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UNITED STATES OF AMERICA⁹⁹ FEB -3 A9:31

NUCLEAR REGULATORY COMMISSION

OFFICE OF THE SECRETARY
OF ENVIRONMENT AND
ADJUDICATION STAFF

Title: YANKEE ATOMIC ELECTRIC
COMPANY (YANKEE NUCLEAR
POWER STATION)
PREHEARING CNFERENCE

Case No: 50-029-LA-R
98-736-01-LA-R

Work Order No.: ASB-300-644

LOCATION: Greenfield, MA

DATE: Tuesday, January 26, 1999

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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In the Matter of: :

YANKEE ATOMIC ELECTRIC COMPANY : Docket No. 50-029-LA-R

(Yankee Nuclear Power Station) : ASLBP No. 98-736-01-LA-R

Prehearing Conference :

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Grand Jury Room
Franklin County Courthouse
425 Main Street
Greenfield, MA

Tuesday, January 26, 1999

The above-entitled matter came on for prehearing
conference, pursuant to notice, at 7:02 p.m.

BEFORE:

THE HONORABLE CHARLES BECHHOEFER, Judge

THE HONORABLE THOMAS D. MURPHY, Judge

THE HONORABLE THOMAS S. ELLEMAN, Judge

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1 APPEARANCES: [Continued]

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EVENING SESSION

[7:02 p.m.]

JUDGE BECHHOEFER: Good evening, ladies and gentlemen.

JUDGE MURPHY: Excuse me -- we are going to start the hearing, please. We want to start the hearing, please.

JUDGE BECHHOEFER: We are on the record. This is a proceeding concerning the Licence Termination Plan of the Yankee Rowe nuclear reactor.

This is what we call a limited appearance statement where members of the public who are not parties to the proceeding -- the parties have been here all day -- but members of the public who are not parties are permitted to make statements of their views on the subject matter of the proceeding.

Normally the statements -- we should run around five minutes apiece and in order to get everybody in, we'll have to keep to that timeframe fairly closely.

There are no microphones as such. These are for the Court Reporter. We would like the people who are making statements to come up to the podium up here on my right and I think may be heard both by us and by the people in the audience.

We are going to first call upon those who wrote in to us -- there are only two -- for them to make statements

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1 first and then we'll proceed with the list we have and the
2 list that is growing in the back, and as I say try to limit
3 your statements to no more than about five minutes because
4 otherwise we'll run out of time to hear everybody.

5 These statements are not evidence as such but they
6 can give the parties themselves opportunities to either
7 raise issues or deal with issues with the NRC Staff that
8 they have not known about before, so they are -- they can be
9 of use in reaching a --

10 QUESTION FROM THE AUDIENCE: We can't hear you,
11 I'm sorry.

12 JUDGE BECHHOEFER: I said they can be of use.
13 They are not evidence as such, but they can be taken into
14 account by the parties and particularly the NRC Staff in
15 dealing with issues that may not be part of the proceeding
16 itself.

17 We have a bunch of issues which we have been
18 considering all day and we have got some more for tomorrow,
19 but if there are any others the Staff may take these into
20 account in its review of the application.

21 The first person we'll call upon is one of those
22 who wrote in -- the representative of the Environmental
23 Protection Agency, Carl Dierker.

24 MR. DIERKER: I have a written statement, Your
25 Honor. Would you like me to give you copies of that now or

1 afterwards?

2 JUDGE BECHHOEFER: Yes, we'll take it.

3 MR. DIERKER: This is the original and I
4 have copies.

5 Hello. My name is Carl Dierker. I am Regional
6 Counsel at EPA New England in Boston and I am presenting
7 remarks on behalf of John DeVillars, Regional Administrator
8 of EPA in Boston.

9 I would first like to thank the panel from the NRC
10 for providing this opportunity and to present testimony this
11 evening.

