRC. The problem is that
9 decisions are not made on a technical basis but rather
10 a political basis, close quote.

11 Our community is perplexed and rather
12 insulted that this Licensing Board does not trust us
13 to come and speak but expects us to trust them to
14 determine whether a high-level radioactive waste dump
15 in our coastal zone is safe. That we find that, as
16 per the statement, rather sad. Thank you.

17 (Applause.)

18 JUDGE BOLLWERK: Thank you, sir.

19 The next speaker who I guess spoke
20 yesterday afternoon was Bill Deneen, who I guess also
21 appeared as Henry David yesterday, as well.

22 MR. WILLIAM DENEEN: I had signed up also
23 as Mark Thoreau, but I guess you missed that.

24 JUDGE BOLLWERK: All right. I'm falling
25 behind here. All right.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D C 20005-3701

1 MR. WILLIAM DENEEN: I get the name "Mark"
2 from Mark Twain and Thoreau from Henry David.

3 JUDGE BOLLWERK: Thoreau, all right.

4 MR. WILLIAM DENEEN: And the first thing
5 I want to do -- my real name is Bill Deneen; I'm a
6 retired biologist -- is I enjoyed so much watching on
7 the video Channel 21 the comments of speakers
8 yesterday. It was so excellent to see that last
9 night. And it disappoints me that PG&E is not paying
10 for that. The people that are doing it are doing it
11 for free. And if you're here being paid to be here,
12 I urge you -- I'm not being paid to be here, but I put
13 in 25 bucks yesterday and 25 today. And I was hoping
14 those union people would join me in contributing to
15 having this on -- for educating the general public.
16 So I'm going to pass the can around and anybody that
17 wants to add and -- see, they're doing it for free.

18 JUDGE BOLLWERK: Why don't we put that
19 outside the hearing room? I'd prefer it not being
20 passed around in here, if you don't mind.

21 MR. WILLIAM DENEEN: It would make easier
22 for people to contribute.

23 Okay. I talked to my German friends and
24 they said, "You know, things now in America are very
25 much like Germany was in the 1930s." And I was

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 thinking, well, right. We have become so paranoid.
2 And this is a Kennedy thing. I have to go to the
3 bathroom every once in a while. It's quite a long
4 process to get back in again.

5 Now this is a Kennedy thing. I've never
6 run across anything like this anywhere before, and
7 that disturbs me. Well, I set my tables up yesterday
8 like I did two weeks ago for the Coastal Commission,
9 and "You got to move." So I moved. "You got to
10 move." And then finally they gave me a spot, and then
11 the sprinklers wiped me out. I gave up on trying to
12 set up anything outside. I don't think I'm too
13 dangerous. I left my pack out there and then really
14 got in trouble.

15 Okay. It disturbs me that our country is
16 becoming so -- we call it "security," and it worries
17 me a great deal. And I worries me a great deal that
18 you preempt the County; you preempt the state. So you
19 have a lot of power. And whether more nuclear waste
20 is kind of your decision. It's a rough decision. My
21 personal opinion is they should close the plant down.

22 If they can't solve this problem of
23 nuclear waste, which was a problem back in 1977, they
24 should not operate this plant any more. Don't produce
25 any more until you know what you're going to do with

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 it. It's not fair for a long time to produce more of
2 it that people don't know what to do with the
3 material.

4 My suggestion, as I gave yesterday, is
5 these big, huge, hundred-ton cement casks, dry casks -
6 - there's certain ways of PG&E to get bonuses and get
7 -- never thought I'd hear -- live off the pay of --
8 some of the executives of the PG&E, as part of their
9 bonus, they should be able to accept one of those
10 casks in their backyard. They could even put a big
11 plaque on there, a plaque dedicated to Jeff Lewis for
12 all his work on PG&E. That'd be wonderful to see in
13 the backyards of some of the people that have produce
14 this material.

15 Okay. I will finish up. I have a written
16 statement here. I could read it. I have a petition
17 with about 40 names on it. And I will submit that
18 here. And I won't bother -- nice picture of me, if
19 you -- so I'll turn that in with my picture, so that
20 when you have the opportunity to read, you can say,
21 'Oh, that's Henry David Thoreau.' Thank you very
22 much.

23 JUDGE BOLLWERK: Thank you, sir, for
24 coming again.

25 Peggy Koteen had signed up to speak again.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Is she still here, or does she wish to speak?

2 (No audible response.)

3 JUDGE BOLLWERK: All right. Let me check
4 with Jack Whetstine? Are there any other signatures
5 out there? He just walked outside the door.

6 Harriet Linville.

7 MS. HARRIET LINVILLE: Good afternoon.

8 JUDGE BOLLWERK: It's L-i-n-v-i-l-l-e,
9 right?

10 MS. HARRIET LINVILLE: That's correct.

11 JUDGE BOLLWERK: Okay.

12 MS. HARRIET LINVILLE: All right. Thank
13 you for letting me speak. Actually I would like to
14 offer a prayer. I'm a priest in the local Episcopal
15 Church, and I live in Morro Bay. I previously lived
16 down river from the Hanford Nuclear Reservation. And
17 I wish that nuclear power could live with us safely.

18 Almighty God, who have given us this good
19 Earth for our heritage, we humbly beseech thee that we
20 may always prove ourselves a people mindful of your
21 favor and glad to do your will by citing you with
22 honorable industry, sound learning, and pure manners.
23 Save us from violence, discord, and confusion, from
24 pride and arrogance. If we ever leave your way,
25 defend our liberties and fashion into one united

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 people the multitudes brought here out of many
2 kindreds and tongues, and fill the spirit of wisdom
3 those to whom you may entrust the authority of
4 government, that there may be justice and peace at
5 home, God, through obedience to your law, we may show
6 forth your praise among the nations of the Earth.

7 In the time of prosperity, fill our hearts
8 with thankfulness. And in a day of trouble suffer not
9 our trust in you to fail, all of which we ask through
10 your holy name, Most Gracious Creator. Amen.

11 Thank you.

12 THE REPORTER: Excuse me. What was your
13 first name?

14 MS. HARRIET LINVILLE: H-a-r-r-i-e-t,
15 middle initial B, as in "Baker."

16 THE REPORTER: Thank you.

17 JUDGE BOLLWERK: Thank you for coming this
18 afternoon and offering those thoughts.

19 At this point if we have no one else
20 that's registered to speak, which I believe is the
21 case, we're going to adjourn this session.

22 I would add, again, that if anyone is in
23 the audience and wishes to have some written statement
24 put into the record, there is a sheet out in the back.
25 We will be meeting again this evening, beginning at

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 6:30 until approximately 9:30 to hear additional
2 statements from local residents.

3 And I think Judge Lam wanted to say
4 something.

5 (Judges Bollwerk and Lam confer off the
6 record.)

7 JUDGE BOLLWERK: All right. I would like
8 to thank everyone for coming this afternoon, as well
9 as this morning and yesterday afternoon. We've heard
10 a number of different views from individuals, and we
11 appreciate you taking the time and the effort to come
12 and speak with us and let us know what your feelings
13 are.

14 And, Judge Lam, you wanted to say
15 something?

16 JUDGE LAM: I share Judge Bollwerk's
17 sentiment regarding your participation. I've been
18 most impressed with your sincerity and commitment.
19 And, thank you.

20 JUDGE BOLLWERK: All right. At this point
21 then we'll stand adjourned until this evening at about
22 approximately 6:30. Thank you, everyone, for coming.

23 (The afternoon session was concluded at
24 4:37 o'clock p.m.)

25

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 E-V-E-N-I-N-G S-E-S-S-I-O-N

2 (6:34 p.m.)

3 JUDGE BOLLWERK: Good evening, everyone.

4 We'd like to begin this evening by
5 introducing ourselves. In accordance with the
6 provisions of the Atomic Energy Act and the
7 regulations of the Nuclear Regulatory Commission, we
8 are three Administrative Judges appointed to sit as an
9 Atomic Safety and Licensing Board to conduct an
10 adjudicatory proceeding in connection with the
11 currently-pending challenge of various intervening
12 parties, including the San Luis Obispo Mothers for
13 Peace, the San Lucia Chapter of the Sierra Club, the
14 San Luis Obispo Cancer Action Now, the Central Coast
15 Peace and Environmental Council, the Avila Valley
16 Advisory Council, and Peg Pinard, to the application
17 of Pacific Gas and Electric Company for a Part 72
18 license under the Commission's regulations to
19 construct and operate an independent spent fuel
20 storage installation or an ISFSI at its Diablo Canyon
21 Power Plant.

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

25 To my left is Dr. Peter Lam. Judge Lam is

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 a nuclear engineer and a full-time member of the
2 panel.

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

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

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

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

25 Thereafter, in June 2002, the various

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

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

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

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

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 of their proffered issues.

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

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

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

25 Generally following such a ruling on

1 standing and contentions, the parties and the
2 interested governmental participants would proceed
3 under the Agency's rules in Part 2, Subpart G of its
4 procedural rules, which provide for a formal
5 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 this
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 for
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

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 invoked the use of the Subpart K procedures. As a
2 consequence, pursuant to a Board-established schedule,
3 the parties and Section 2.715(c) have engaged in
4 discovery regarding the admitted contention and will
5 provide the Board with their written submissions next
6 month.

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

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

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

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 opportunity for input from members of the public who,
2 despite not having sought party status, have an
3 interest in the subject matter of the proceeding.

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

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

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

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

25 MS. BECKER: Rochelle Becker, San Luis

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Obispo Mothers for Peace.

2 JUDGE BOLLWERK: Thank you.

3 MR. McNULTY: I'm Timothy McNulty. I'm a
4 Deputy County Counsel with San Luis Obispo County, and
5 San Luis Obispo County is an interested governmental
6 entity in this proceeding.

7 JUDGE BOLLWERK: Thank you.

8 MS. TACHERA: Jennifer Tachera, staff
9 counsel, California Energy Commission.

10 JUDGE BOLLWERK: Thank you.

11 MS. POOLE: Brooke Poole of Winston and
12 Strawn. With me is Richard F. Locke, counsel for
13 PG&E.

14 JUDGE BOLLWERK: Thank you.

15 MR. LEWIS: Stephen Lewis attorney for the
16 NRC staff. And with me is Randy Hall, who is the
17 Project Manager for the review of the ISFSI license
18 application.

19 JUDGE BOLLWERK: Thank you, sir.

20 In this regard, let me emphasize again
21 that this is an opportunity to hear from the
22 interested 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 evening. Rather,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

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 those individuals, we'll move on to
7 anyone who registers here this evening. For anyone
8 who wishes to make a statement, on the table outside
9 the double doors in the middle of the room, there is
10 a sheet on which you can write your name and your
11 affiliation, if any.

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

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

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 the remarks of each
11 speaker without intrusions. Accordingly, I would 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 that regard, to ensure
18 things move along smoothly, we're going to announce
19 several names and would ask that the additional
20 speakers who are in the on-deck circle, so to speak,
21 move to one of the microphones in the audience or come
22 up in the vicinity of the podium so they can begin
23 their remarks promptly after the preceding speaker is
24 finished. And in that regard you're free to use any
25 of the microphones in the audience, at the podium, or

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 the table here to make your presentation, wherever you
2 feel most comfortable.

3 I would also mention that we will take
4 several breaks during the evening. As an
5 administrative matter, if you leave the security out
6 here and go into the lobby, you'll have to go back
7 through the security area again, just so you're aware
8 of that.

9 All right. At this point let's go ahead
10 and proceed with the first speaker.

11 Yes, ma'am.

12 MS. BECKER: When I went home at the
13 dinner break, I had several emails that wanted to know
14 if they could send in their comments --

15 JUDGE BOLLWERK: Yes.

16 MS. BECKER: -- that were here. So I just
17 need to know if I can do that.

18 JUDGE BOLLWERK: Absolutely.

19 MS. BECKER: Okay. And they send them to
20 you?

21 JUDGE BOLLWERK: They would send them to
22 us. If you -- the copy that we can provide you may
23 have a copy of the *Federal Register* Notice that we
24 issued.

25 MS. BECKER: The hearing docket, and you -

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE, N.W.
WASHINGTON, D.C. 20005-3701

1 - and --

2 JUDGE BOLLWERK: Yes. It's listed in
3 there, all those addresses. That would be great.

4 MS. BECKER: Okay, thank you.

5 JUDGE BOLLWERK: That's the way they
6 should do that. I appreciate it. Yes. And that
7 would apply obviously to anyone else here. If you'd
8 prefer now this evening to leave something with us,
9 there's copies of the *Federal Register*. I hope we
10 still have enough. We made a number. There's an
11 address and names on there that you can send your
12 comments to, if you prefer to do that.

13 Our first speaker this evening is Molly
14 Johnson, then Jill ZamEk, and then Karen Burish. Is
15 Molly Johnson here?

16 MS. MOLLY JOHNSON: Good evening. My name
17 is Molly Johnson, lifelong resident of San Luis Obispo
18 County and current resident of San Miguel County -- or
19 San Miguel city.

20 The first thing is I want to say is I just
21 find it more interesting, you know, the search and,
22 you know, the little stick, and all that stuff.
23 You're apparently worried about terrorism here at this
24 meeting but not about it at Diablo. You know, I
25 figured that one out.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 You know, folks, just a general statement.
2 I believe it is really immoral to use any type of
3 technology to create your electricity that we use for
4 today that hundreds upon hundred dollars of
5 generations in the future are not only going to have
6 to pay for with their dollars but with their lives and
7 their health.

8 And I know that in the last few days,
9 Rochelle, lot of people here I've seen I know that
10 have been here that have spoken to all the really core
11 issues. And there's just something I would like to
12 read because for me it just says it all. And it's
13 called, "The Long Death," by Marge Piercy.

14
15 "Radiation is like oppression
16 the average daily kind of subliminal toothache
17 you get almost used to, the stench
18 of chlorine in the water, of smog in the wind.
19 We comprehend the disasters of the moment,
20 the nursing home fire, the river in flood
21 pouring over the sandbag levee, the airplane
22 crash with fragments of burnt bodies
23 scattered among the hunks of twisted metal,
24 the grenade in the marketplace, the sinking ship.

25

1 "But how to grasp a thing that does not
2 kill you today or tomorrow
3 but slowly from the inside in twenty years.
4 How to feel that a corporate or governmental
5 choice means we bear twisted genes and our
6 grandchildren will be stillborn if our
7 children are very lucky.

8
9 "Slow death cannot be photographed for the six
10 o'clock news. It's all statistical,
11 the gross national product or the prime
12 lending rate. Yet if our eyes saw
13 in the right spectrum, how it would shine,
14 lurid as magenta neon.

15
16 "If we could smell radiation like seeping
17 gas, if we could sense it as [a] heat, if we
18 could hear it as a slow ominous roar
19 of the earth shifting, then we would not sit
20 and be poisoned while industry spokesmen
21 talk of acceptable millirems and .02
22 cancer per population thousand.

23
24 "We acquiesce at murder so long as it is slow,
25 murder from asbestos dust, from tobacco,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 from lead in the water, from sulphur in the air,
2 and fourteen years later statistics are printed
3 on the rise of leukemia among children.

4 We never see their faces. They never stand,
5 those poisoned children together in a courtyard,
6 [that] are gunned down by men in three-piece suits.

7
8 "The shipyard workers who built nuclear
9 submarines, the soldiers who were marched
10 [through] the Nevada desert to be tested by the
11 H-bomb, the people who work in power plants,
12 they die quietly [after] years [of] in hospital
13 wards and not on the evening news.

14
15 "The soft spring rain floats down and the air
16 is perfumed with pine and earth. Seedlings
17 drink it in, robins sop it [up] in puddles,
18 you run in it and feel clean and strong,
19 the spring rain blowing from the irradiated
20 cloud over the power plant.

21
22 "Radiation is oppression, the daily average
23 kind, the kind you're almost used to
24 and live with as the years abrade you,
25 high blood pressure, ulcers, cramps, migraine,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 a hacking cough; you take it inside
2 and it becomes pain and you say, not
3 *They are killing me, but I am sick now.*"

4 Thank you.

5 JUDGE BOLLWERK: Thank you for coming this
6 evening.

7 (Applause.)

8 JUDGE BOLLWERK: Jill ZamEk, and then
9 Karen Burish, and then Mark Phillips.

10 MS. JILL ZAMEK: My name is Jill ZamEk.
11 I live in Arroyo Grande with my husband and two
12 children downwind from Diablo Canyon. I teach fifth
13 grade at Oceano School, also downwind from the plant.

14 The Mothers for Peace and the community
15 intervenors brought forth a number of contentions
16 regarding a multitude of safety issues, but the only
17 item accepted for hearing was a portion of one
18 financial contention. The purpose of this public
19 comment is quite vague to me, since you've already
20 made a determination on the contentions. Regardless,
21 I'm taking this opportunity to speak my mind.

22 First, it's impossible to separate into
23 contentions the dangers imposed upon us by Diablo
24 Canyon Nuclear Power Plant. There are no clear edges.
25 The financial liability of Pacific Gas and Electric

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Company affects safety, because proper maintenance,
2 repair, and operate of the facility requires money.

3 Radiation can be released into the
4 atmosphere as a result of poor maintenance, an
5 operation accident, a terrorist attack, a seismic
6 event, tsunami, or an event in the movement or
7 transportation of radioactive materials. Regardless
8 of the cause, the result is horrific and all require
9 emergency response.

10 As a teacher of 28 fifth graders, I'm here
11 to tell you that our current plan is fictional. I
12 don't believe that the school buses would actually
13 arrive at our schools. But if perchance they did and
14 they were able to get us out of the area in a timely
15 fashion, the designated location, which is Nipomo High
16 School, is not a safe haven. It is directly south of
17 the prevailing winds from the nuclear plant. That's
18 where we're told to shelter. I have not been provided
19 with duct tape, plastic, or potassium iodide. I also
20 have no control over the ventilation system in my
21 classroom. The box is locked.

22 But even if I could successfully seal the
23 room from fresh air, how long could 29 people survive
24 in a small classroom?

25 Additionally, the parents are supposed to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 trust the school district to care for their children
2 in the event of a nuclear disaster. They're supposed
3 to meet their children at Nipomo High School. But
4 applying the real experiences from the recent event at
5 Arroyo Grande High School involving a gun, I can
6 assure you that parents will not sit back and trust.

7 Furthermore, they will not check into the
8 office and sign their children out. There will be
9 chaos and confusion.

10 The second subject regards the subject at
11 hand, which is PG&E's proposal to construct a
12 radioactive waste storage facility utilizing the dry
13 cask system. I counterpropose that Diablo Canyon
14 Nuclear Power Plant cease operation in 2006 when its
15 spent fuel pools are full.

16 Additionally, I counterpropose that these
17 existing spent fuel pools be hardened to protect its
18 contents from release into the environment through any
19 possible cause, be it accident, a terrorist event, or
20 the result of an earthquake or a tsunami.

21 The Nuclear Regulatory Commission has the
22 responsibility and the opportunity now to make Diablo
23 safer, and I urge you to do so.

24 (Applause.)

25 JUDGE BOLLWERK: Thank you from coming

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 this evening.

2 The next speaker would be Karen Burish,
3 and Mark Phillips, and then Sherri Gooding. Any of
4 those three individuals? Mark Phillips.

5 MR. MARK PHILLIPS:Hi. I notice that three
6 people I recognize from the NRC here are the same
7 people that were at the -- where was it in September?
8 -- at The Cliffs, right, wherein Mothers for Peace and
9 the other organizations put forth their contentions
10 that, you know, this licensing of the spent fuel
11 facility at Diablo ought to consider a few things,
12 like seismic problems, terrorism, the financial
13 wherewithal that this company that's in financial
14 bankruptcy court. We don't even know who they're
15 going to be. And then you guys left town, and then we
16 got our hearing. You know a result of the hearing was
17 that you weren't going to consider these things. They
18 weren't worthy of it.

19 So I'm entering this discussion here with
20 you all now without a whole lot of faith that anything
21 we do or say here is going to have any difference.
22 It's my belief and my feeling that you guys have
23 already made up your minds pretty much the way this is
24 all going to go, and you're just doing this for show.

25 There's a lot of people, I think, that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 probably share this frustration. You guys, you guys
2 make rulings that just don't make sense to the common
3 man. Now I know I'm just a stupid citizen. I don't
4 have a degree in rocket science, or nuclear
5 engineering, or anything. So maybe it's -- it's
6 something that you could explain to me why it is that
7 you don't think considering acts of terrorism is
8 something that's worthy of discussion.

9 To me I think that's something that's
10 pretty damn important these days. And for you guys to
11 say that you're not going to consider it doesn't
12 really engender a lot of faith in the system and the
13 way it's working.

14 It looks like the system's broke. And one
15 of the things I'd like to mention as a further example
16 of this: There was a test on October 23rd of last
17 year, a drill, at Diablo Canyon, wherein they did a
18 fake attack, a mock attack on the plant.

19 And the headline read, "Officials praised,
20 high marks." They found no deficiencies. They don't
21 have any higher rating than that. This is the first
22 such rating awarded in the nation. We were given a
23 good grade, no findings of significance. And
24 according to Jeff Lewis, a PG&E spokesman, "We did
25 well."

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Well, later on in that article it says
2 that the mock attack would have resulted in damage to
3 the reactor core. Radiation would have escaped into
4 the containment domes, and eventually being released
5 outside. The plant began released radiation about two
6 hours after the ponds were bombed.

7 That's a good grade? I'm sorry. That
8 doesn't make sense to poor old Mr. Citizen me when
9 you've got a situation where radiation has leaked
10 outside of the containment buildings, and you're
11 saying that's all great, that's a good grade, the best
12 grade you can give. Hello? Is anybody out there? Is
13 anybody listening to us. I'm sorry. This is just not
14 acceptable to the people who live here who have to put
15 up with this threat.

16 Later on in the March 18th *Tribune*, the
17 same Jeff Lewis said, "It is extremely unlikely that
18 terrorists could successfully attack Diablo Canyon,
19 given it is a heavily-guarded armored target."

20 This after the October 23rd mock attack in
21 which radiation was released. Is that what you would
22 consider an honest statement on his part? I don't
23 think so, and I don't think the people in this room
24 think so. Somehow or another the system is broke, and
25 I don't really have much faith in you people to fix

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 it. I think you guys go out and play golf with the
2 guys at PG&E and laugh at the people who try to talk
3 to you and try to talk some sense in to you.

4 We're pretty, we're pretty upset about
5 this. And I don't know where it's headed. I don't
6 know where our country's headed right now. We've got
7 an unelected president running an illegal war. We've
8 got a lot of stuff coming down right now. And I just
9 want to register my disgust with the entire
10 proceeding.

11 Another meeting I was at they talked about
12 an environmental impact report they were going to
13 file. Where do we get off claiming that we can file
14 an engineering report that purports to cover all the
15 bases for the next, what, hundred thousand years,
16 longer than civilization has existed? Where, where?
17 The arrogance that mankind can even fathom something
18 like that is beyond my ability to even conceive.

19 But apparently you all think: Well, we'll
20 just write some rules and regulations, and we'll have
21 our little meetings and stuff, and, boy, by golly,
22 we're going to protect the public.

23 Well, I don't think you're protecting us
24 at all. I think what you're trying to do is get as
25 cheap a solution for PG&E to store their nuclear

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 waste, their highly-reactive waste as opposed to spent
2 fuel, it's so euphemistically called. I think you're
3 trying to get the cheapest out for them.

4 That doesn't make me feel very good. I
5 was a contractor for a while. And when you just
6 solicited bids, a lot of times you threw out the low
7 bid. You knew it wasn't -- particularly when it was
8 way out of line with the rest of them, you threw it
9 out because you knew it was no good.

10 And that's what you guys are doing now.
11 You're taking -- you're low-balling it -- you're
12 taking the low bid and you're saying, "Well, but have
13 to trust us." Well, this citizen doesn't have any
14 trust in you anymore.

15 (Applause.)

16 JUDGE BOLLWERK: Thank you for coming this
17 evening and sharing your views with us.

18 Sherri Gooding, Jesse Arnold, Thomas
19 Hutchings.

20 Mr. Hutchings?

21 DR. THOMAS HUTCHINGS: Yes, Mr. Hutchings.

22 JUDGE BOLLWERK: Okay.

23 DR. THOMAS HUTCHINGS: Good evening. I'm
24 Dr. Tom Hutchings. I'm the Green Party candidate for
25 the 33rd Assembly District, which encompasses Northern

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Santa Barbara County and also all of San Luis Obispo
2 County.

3 Along with my wife, family, and pets, I
4 live in Protective Action Zone 8 here in San Luis
5 Obispo. Coincidentally, just today we received our
6 potassium iodide tablets from the California Office of
7 Emergency Services.

8 I'm not only concerned about but also
9 disappointed in the NRC's decision regarding the
10 contentions of the local intervenor groups. I agree
11 with others who have expressed this position, with the
12 California Attorney General, Bill Lockyer, who
13 described your decision as "deficient and troubling."

14 The fact that you have chosen not to
15 consider the merits of all but one contention
16 demonstrates a callous indifference to the problem of
17 high-level radioactive waste.

18 I believe that if you were one of
19 neighbors and living about 11 miles downwind from
20 Diablo Canyon Nuclear Power Plant, you may show more
21 concern than you do now.

22 So as a member of Green Party and their
23 candidate for State Assembly, I offer the following:

24 First, phase out nuclear power now and
25 stop producing the nuclear waste. Particularly

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 worrisome is the large amount of cesium 137 that is in
2 the fuel ponds. You already alerted that there was
3 currently about 2,000 assemblies stored in two pools
4 and by 2006 there's going to be a total of 2,648
5 assemblies in Diablo's two pools for as long as the
6 plant operates.

7 With a half-life of 30 years, cesium 137
8 gives off highly-penetrating radiation and is absorbed
9 in the food chain as if it were potassium. According
10 to the NRC, as much as one hundred percent of a pool
11 of cesium 137 would be released into the environment
12 in case of a fire. It takes very little imagination
13 to realize that a pool fire would be a regional and
14 national disaster of historic proportions.

15 If it happened here, my family, our pets,
16 and myself would no longer be able to go home. And if
17 you were my neighbors, you couldn't go home, either.

18 Second, phase out Diablo Canyon now. Much
19 of the radioactive waste problem can still be avoided.
20 For the already accumulated waste, increased robust
21 storage is recommended as developed by Dr. Gordon
22 Thompson. He recommends combining robust storage
23 low-density pools with fortified and dispersed dry
24 cask.

25 I also recommend the dry casks of metal

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 construction, bermed, dispersed, and covered by the
2 adopted protocol.

3 Moreover, as a Green Party member of San
4 Luis Obispo County, I find it especially concerning
5 that you rejected the contentions of earthquake and
6 terrorism with the excuse that you were unable to
7 calculate the risks in mathematical terms.

8 If this is indeed so, then you had had
9 every obligation to order full hearings on these
10 issues in question. After all, your explicit mission
11 is to regulate the industry in the interests of the
12 public health and safety, not to protect the bottom
13 line of the industry.

14 As an aside, if you do not consider
15 terrorism as a threat, then why are there so many
16 police and protective measures now being taken at this
17 hearing? Terrorism is a threat to Diablo Canyon.
18 Otherwise, increased and heightened security measures
19 would not have been taken.

20 Furthermore, since September 11, 2001, it
21 has become clear that the plants are also a threat to
22 national security, as well as a threat to the safety
23 and health of anyone living within 500 miles of any of
24 the nation's 65 plant sites.

25 In addition, at Diablo there is continuous

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 damage to our marine environment.

2 Finally, how much sense does it make to
3 continue with the technology which benefits just one
4 or two generations, but burdens the next several
5 thousand generations with safeguarding the extremely
6 toxic radioactive waste. Why continue to expose
7 humanity to the risk of nuclear catastrophe if other
8 forms of energy production are readily average?

9 As Ralph Nader said, "Nuclear power is the
10 only form of generating electricity which requires an
11 evacuation plan. There are less risky, more
12 economical, and certainly more environmentally benign
13 ways to just boil water."

14 Therefore, as a member of the Green Party,
15 I urge you to increase robust storage, phase out
16 Diablo Canyon Nuclear Power Plant, and stop producing
17 nuclear waste, in a view towards improved energy,
18 efficiency, and conservation, and switching to
19 renewable forms of energy.

20 Now you already may have heard this quote
21 within the last couple of days by Arjun Makhijani, but
22 it bears repeating now.

23 "The time at which a nuclear power plant
24 runs out of storage space for spent fuel is an
25 appropriate time to consider alternatives to its

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D C 20005-3701

1 continued operation, since building new storage
2 requires significant new regulatory and economic
3 decisions."

4 Thank you very much for the time.

5 (Applause.)

6 JUDGE BOLLWERK: Thank you for coming to
7 address us this evening.

8 The next three speakers: Nevin Hindiye, h,
9 Colby Crotzer or Crotzer, and Carolina van Stone.

10 Is Mr. Hindiye not here?

11 (No audible response.)

12 JUDGE BOLLWERK: Ms. or Ms. Crotzer?

13 MR. COLBY CROTZER: It's Mr. Crotzer.

14 JUDGE BOLLWERK: Mr. Crotzer. Sorry, sir.
15 Whenever you're ready.

16 MR. COLBY CROTZER: Thank you, Mr.
17 Chairman, and thank you, Commissioners, for the
18 opportunity to speak before you.

19 I'm going to share a couple of my
20 credentials, because they're entirely irrelevant here.
21 As a Native American, native California, I'm a member
22 of the Oglala Lakota nation. That's a Sioux Tribe for
23 those that may not be aware of that.

24 As a local school teacher and one who has
25 just completed eight of elected office in the County

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 here at San Luis Obispo in Morro Bay, my school site
2 is within eight miles of Diablo Canyon Nuclear Power
3 Plant.

4 The previous speakers' points that I've
5 heard this evening, and you've probably heard the
6 ideas contained in those comments several times, I
7 can't try to entertain you or take up five minutes of
8 your time to reiterate them. I can simply say,
9 endorse them, and maybe in the sense of economy and
10 out of respect for you I won't repeat all of those.
11 But know that each one of these points made tonight I
12 endorse.

13 What I would like to do is, first of all,
14 appreciate what I assume to be supremely fine minds
15 that I'm speaking to, that being such specialists in
16 your fields, I suspect that having sat for long hours
17 for years and years of hearing public commit that it
18 may be that your elevated status is because of your
19 patience and your ability to think in a
20 compartmentalized way.

21 But anytime a human gets an opportunity to
22 speak to another human on an issue of such profound
23 importance, as the life of our progeny -- I'm a
24 grandfather several times in the last year and a half
25 -- for generations into the future, then there's

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 always hope that there would be that true
2 communication, an opening of the mind, if you will, to
3 another consideration and use your position of power
4 perhaps to stop this misguided commercial enterprise
5 instead of more economically, stimulating concept of
6 instituting those, I'm sure familiar to you,
7 alternative, renewable energy sources that will
8 stimulate our economy, preserve the environment, and
9 provide us with the luxuries of electricity probably
10 at a net sum cost far below the containment
11 responsibilities that we're trying to pretend that
12 PG&E can sustain. And giving their present status and
13 record of financial management, the doubts are huge,
14 as you know.

15 So thank you for the opportunity to speak.
16 I hate to imply the pessimism that this doesn't make
17 much difference. But thank you for listening and
18 hopefully thinking anew. Thank you.

19 JUDGE BOLLWERK: Thank you, sir, for
20 coming this evening.

21 (Applause.)

22 JUDGE BOLLWERK: The next three speakers:
23 Carolina van Stone, Pilulaw Khus, and Charles Wheeler.

24 MS. CAROLINA VAN STONE: Whew, is this
25 water for me?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MR. [SPEAKER]: Yes, it's for you.

2 MS. CAROLINA VAN STONE: Has anyone drank
3 from this cup?

4 JUDGE BOLLWERK: It's fresh right now,
5 anyway.

6 MS. CAROLINA VAN STONE: Well, maybe like
7 remember that -- what was that movie, *Up in Smoke*, and
8 the judge was drinking vodka. You have drunk -- no,
9 just kidding.

10 My name is Carolina van Stone, and I'd
11 like to thank you, Judge Bollwerk, Judge Kline, and
12 Judge Lam for allowing us to speak at this ISFSI
13 proceeding.

14 And my concerns at this point, Diablo
15 Canyon went online in 1984, and so I'm concerned about
16 the age of the plant in terms of trying to have this
17 independent spent fuel installation. And I think it
18 was truly designed to run to 2006. And so that in
19 terms of safety I think it's up.

20 The population in California in 1930 was
21 about 5.7 million, and at the present time -- well, in
22 the 2000 census it was 33.1 million. The number of
23 people 65 or greater in the U.S. was 6.6 million, now
24 there are 35 million people in the U.S. 65 or greater.
25 And I mention this because in our County of San Luis

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D C 20005-3701

1 Obispo we have quite a few retired people. It's a
2 great place to come to live and retire. And so the
3 percentage of households of people living alone
4 increased from eight percent to 26 percent.

5 The reason I'm mentioning this is my
6 concern is the emergency planning and evacuation of
7 this area in the event that we needed to. I work with
8 children ages 10 to 12 years old in Montana del Oro
9 State Park, which is about four or five miles north of
10 Diablo Canyon. And Montana del Oro State Park. We
11 are right there on the coast. It's a narrow little
12 two-lane road in and out of the park. And we're
13 supposed to go up to Paso Robles.

14 My concern is that looking at the
15 population increases in the U.S. and the State of
16 California, our roads have not changed or increased.
17 There's no more space; no other way to get out of
18 here. And I was thinking, well, Alex MacDonald just
19 paid a couple million dollars to increase, you know,
20 Los Osos Valley Road. Maybe he'd pitch in another few
21 million or he could, you know, expand the size of our
22 communities to allow an evacuation.

23 So I'm quite concerned about the children
24 of our community, because I feel that we owe it to
25 them to have some sort of emergency plan in the works.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 In October of this past year, Diablo
2 Canyon actually did have an emergency planning drill.
3 And some of the things not included were precautionary
4 evacuation of residents of the local areas, so they
5 don't really know how that's going to work.

6 And Diablo's closest neighbor, Port San
7 Luis, noted inadequate evacuation, inadequate
8 equipment and training, and communication delays.

9 So these are just concerns that I do. I
10 appreciate that you have come and let us speak today.
11 In concern for the children of the future, I wanted to
12 contribute some words that James Twyman put together
13 in 1986, and he wrote music to it. But I read this
14 already, and it takes about one minute, so do I have
15 about a minute left?

16 JUDGE BOLLWERK: Go ahead.

17 MS. CAROLINA VAN STONE: And this is from
18 the *Sacred Office of Peace*.

19 **Hindu Prayer**

20 Oh God, lead us from the unreal to the
21 real.

22 Oh God, lead us from darkness to light.

23 Oh God, lead us from death to immortality.

24 Shanti, Shanti, Shanti unto all.

25 **Buddhist Prayer**

1 May all beings everywhere plagued with
2 sufferings of

3 body and mind weekly be freed from their
4 illnesses.

5 May all beings swiftly attain Buddhahood.

6 **Zoroastrian Prayer**

7 We pray to god that understanding will
8 triumph over

9 ignorance, that generosity will triumph
10 over

11 indifference,

12 'that trust will triumph over contempt,

13 and that truth will triumph over
14 falsehood.

15 **Jainist Prayer**

16 Peace and universal love is the essence of
17 all the

18 Gospels.

19 Forgive do I creatures all,

20 and let all creatures forgive me.

21 **Jewish Prayer**

22 Oh come let us go up to the mountain of
23 the Lord,

24 that we may walk the paths of the Most
25 High.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 And we will beat our swords into
2 ploughshares

3 and our spears into pruning tools.

4 **Shinto Prayer**

5 We earnestly wish that the wind will soon
6 puff away

7 all the clouds hanging over the tops of
8 the

9 mountains.

10 **Native African Prayer**

11 For you are one who does not hesitate to
12 respond to

13 our call, you are the cornerstone of
14 peace.

15 **Native American Prayer**

16 Give us the wisdom to teach our children
17 to love,

18 to respect and to be kind to one another,
19 so that we may grow with peace in mind.

20 **Muslim Prayer**

21 Praise be to the Lord of the Universe,
22 who has created us and made us into tribes

23 and

24 nations

25 that we may know each other,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 not despise each other.

2 **Baha'i Prayer**

3 Be a breath of life unto the body of
4 humankind,

5 a dew upon the soil of the human heart,
6 and a fruit upon the tree of humanity.

7 **Sikh Prayer**

8 Know that we attend God when we love,
9 and only that victory endures in
10 consequence of

11 which

12 no one is defeated.

13 **Christian Prayer**

14 Love your enemies,
15 do good to those who hate you,
16 bless those who curse you,
17 pray for those who abuse you.

18 Blessed be the Peacemakers,
19 for they shall be called the Children of
20 God.

21 And I offer that because Mr. Twyman says
22 these prayers show us one of the ways we're the same
23 and helping look past all the ways we seem different
24 and alone.

25 And at times I feel just in trying to have

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N W
WASHINGTON, D.C. 20005-3701

1 our world work, we're at opposing points of view, and
2 I really think that we can figure out a way to make
3 this work. Thank you.

4 (Applause.)

5 JUDGE BOLLWERK: Thank you very much for
6 coming and speaking with us tonight.

7 The next speaker is -- I'm probably
8 mispronouncing this -- Pilulaw Khus. Probably not
9 even close.

10 MS. PILULAW KHUS: No.

11 JUDGE BOLLWERK: All right.

12 MS. PILULAW KHUS: Good evening. My name
13 is Pilulaw Khus.

14 JUDGE BOLLWERK: Thank you.

15 MS. PILULAW KHUS: I would like to give
16 you my credentials because they are most definitely
17 relevant. I am a traditional Chumash Elder. I am the
18 Clan Mother of the Bear Clan, and I am the official
19 speaker for my tribal organization, the Coastal Band
20 of the Chumash Nation.

21 I speak to you from the generations. I
22 speak to you as the indigenous first people of this
23 land. I speak to you as the people who have suffered
24 great agony because of the establishment of the
25 nuclear power plant at our most sacred place, Diablo.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 I speak to you as the daughter and the granddaughter
2 of those ancestors that were pulled from the earth,
3 from their resting place, at the time of the building
4 of that place of death and destruction.

5 I know that you have heard these words
6 many times and all the words that have already been
7 spoken this evening. We've been talking to you for
8 generations. We've been talking to you at these kinds
9 of official meetings. We've been talking to you with
10 our bodies and our voices in front of that plant,
11 trying to stop it from the very, very beginning of its
12 conception.

13 And you have not listened. But as a good
14 teacher I know that sometimes with students you have
15 to tell them over and over and over and over again.
16 So I'm here tonight to tell you again. And I
17 understand that some issues you've chosen not to
18 attend to because they can't be calibrated
19 mathematically or scientifically. That's to
20 everybody's big loss.

21 But I cannot speak to you in that way,
22 because I am a spiritual person; I am not a scientist.
23 And I will again share with you the wisdom of the
24 ancients. And I most sincerely hope that your minds
25 have not become so rigid that they can't expand to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 hear this.

2 The prophecies have said over and over and
3 over again that this that has happened with the
4 development of nuclear power is an abomination. This
5 is in the prophecies; this is in the stories. And we
6 see them coming true year after year after year.

7 And there are even more serious prophecies
8 that have yet to manifest. Do we have to wait for all
9 of them to come true? Do we have to wait for the
10 mothers and fathers and grandmothers and grandfathers
11 to hold the babies in their arms with the blood
12 pouring out of their ears and their noses? Because
13 that is told to us from the prophecies.

14 It is told to us that there will come a
15 time when the very rocks from the Mother Earth will
16 come up and start to beat on the humans because of our
17 disregard for Her sacredness.

18 And we understand that that is uranium.
19 And we understand that beating of the people is
20 already happening.

21 There is that evidence in the baby teeth
22 of this area. There is that evidence in the cancer
23 clusters that are happening in this area. That is
24 happening in the place of war that is happening now
25 over in Iraq from the depleted uranium that was used

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 on the weapons over there.

2 The Hopi prophecy said there will come a
3 time when the white scientists, or anyone else who
4 joins with them, -- I'm adding that myself -- will
5 have an opportunity to make a choice. There will be
6 a time when the roads will change. And the scientists
7 need to listen to the traditional indigenous people of
8 this land. And if they do, then things can go in a
9 smooth way.

10 If they do not, we will enter into a time
11 of chaos. I ask you to look around you and pay
12 attention to what is going on in the world, where we
13 are at right now.

14 This prophecy of the Hopi people was
15 carried for many years by my dear friend, Thomas
16 Banyacya, of the Hopi Elders, spokesperson for the
17 Hopi Elders. Thank you, Thomas, for giving us that
18 wisdom.

19 These are the stories, some of the stores
20 that come from the indigenous people. There are many
21 stories. And they're not just stories. These
22 contaminations are taking their tolls on our babies
23 and on our elders. They're already taking the tolls
24 on the people. They're already taking the tolls on
25 the Mother Earth. They're already taking the tolls on

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 the lifeforce.

2 And, indeed, you have your own stories,
3 because it has been reported that the lead scientist
4 of that organization, that group of scientists that
5 developed this power to begin with, when the first
6 testing of that power happened and the mushroom cloud
7 went up, that scientist said, "I have become death."

8 And any and all who continue in the
9 continuation of this process were the children and the
10 grandchildren of that scientist. You are also the
11 death-makers. You are also the death force.

12 Now you have put this structure, this
13 place of death on one of the most sacred places on
14 this continent. We, the Chumash people, are the
15 people of life. That is our whole way, is to nurture
16 life, to nurture the lifeforce. You have put this
17 thing of death on this sacred place.

18 No, I don't think you should phase it out.
19 I think you should shut it down. Everything else is
20 an obscenity to the lifeforce. And I do have legal
21 standing to stand here before you and speak to you.

22 As an aborigine person of this land, I
23 have a legal standing. This is my land that you're
24 talking about. It has always been so and will always
25 be so. Thank you.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 (Applause.)

2 JUDGE BOLLWERK: Thank you for coming this
3 evening and addressing us.

4 The next speaker is Charles Wheeler, then
5 Morgan Rafferty, and then Polly Cooper.

6 MS. BECKER: Charles Wheeler had a bicycle
7 accident yesterday.

8 JUDGE BOLLWERK: Okay.

9 MS. BECKER: And Morgan Rafferty handed in
10 her statement.

11 JUDGE BOLLWERK: Oh, out there. Okay.

12 Polly Cooper.

13 MS. POLLY COOPER: Good evening, and thank
14 you for being here to listen to our concerns.

15 It's an understatement that generating
16 electricity with nuclear power involves safety and
17 security problems, which are long-lived and troubling,
18 to say nothing of expensive. How critical is this
19 operation? Is there an overriding necessity for this
20 power? Is it critical for our country's health and
21 safety?

22 I would argue that this operation is, in
23 fact, lessening both our health and endangering our
24 security and freedom. For most utility customers,
25 it's hard to imagine the cost of making toast,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 including mining, processing, transporting, using, and
2 then not being able to dispose of highly radioactive
3 material.

4 But you on the Commission are well-versed
5 in these matters, having responsibility to protect the
6 present and the future public welfare as it relates to
7 them.

8 As long-time opponents of this dangerous
9 and expensive form of power we, along with many others
10 in the community, have practiced conservation and made
11 use of renewable energy.

12 For the past seven years our home, our
13 office, and the home of our partners on our property
14 have been entirely off the electricity grid. We live
15 comfortably and well with electrical power which is
16 more dependable than that which the grid provides
17 without the legacy of radioactive, quote, spent,
18 unquote, fuel.

19 An obvious question is: Why are you
20 continuing to authorize the use of an insane,
21 unsustainable source of fuel and life-threatening
22 processes to produce unnecessary electricity when
23 cost-effective safe alternatives exist?

24 We urge the use of a cost benefit analysis
25 on this question. If the outcome shows that the time

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 has come to close rather than relicense these
2 operations, take the utmost care, please, to ensure
3 the safety and health of the planet. Deal
4 appropriately with the radioactive material on this
5 site.

6 Heavy metal dry cask storage sufficiently
7 spaced apart in bunkers with soil should be used to,
8 quote, temporarily, unquote, store all the spent fuel,
9 including all that is currently in the dangerously
10 overloaded ponds.

11 This, of all places, is not the place or
12 the time to employ false, short-term economic
13 shortcuts which leave the site and the California
14 coast vulnerable to a devastating radioactive release.
15 Thank you.

16 JUDGE BOLLWERK: Thank you for coming this
17 evening.

18 (Applause.)

19 JUDGE BOLLWERK: The next speaker is
20 Kenneth Haggard, then Lucinda Nichols, and David
21 Weisman.

22 MR. KENNETH HAGGARD: I'm Ken Haggard, and
23 I guess I'll talk a little. I was a chemical engineer
24 originally, and I'm an architect locally here. And I
25 wish to speak against the modification of the existing

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 waste ponds.

2 For reasons that I'd to state, the PG&E
3 plan is not an acceptable economic risk for PG&E or
4 for anybody else. In fact, it's not an acceptable
5 risk for any reasons to maintain the open water ponds
6 as part of PG&E's waste storage system, permanently or
7 temporarily. All waste should be put in dry cask
8 storage dispersed and bunkered as Dr. Thompson has
9 proposed.

10 Fourteen years ago I was part of this
11 group called "CODES." It was Consumers Organized for
12 Defense of Energy's Safety." It consists of plant
13 workers, engineers from the TMI clean-up, and local
14 officials. We testified at many hearings, some
15 hearings like this.

16 Among the things we were concerned with
17 was the vulnerability of these open ponds. At that
18 time we were told that our concerns were misplaced
19 because the waste ponds were only temporary since the
20 government is required by law to remove the waste to
21 a permanent storage and that vulnerability was only
22 possible from the least likely events that we could
23 imagine, like somebody killing themselves by crashing
24 large aircraft, like airliners, into the facility,
25 certainly an almost unimaginable event at that time.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 I mean, hey, we were just as skeptical of that as NRC.

2 But times have changed, of course. Forty-
3 three years ago I served this country in the U.S. Army
4 as a captain in the chemical corps. Our favorite
5 weapon in the chemical corps is this thing here. It's
6 a 4.2 mortar invented in 1920. It's improved a great
7 deal. Here's the statistics on this weapon, which you
8 can get out of the internet, which we did. Four feet
9 long, 4.2. It has a range of two and a half miles.
10 It was developed to deliver the gas, and so forth, in
11 the '20s. So it was given to the Chemical Corps.

12 But later in World War II and the Korean
13 War we discovered that this was really a very
14 effective infantry weapon, for several reasons. It
15 was highly accurate to two and a half miles for
16 somebody who knew what they were doing, with
17 trigonometry, no computers required.

18 It could be broken apart into three parts.
19 The whole thing weighed 300 pounds. So with three
20 parts, you could have six people, six men, a squad, to
21 take it anywhere. It was so effective that it was
22 later mounted in light landing aircraft in the Pacific
23 island hopping operation against Japan. This allowed
24 Marines and Infantry cover by taking up the slack when
25 the offshore batteries had to stop due to the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 closeness of the troops.

2 For example, 42 of these motorboats were
3 used in the invasion of Okinawa, and very effectively.
4 And, again, this was used in the Korean War. The
5 diversity of this weapon meant that all kinds of
6 shells were developed for them, high-explosive things,
7 since gas wasn't used much in World War II, white
8 phosphorous shells, which produced a lot of heat.

9 But the most interesting one from this
10 standpoint is thermite, which is an incendiary shell
11 that can burn under water.

12 Well, my point of this is to show by
13 simply an example why I think it's an unacceptable
14 risk. Here's the map of the area which, of course,
15 anybody can get very accurately because of aerial
16 photographs, and so on. I'm an architect. We deal
17 with aerial photos all the time.

18 In the middle of the crosshair here is the
19 two ponds. And then the circle you see here is the
20 radius of this weapon, two and a half miles. This is
21 an antique, but available, weapon still. There's so
22 many possibilities here. One is we can drive to the
23 parking lot at the end of Montana del Oro; we can walk
24 a mile, playing like we're bird photographers, or
25 something, and carry this in. We can set up our

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 mortar right there in the park. We don't even have to
2 leave the park. We don't have to go into PG&E
3 property, or anything.

4 The second one is we can drive up
5 Portofino Canyon Road, which is here, go to the end of
6 the road, cut the fence, take our van, which has an
7 open-roll top, into the Jeep road there. We can set
8 up right there. Not even have to get out of our
9 vehicle. Solid comfort here.

10 The third one is we can rent a fishing
11 boat and mount a mortar on that, the same as was done
12 in Okinawa in 1945.

13 Well, from a military viewpoint, if I can
14 do that, since you only need ten men to accomplish
15 this, from the military viewpoint it would be best to
16 do all three simultaneously to ensure that you're a
17 success here. You probably could deliver 40 rounds in
18 the first two minutes of action. That means 120
19 rounds could be dumped on this part before somebody --
20 if somebody could take this group out in two minutes,
21 which is probably not likely.

22 So a quick military estimate of the
23 situation would be as follows: It's a military axiom
24 that for every action there's usually an attempt at a
25 reaction in time. For example, a preemptive strike on

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 a country results in the attempt to do the same.

2 What options exist for a nation, or a
3 tribe, group, or militia when they're at a vast
4 technological disadvantage? The one I just described
5 is one of those. So from a military viewpoint, this
6 is one of the softest, juiciest targets in the
7 country. I'm not saying you'd be totally -- you might
8 be successful, but let's put -- in a military thing,
9 we always put ourselves in the place of the enemy to
10 try to perceive how they're going to react.

11 Here if you have access, if you're
12 successful, to one of the world's largest, dirtiest
13 bombs. You can produce terror. People have to leave
14 their homes, probably never come back. Economic
15 disruption. There's no farms, businesses, vineyards,
16 tourists, all the stuff that we have on the Central
17 Coast. And from the military viewpoint, amazing.
18 You have a potential of knocking off Vandenberg Air
19 Force Base as a useful facility -- that's one-half of
20 America's rocket-testing facilities -- with ten men.

21 It just makes the Towers thing look like
22 nothing. And morale. It's a big hit. Your side goes
23 crazy. Symbolically, which was -- of course, the 9/11
24 thing was largely symbolic because they chose the
25 Pentagon and these Twin Towers.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 The ultimate ironic jujitsu of turning
2 your opponent's strength on themselves at a really big
3 scale. So under the worldwide conditions, I don't see
4 how the NRC cannot take this in account. If you
5 don't, we should take it to Homeland Security, which
6 I think we probably will.

7 And so it's pretty ironic that, you know,
8 we're spending billions of dollars in Iraq to
9 supposedly make ourselves suffer, but we're unwilling
10 to spend a few million dollars to do hardened steel
11 dispersed and bunkered storage instead of a big open
12 pond, where you can only hit one, if you're lucky,
13 maybe get one of those, but you don't get them all at
14 once.

15 If we start a fire with thermite shells in
16 the zirconium plating of these things, have it all
17 there together. I mean we can mix them, mix the
18 explosive shell -- the person here, not me -- but mix
19 these explosive shells with thermite shells.
20 Explosive shells break up the racks, the few that get
21 in there, and the other ones light them up, perhaps.

22 So I think it's something to be
23 considered. Thank you.

24 (Applause.)

25 JUDGE BOLLWERK: Thank you, sir, for

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 coming in and addressing us this investigate.

2 Lucinda Nichols and then David Weisman.

3 Are you Ms. Nichols?

4 MR. ROBERT NICHOLS: I'm Mr. Nichols.

5 JUDGE BOLLWERK: Oh, you're Mr. Nichols.

6 All right.

7 MR. ROBERT NICHOLS: Is that who you
8 wanted?

9 JUDGE BOLLWERK: Well, why don't you go
10 ahead, and then we'll have Ms. Nichols come up.
11 Apparently we had two folks with -- are you Robert
12 Nichols; is that --

13 MR. ROBERT NICHOLS: Yes.

14 JUDGE BOLLWERK: Okay. We'll just --
15 you're next, put it that way. All right.

16 MR. ROBERT NICHOLS: Sorry.

17 JUDGE BOLLWERK: No problem.

18 MR. ROBERT NICHOLS: My name is Robert F.
19 Nichols, and I reside at 1299 Briarwood, Unit 105, San
20 Luis Obispo. I may be speaking for the silent aging
21 majority, who for one reason or another do not appear
22 at this hearing.

23 I support the application of PG&E to
24 construct aboveground dry storage facilities at Diablo
25 Canyon Power Plant for the following reasons:

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 To guarantee the production of power
2 during the existing license of this plant, storage of
3 spent fuel is necessary since the licensing of a
4 permanent depository by the federal government does
5 not appear to be completed in a timely manner.

6 PG&E is acting in a prudent manner in
7 planning for a storage of the spent fuel until the
8 federal facility is available. The continued
9 operation of Diablo Canyon Power Plant is vital to the
10 energy supplied for this area and for the State of
11 California.

12 Many other nuclear plants in the United
13 States are already using aboveground dry storage
14 facilities and operating them safely. The
15 decommissioned Rancho Seco Power Plant, located close
16 to our state capitol, is using aboveground dry storage
17 and has been doing so since August of 2002.

18 PG&E employees at Diablo Canyon Power
19 Plant have demonstrated responsible operation of this
20 facility and have pledged to continue a safe and clean
21 environment in the future.

22 Thank you for this opportunity.

23 (Applause.)

24 JUDGE BOLLWERK: Thank you, sir, for
25 coming this evening.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Lucinda Nichols.

2 MS. LUCINDA NICHOLS: I have handed in
3 mine.

4 JUDGE BOLLWERK: All right. Thank you.

5 And then David Weisman. I think then
6 we'll take a break.

7 MR. DAVID WEISMAN: Good evening. A brief
8 remark. I don't often get to leaf through the
9 minutiae of the daily newspapers, comics, cartoons,
10 and other things. But there is a column, "This Day in
11 History," which just happened to catch my eye today.
12 A little bit ironic I suppose, because we've heard
13 today plans for technology and science; we've heard of
14 dedicated and hard-working employees; we've heard
15 about things being improbable and unlikely, of
16 shortcuts and bottom lines, of extra reinforcement
17 possibly being too expensive and uneconomical.

18 What is that anniversary we celebrate
19 today? The Exxon Valdez. Of double-hulled vessels
20 recommended and requested, but being ruled too costly
21 and uneconomical, of work rules violated, or shortcuts
22 taken.

23 How many times must we learn that the
24 improbable and the inescapably unplanned for can and
25 do become only too real, only too real. Thank you.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 (Applause.)

2 JUDGE BOLLWERK: Thank you for coming and
3 addressing us this evening.

4 At this point we'd like to take about a
5 ten- or 15-minute break. About a 10-minute break.
6 There is a sign-up sheet, again, through the double
7 doors. Anyone that's here that would like to speak,
8 you need to sign up on the sign-up sheet.

9 There's also -- I've mentioned the
10 opportunity that several people have utilized to go
11 ahead and put in a written statement if you prefer to
12 do that. We have several more preregistered speakers,
13 then we'll go to the individuals that have signed up
14 out in the foyer there.

15 So, again, we'll be back in probably about
16 ten minutes and then we'll proceed with the next
17 speaker. Thank you very much.

18 (Recess taken from 7:40 p.m. to 7:55 p.m.)

19 JUDGE BOLLWERK: All right. The next
20 speaker we have is Susan -- I think it's Biesek,
21 B-i-e-s-e-k. And then Jack Biesek.

22 MS. SUSAN BIESEK: Hello. I'm here to add
23 my voice to the other citizens of our community who
24 have taken the time to come before you, as well as
25 those who cannot be here, because we need you to hear

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 what we have to say.

2 I'd like to tell you a story. A recent
3 morning I awoke fairly early to the songs of birds
4 outside. The quail's call is very distinctive.
5 Mourning birds are familiar heralds of spring. Out of
6 my bedroom window I look upon the hills beyond and
7 stands of trees stretching from my yard into the
8 hills. Juniper, sycamore, walnut, pine, and oak in
9 varying shades of green are plentiful on the ridge
10 behind Diablo Canyon right near my home.

11 What caught my attention in this
12 particular moment was movement in an extra large
13 walnut tree. Its branches were heavy with hanging
14 seed tassels wet from the recent rain. In the middle
15 of the branches with chartreuse, baby green leaves,
16 were scores of large birds, ring-tailed pigeons,
17 feeding. The movement of their coming and going made
18 the branches swing and sway as if they were dancing.
19 The glowing light illuminated the field brilliantly.

20 Suddenly something scared them, and the
21 tree exploded with birds flying in every direction.
22 It was magnificent. The power and the beauty of it
23 filled my soul.

24 I understand the need for electricity. It
25 is the sustenance of our industry. I also understand

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 the responsibility of business and industry must be
2 factored in. And the real costs of nuclear-generated
3 electricity are far more than what we can afford.

4 Its price tag includes everything from
5 stockpiles of hazardous wastes that threaten
6 surrounding communities, like the one I just
7 described, to the golden posturing of nuclear
8 arsenals. Yes, they are the same technology, the same
9 threat.

10 Our homes, our communities, the world we
11 build around us reflects our values. If we do not
12 consider the value of or show reverence and respect
13 for the natural environment around us, we are cutting
14 ourselves from the source of the real strength, our
15 souls' connection. Will we risk it all for not
16 choosing safety first?

17 PG&E has chosen to produce electricity
18 with a burdensome technology. At the very least they
19 must respond adequately to the responsibilities and
20 risks inherent in this technology.

21 As an example, consider I am operating a
22 business, producing a product, and generating waste
23 products in the process. I find my waste receptacles
24 are full, yet I continue producing more wastes, so I
25 decide to double up and push more waste into the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 already full containers, even though it is risky to do
2 so. I would like to add more waste containers, yet my
3 overstuffed containers are not adequately protected
4 because they are open, and vulnerable, and the
5 contains are exceptionally hazardous.

6 If I am a responsible businessowner, I
7 would be compelled legally, if not morally, to do the
8 right thing and address the existing waste containers
9 before adding more.

10 Our own responsibilities lie in the
11 decisions we make every day. Here is where you come
12 in. A fairly simple decision can reverberate into the
13 future like the birds' calls echoing in the canyon.
14 The path we choose will lead us to our future. Thank
15 you very much.

16 (Applause.)

17 JUDGE BOLLWERK: Thank you for speaking
18 with us this evening.

19 MR. JACK BIESEK: Good evening. My name
20 is Jack Biesek, and I'm a 30-year resident of San Luis
21 Obispo. I live in the See Canyon area within a few
22 miles from Diablo Canyon Nuclear Power Plant.

23 San Luis Obispo has an incredible natural
24 beauty and a balance, and the people who live here
25 understand that and will do everything to retain and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 keep that balance. It's something we know and we
2 appreciate. And having lived here for 30 years I've
3 been able to follow the evolution of Diablo Canyon and
4 nuclear power.

5 Originally nuclear power seemed like a
6 clever idea, promised cheap, efficient, and convenient
7 electricity. The nuclear waste was soon supposed to
8 be hauled away and stored in a waste dump repository
9 eliminating the risk of stockpiling radioactive waste.
10 But these promises were never fulfilled. I believe
11 these were government-mandated promises that were
12 never fulfilled.

13 Now promises are being made to protect and
14 preserve our environment, that is new storage is
15 modern, and thoughtful, et cetera, et cetera.

16 Let's stop for a minute and consider Three
17 Mile Island, a near meltdown that posed a huge risk to
18 a Pennsylvania community. Is that what we're going to
19 have here? Or Chernobyl, a permanent shutdown and
20 contamination of the Earth around this Russian
21 village. Is that what we're to have here?

22 And 9/11, unprecedented terrorist attacks.
23 Yet the risk is likely to continue. And the long-term
24 storage that was going to be provided, where is that
25 today? It's under debate. It's on hold.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 So today we're faced with a tough
2 question. And I don't envy your position, or what you
3 have to deal with.

4 Is Diablo Canyon worth this kind of a
5 risk, or even more specifically, do we want to store
6 massive amounts of nuclear waste aboveground in
7 storage facilities that are vulnerable and open to
8 terrorist attack? Has Diablo Canyon really lived up
9 to its expectations? Will it ever? Wouldn't it be
10 better to focus our efforts on conserving energy and
11 making some effort to tighten the belt and let this
12 risky technology run its due course and let it go.

13 Diablo Canyon expansion of waste storage
14 is a risk that we cannot afford to take. It's time to
15 cut our loses and move on to safer forms of energy, as
16 well as conservation, and the common sense to improve
17 our lives. It's time to realize that we cannot and
18 have not achieved a balance with Mother Nature and
19 radioactive waste.

20 Let's do the right thing. Let's wind down
21 Diablo temporarily until approved waste storage is
22 provided as promised by the government. We owe to
23 ourselves and to the future generations who will have
24 to deal with these issues that we so blatantly take
25 for granted. Thank you.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 (Applause.)

2 JUDGE BOLLWERK: Thank you, sir, for
3 coming to speak with us this evening.

4 At this point I think we're ready to
5 proceed with the individuals who signed up tonight,
6 who came in and signed up outside in the atrium.
7 Donna Horn and then Poppy Highfield -- Highfill,
8 excuse me, and then Debbie Highfill.

9 MS. DONNA HORN: Okay. I know that
10 everybody here has been listening to a lot of serious
11 talk for the last few days. I can tell by some of the
12 boredom that you see in people's eyes and read in
13 their minds when they're listening to the repetitious
14 stuff over and over again. So I wanted to interject
15 a little bit of humor.

16 So I know many of you have probably heard
17 of that old technique of when you speak before a
18 crowd, and you're nervous, and trying to learn how to
19 do public speaking and the way to overcome your
20 nervousness is to look at everybody and imagine them
21 in their underwear, right? (Laughter.)

22 Well, I want you to know that I have
23 personally a sort of x-ray vision and I can see
24 everybody's underwear. And I hope you're wearing some
25 of your best underwear tonight, because I can see

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 through you.

2 But what I see, I've been a -- I was a
3 teacher. I was an environmental educator for 12 years
4 in Santa Barbara, California, and actually longer than
5 that, including a lot of volunteer work that I've
6 done. And I taught children, young children, the
7 basics of environmental science.

8 And what I see when I look at many of the
9 people involved in regulating, you know, sitting in
10 the higher seats of power, regulating all these
11 resources these days is I see actually children in
12 their underwear playing with matches. That's what I
13 see.

14 And so what I have figured out tonight in
15 a spontaneous kind of way is that many of you have
16 forgotten the basic elementary science classes. And
17 I just spent a time recently with an eight-year-old
18 Goddaughter and her friends at a birthday party. And
19 it was amazing the grasp they had on basic elementary
20 science.

21 And what I see is that many of you have
22 lost your memory of basic third-grade elementary
23 science, and so I want to explain to you so you will
24 understand it and try to remember how it works, the
25 food chain. So this is how it goes. Okay.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 We start basically the water cycle on the
2 Earth. And many of you know or maybe you've forgotten
3 that the water flows through the Earth. Water is one
4 of the most permeable substances, probably the most
5 permeable substance in the Earth.

6 It flows through everything. It can
7 penetrate -- if any of you -- I mean sensibility. We
8 were just sitting outside looking at this very
9 expensive hotel, and I see out there stains in the
10 ceiling. That shows that something liquid has
11 permeated through there, very easily.

12 So the water travels through the Earth.
13 It goes through ground. It goes through the rocks.
14 It goes through the dirt. It goes through everything.
15 Okay. Do you understand that? Okay. So the water
16 goes through there; it trickles through the ground.

17 Then the sun, the sun comes up in the
18 morning. And what does the sun do? The sun shines on
19 all the water of the Earth, right? Sun shines on the
20 water. What happens then; do you remember? Probably
21 not.

22 Water, when it gets hot, evaporates. It
23 turns into a gas. The gas -- and everything that's in
24 the water also. Many of the substances in the water
25 turn into gas. The gas molecules then are lighter

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 than the water, and it floats up into the atmosphere,
2 and that's what our atmosphere is, right? It
3 evaporates.

4 Then it turns into clouds, vapor, and
5 molecular particulates. There's a big word that's a
6 little bit beyond many of you, I'm sure, but I know
7 that these third graders got it. They were great at
8 it. Molecular particulates. Everything's basically
9 made up of molecules.

10 They float all around. They float
11 everywhere, right? They don't go too far, because
12 they can't, because everything on this Earth is bound
13 to this Earth. We know from the explosion and blow-up
14 of the space shuttle that we really can't get too far
15 yet off of this Earth. Every living thing, nonliving
16 thing, everything, is bound to this Earth. And at
17 this point we're stuck. Okay.

18 So these particulates are floating around.
19 These particulates, some of them are heavy; some of
20 them are light. They're in the air. Some of them go
21 back down and hit the ground. And what happens next,
22 do you think, to all these things? What lives off the
23 Earth? People, right? Plants, animals. They breathe
24 all of these particulates. They eat all of these
25 particulates. Animals breathe them; plants breathe

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 them; you breathe them. You breathe them everywhere
2 you go. And they are indiscriminate in where they go.
3 They don't, you know, -- we can't -- we don't control
4 where they go. And you know that. They just -- they
5 float around. The winds carry them around.
6 Okay. So they permeate everything.

7 Then what happens next after everything
8 eats these things? Something a lot of people don't
9 like to talk about. We all eliminate them.
10 Everything eliminates on this Earth. Everything
11 excretes what they don't need. It all goes back into
12 the Earth again, including a lot of particulates,
13 including any that are bad. Bad particulates, good
14 particulates, they all go back into the Earth.

15 Then what happens next after the sun has
16 come up and the clouds have appeared? It rains,
17 right? It rains all over the Earth. And where did
18 these particulates go? Where do they go? Do they
19 magically disappear somewhere? Do we contain them in
20 a solid metal container? No. They permeate
21 everything again on the Earth. They go through
22 everything. They go through your skin. They go
23 through your brain. They go through everything.
24 They're in all your food. They are with you when you
25 sleep. And no one escapes them, because no one right

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 now can escape this Earth.

2 This is where we live. This is our home.
3 It's the only planet we have, and there we are.
4 Apparently a whole lot of people don't understand
5 this. And I don't understand why they don't
6 understand it.

7 And as my grandmother, Pilulaw said, our
8 people understood this. Our Native people understood
9 this for centuries and centuries. Our Native people
10 were the first scientists on this particular part of
11 the land, on this continent. They were the first
12 scientists, and they were good scientists, because one
13 of the first principles of science is the observation,
14 is that you learn how to observe things. You look at
15 things. You watch things, right? That's one of the
16 first bases of becoming a scientist, if you're taking
17 science classes, is that you learn how to do
18 discriminate observation and watch how things work.

19 And our Native people knew that, and they
20 did warn a long time ago that, you know, if we mess
21 with these cycles, if we change them too much, if we
22 polluted them as we're doing now, that they were going
23 to -- it was going to hurt us. It's very simple.

24 All the people I know who are right now in
25 the third grade understand this. But apparently as

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D C 20005-3701

1 people get older and their heads start ballooning up
2 with tons of other kinds of facts they forget the very
3 basis, the very root of existence. And that's what I
4 see happening.

5 These are truths. These prophecies are
6 truths. They're not alien. When people hear the word
7 "prophecy," they hear myths often, or they hear fairy
8 tales. That's not what it is. These prophecies were
9 based on scientific observation.

10 And so I want everyone to try to remember
11 and go back and remember their third-grade teachings
12 and how basic that was and how basic it is for our
13 children and the future generations, and that many of
14 them will remember this. I already know children who
15 they don't trust, they don't trust our government;
16 they don't trust their elders anymore.

17 I have three children myself that I raised
18 and many, many children that I helped to raise, and
19 children that I taught. And they grow up hearing all
20 these things that are going on, and they said, "What
21 have you done? What have you done?"

22 I think one of the sayings from the
23 Christians is, "The sins of the father shall be
24 visited upon the sons." Well, that's what we see.
25 That's also a basic truth. "What goes around comes

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D C. 20005-3701

1 around." That's the food chain. That's the cycles of
2 the Earth.

3 And one other thing, before I finish, that
4 I would really like someone to do who is on the
5 hierarchial governmental chain and that is to pass
6 this information, this basic reminder of third-grade
7 science on up the chain to Junior Bush, as he
8 obviously has forgotten and is very ignorant of the
9 facts.

10 Thank you.

11 (Applause.)

12 JUDGE BOLLWERK: Thank you for coming and
13 speaking with us this evening.

14 The next speaker is Poppy Highfill, and
15 then Debbie Highfill.

16 MS. POPPY HIGHFILL: My name is Poppy
17 Marie Highfill, and I've lived in San Luis Obispo
18 County for 20 years. I protested the building of
19 Diablo Canyon when it was first built. And I was not
20 heard. And I wonder if I'm being heard today.

21 I speak for the youth of our County and
22 beg you to look at the situation realistically. For
23 to say that Diablo will not fail is to say that humans
24 do not err. To hold radioactive material in open
25 pools of water is not safe. And to say that these

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 manmade pools will hold water for 10,000 years and
2 never be threatened is absurd. And I worry about
3 myself and the people that I love, including this
4 beautiful area, being affected by radioactive
5 material.

6 I would not want anyone I care for to work
7 at Diablo Canyon. And I worry that my children will
8 be affected by radiation. To evacuate CMC, and all
9 hospitals, schools, mental hospitals, and nursing
10 homes would be difficult and dangerous.

11 The toxic waste that is being created, at
12 the very least, needs to be stored in armored
13 protected containers.

14 JUDGE BOLLWERK: Thank you very much.

15 (Applause.)

16 JUDGE BOLLWERK: Debbie Highfill, and then
17 Andy Reichert, or Reichert. I'm sorry.

18 MR. ANDY REICHERT: Reichert.

19 JUDGE BOLLWERK: Reichert.

20 MS. DEBBIE HIGHFILL: Hi. I'm Debbie
21 Highfill. I'm a first grade teacher in Grover Beach,
22 and I've lived here for 30 years. And I guess I'm
23 here tonight because I happened to buy a Tribune on
24 Monday or Tuesday and they had an article released
25 from Princeton. Seven scientists were saying that we

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 have an incredibly dangerous situation at Diablo
2 because of the high-density storage and that the risk
3 of ignition is extremely dangerous in the minds of
4 these seven scientists.

5 And they were recommending low-density
6 storage and dispersal of the waste. And after I read
7 that article, because basically I'm in denial about
8 Diablo, like most people that live here, because it's
9 not pleasant to think about. And when you do, you
10 realize that it's very crazy.

11 So I got on the phone and I called 12
12 people or so that I know and asked them to come join
13 me tonight. This morning I got calls from people that
14 said, "Why bother?" You know, they've read in the
15 paper that the terrorist threat was not going to be
16 addressed and they felt discouraged about coming. And
17 I think that that's probably reflected in the empty
18 seats here tonight.

19 It amazes me that people come here as much
20 as they do, considering the history of the plant and
21 the lack of safety that we've been given.

22 I try to be a pragmatist. I don't imagine
23 that the plant will be closed, despite what I feel and
24 the people that love this area. But I would pray that
25 the small change from high-density to low-density

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 storage and from grouped storage to dispersed storage
2 is so minuscule in cost and would at least demonstrate
3 that someone is hearing us a little bit, might make
4 some people have some faith.

5 I actually find it in my first grade
6 students what was mentioned by the woman who has
7 worked with third grade students, it is incredible how
8 intelligent children get it, that we're all words and
9 our actions are not demonstrating that we feel what
10 our words are saying.

11 So that's all I ask, is just that the --
12 the plant will probably continue in reality, and the
13 storage will continue. But for God's sake, can we do
14 a better job than what we're doing right now?

15 (Applause.)

16 JUDGE BOLLWERK: Thank you for coming
17 tonight and sharing your views with us.

18 Andy Reichert.

19 MR. ANDY REICHERT: That's Reichert.
20 You're pretty close.

21 JUDGE BOLLWERK: Okay.

22 MR. ANDY REICHERT: Good evening. Thank
23 you for giving me the opportunity to speak. I'm
24 sorry. I'm not very well prepared. I saw the meeting
25 on the TV tonight and I felt I had to come across.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 My name's Andy Reichert. I'm a former VP
2 of engineering of \$23 billion international company.
3 I happen to reside in this area. I thought that I
4 better come along because my attitude to this meeting
5 is that I am absolutely appalled that this Commission
6 is even considering this situation.

7 A few months ago I was one of the many
8 concerned residents that we might be at risk from a
9 terrorist threat.

10 A few days ago this country went to war
11 with Iraq and we are at war at this present time. As
12 you can tell, I talk a little funny. I am, in fact,
13 a U.S. citizen and have been for sometime, but I have
14 a European upbringing. And the European experience is
15 somewhat a little different possibly from the American
16 one, in that wars have been fought on our own
17 territories.

18 I'd like to remind people here, if they
19 haven't considered it, that because we are at war with
20 Iraq, Iraq is also at war with us.

21 And the concern that I have and it has
22 been mentioned by an educated gentleman prior to my
23 getting up about the use of mortar rounds in the hands
24 of terrorist, I would like you to consider that you
25 sit at the crossroads of history at the present time.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D C 20005-3701

1 If we are at war with a country that we
2 feel free to bomb and attack, that country or
3 countries, as it may turn out to be, feel free and
4 under international law are quite legitimately free to
5 bomb and attack us.

6 If you stand on the coast -- I don't know
7 if you live close to here or not -- you will see many,
8 many tankers, container ships passing within a few
9 miles of the shore.

10 If you think of what terrorists can do and
11 have demonstrated what they already have done, please
12 consider what a country with the full resources of
13 billions of dollars can get up to with a disguised
14 container ship. And, remember, that 16-inch guns on
15 warships can throw hundreds of pounds of high
16 explosives several times a minute over a range of 20
17 miles

18 And then you consider that where you sit
19 you are possibly helping make a decision to set up one
20 of the softest targets that any country with any
21 military capability could have a very reasonable
22 chance of slipping a vessel or aircraft through and
23 hitting this particular location very, very hard.

24 Imagine the effect of radioactive plumes
25 stretching down to Los Angeles, up to San Francisco,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 crossing the Salinas Valley, and hitting the San
2 Joaquin Valley.

3 We are presently, I believe, somewhere
4 close from having gone to the seventh largest in
5 California economy in the world to possibly the third.
6 The impact of just one attack in this location could
7 wipe out the economy of California, virtually
8 depopulate it, and bring the United States to the risk
9 of losing a major war. Just think about the
10 possibilities.

11 I'm an engineer. The people I have -- the
12 hundreds of people who worked with me are used to
13 achieving the impossible. There are hundreds of
14 thousands of engineers in the world, many of them in
15 our own military and in foreign militaries.

16 The situation that we are possibly
17 considering, which is why I am so appalled, is
18 probably one of the easiest ways of bringing this
19 country to its knees. And we are sitting here
20 discussing whether or not a commercial company like
21 PG&E should save the money, of whether or not we
22 should armor, or whether you should leave radioactive
23 waste lying on the ground to be hit by high-velocity
24 munitions.

25 We shouldn't even be considering putting

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 it within a hundred miles of the coast. This country
2 is in a very difficult and dangerous situation. What
3 you are about to consider might be the turning to
4 whether this country survives the future or not.

5 Thank you.

6 (Applause.)

7 JUDGE BOLLWERK: Thank you, sir, for
8 coming this evening.

9 Is Frances de Lorenzo here?

10 (No audible response.)

11 JUDGE BOLLWERK: All right. At this point
12 we've gone through, I think, all the listed speakers.
13 We'll go ahead and take a break, see if there's anyone
14 else that would like to speak this evening. The
15 sign-up sheets are out in the lobby. You need to go
16 ahead and sign up at this point.

17 We've indicated in our original notice
18 that if we didn't have any more speakers, we would
19 reserve the right to end the session early. We will
20 take a break for about 15 minutes and see if there's
21 anyone here that wants to speak, would like to go
22 ahead and sign up at this point, and then we'll see
23 where we go from there. Thank you.

24 (Recess taken from 8:25 p.m. to 8:48 p.m.)

25 JUDGE BOLLWERK: All right. If we could

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 come to order, we're going to get going again. Let's
2 go back into session.

3 We had one additional individual sign up
4 during the break that we were taking. A Mr. Bill --
5 I think it's Seivers, S-e-i-v-e-r-s?

6 MR. BILL SEIVERS: Yes. Good evening,
7 ladies and gentlemen. It's good to be here. I don't
8 like speaking usually in front of crowds. But this is
9 so important, I thought I would do it anyway.

10 Anyway -- oh, pardon me. I can't read
11 without my glasses. Hello Peter, Paul and Jerry. I'm
12 not in a very optimistic mood considering what is
13 happening around the world. I wish we all had more of
14 a conscientious conscience about we each as
15 individuals do. Unfortunately, our world is becoming
16 increasing more out of balance from what we selfish
17 humans are doing.

18 Nuclear power, weapons and waste, are
19 unfortunately here to stay, and the dangers are each
20 day becoming apparent. Nuclear usage should be
21 drastically cut back for only very limited specialized
22 uses. Boiling water is a bad use of nuclear science.

23 Solar, thermal, electric, and the hydrogen
24 power production could take care of our common
25 everyday needs. Radioactive materials are far too

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 dangerous to keep producing more. We can't even now
2 look after what has already been produced.

3 Now that that powerful terrorist guerrilla
4 warfare is here to stay we must limit producing more
5 devastating materials for us humans to mismanage.

6 Storage of high-level waste on sites,
7 especially coastal facilities located on active
8 faults, is not acceptable. Up until recently I
9 thought stuffing nuclear materials in mattresses of
10 people who support nuclear power and weapons would be
11 a very good way to get people to wake up.

12 However, now with the creative minds of
13 small countries and terrorists trying to level the
14 playing field, such easy access wouldn't be a good
15 idea. The destruction of the world as we once knew it
16 and the cost to safeguard radioactive materials makes
17 continuing nuclear power and weaponry too dangerous to
18 be growing.

19 We should limit its use now so the damage
20 that is already upon us, the danger that is already
21 upon us -- excuse me.

22 We should limit its use now so that the
23 damage that is already upon us might be managed.
24 Producing more radioactive materials worldwide would
25 only bring larger prices to be paid financially,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 physically, spiritually, and the destruction of the
2 Earth as a living system.

3 You should act now. First, stop producing
4 more radioactive materials; second, safeguard what we
5 already have to the safest noncoastal locations; and,
6 third, place it in highly-maintained and high-security
7 locations for the next few hundred thousand years.

8 If you don't do this, who else will do it?
9 Didn't your mother ever tell you to clean up after
10 yourselves?

11 Sincerely, Bill Seivers. Thank you very
12 much.

13 (Applause.)

14 JUDGE BOLLWERK: Thank you, sir, for
15 coming this evening and speaking with us.

16 All right. At this juncture let me see if
17 there's anyone else that wishes to speak that hasn't
18 had the opportunity. Let's look around the room, if
19 you -- I won't say speak now or forever hold your
20 peace, but we're certainly I think at that point. If
21 there's someone else who wants to say something, feel
22 free to come to a microphone.

23 (No audible response.)

24 JUDGE BOLLWERK: All right. Then at this
25 juncture then I guess we've heard from all the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 individuals that are available to speak at our limited
2 appearance sessions.

3 Again, if anyone is here that wants to put
4 in a written statement, the box with the forms is out
5 there. Please feel free to fill it out and leave it
6 with us. We will review it and put into the Agency
7 record for the doing.

8 I think I mentioned earlier that the next
9 opportunity we will have to be here in this area is
10 the 19th of May for the oral argument on the Section
11 2.- -- rather the Subpart K oral argument on the
12 contention that was admitted in the proceeding. And
13 that will be in this room. I haven't yet set a time,
14 but I suspect we'll be probably starting 8:30 or 9:00
15 in the morning. We'll issue a notice about that when
16 we finally set the time. But it will be here.

17 I would like to thank everyone that took
18 the time over the last day and a half to come out and
19 express your views to the Board, to the panel. We
20 appreciate your efforts and taking the time to come
21 and talk with us. We heard a wide variety of views.
22 And we do take -- I want to thank everyone for their
23 efforts.

24 I'd also like to thank the County and
25 State Police that were here to help us with the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 security. They did a very, very good job, and we
2 really appreciate that as well, all their efforts.

3 Let me turn to the other two Board members
4 and see if they have anything they want to say at this
5 point.

6 JUDGE LAM: I'd like to echo Judge
7 Bollwerk's remarks, that I, after listening for two
8 days to your concerns, I find your sincerity and
9 dedication impressive, and I find your input useful.

10 JUDGE BOLLWERK: Judge Kline, anything you
11 want to say?

12 JUDGE KLINE: No.

13 JUDGE BOLLWERK: No. All right.

14 Yes, a question.

15 MS. BECKER: I earlier asked if they could
16 send their statements in by email, but I didn't ask
17 what a deadline would be.

18 JUDGE BOLLWERK: There really isn't a
19 deadline for those. Whenever they'd like to send
20 them, --

21 MS. BECKER: Sometime before the --

22 JUDGE BOLLWERK: -- as long as the
23 proceeding is over.

24 MS. BECKER: Okay. Sometime before May
25 19th and 20th?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 JUDGE BOLLWERK: Yes, that would be to the
2 best -- but as long as the proceeding is open, they
3 can certainly send them in at any time.

4 MS. BECKER: Okay, thank you.

5 JUDGE BOLLWERK: All right. Not a
6 problem.

7 All right. With that, again I would thank
8 the representatives and counsel for the parties
9 sitting, for being here with us over the last day and
10 a half. We appreciate your attention and efforts, and
11 I think you probably heard some very interesting views
12 expressed as well, just as we did.

13 At this point if there's nothing else from
14 the Board, then we will stand adjourned. And we will
15 be back here on May 19th for the oral argument.

16 Thank you again, everyone, for coming out
17 and giving us your views. Thank you very much.

18 (The second day of the two-day session on
19 Oral Limited Appearance Statements was concluded this
20 date, May 24, 2003 at 8:49 o'clock p.m.)

21

22

23

24

25

CERTIFICATE

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

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

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



Nancy Palmer
Official Reporter
Neal R. Gross & Co., Inc.

NEAL R. GROSS
COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE, N W
WASHINGTON, D C. 20005-3701