12 I would like to address three issues -- the issues
13 surrounding the process, the standard of cleanup, and issues
14 surrounding NEPA, the Environmental Protection Act.

15 As I understand it, the purpose of this prehearing
16 conference this morning was to determine whether the
17 petitioners have submitted admissible contentions. We
18 believe that the parties have raised legitimate health and
19 safety concerns which if substantiated at a later hearing
20 would bear directly on the question of whether Atomic Yankee
21 Electric Company will be able to satisfactorily clean up the
22 site. We therefore encourage the Atomic Safety and
23 Licensing Board to fully consider the petitioners'
24 contentions.

25 We further invite the Board to use its

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1 adjudicatory process to provide the public with adequate
2 responses to the numerous unanswered and longstanding health
3 and safety questions which should have properly been
4 addressed in the license termination process or earlier
5 through the National Environmental Policy Act process.

6 EPA is particularly concerned in the
7 decommissioning of Yankee Rowe primarily because it is the
8 first commercial plant in New England to be decommissioned.

9 It is especially important that the process
10 affords the public appropriate opportunities for review and
11 comment and assures the cleanup is done in a correct form at
12 the outset.

13 NRC and Atomic Yankee treatment of the site will
14 both set a precedent for a number of upcoming
15 decommissionings in New England including Maine Yankee,
16 Connecticut Yankee and potentially Millstone units and
17 continue to impact the health and safety of the people and
18 the environment in the vicinity of this site. EPA New
19 England is equally concerned about releasing the site for
20 unrestricted residential or commercial use and allowing the
21 public free access to the site particularly when so many
22 questions about on and offsite radiation contamination
23 remain at this late stage in the decommissioning process.

24 We at first would note that we are very pleased
25 that the Yankee Atomic has committed to a total effective

1 dose equivalent from residential radiation contamination not
2 to exceed 15 millirems per year above background and we will
3 certainly be looking at other decommissioning actions and
4 holding those to the same level of cleanup.

5 We have noted that petitioners have raised some
6 very legitimate concerns, interesting concerns, and the ones
7 that we think need to be looked into, if the petitioners'
8 concerns are legitimate and to the extent Yankee Rowe
9 decommissioning might substantially fail to meet the cleanup
10 standards, we note that NRC's own publications propose that
11 such sites could be assigned to EPA, back to EPA, for
12 listing on the National Priorities List under CERCLA and we
13 hope that we can avoid, we certainly want to avoid that.

14 We comment last on decommissioning as a public
15 process and hope that the future need for prehearing
16 conferences such as this one might be lessened by allowing
17 the public to participate more substantially in earlier
18 stages of decommissioning accompanied by a meaningful
19 environmental review process.

20 In short order, New England will see the
21 decommissioning of a number of nuclear power plants such as
22 Maine Yankee, Connecticut Yankee, and the Millstone 1 unit.
23 EPA New England will monitor the NRC proceedings in these
24 and other cases to ensure that plant operators demonstrate
25 at least the same level of commitment to radiological

1 cleanup levels and protection of our region's human and
2 ecological health.

3 With respect to Yankee Rowe, we are concerned that
4 so many health and safety issues persist at this stage of
5 the decommissioning process. We are equally troubled by the
6 parties' allegations that the site remediation as described
7 in the LTP may not satisfy the chosen radiological cleanup
8 standards.

9 EPA New England believes that the petitioners'
10 numerous contentions deserve the Board's further attention.
11 We request that the Board fully respond to these contentions
12 as well as concerns raised in this letter in order to ensure
13 the decommissioning of Yankee is done right the first time
14 and no follow-up is needed.

15 We also look forward to working with the NRC on
16 the upcoming decommissionings in New England.

17 I guess I would say finally as a former resident
18 in the Berkshires and having lived on the Mohawk Trail for
19 several years of my life that I think 40 years ago when this
20 plant was built Yankee Atomic and the NRC with NRC's
21 blessing came into this community, built a power plant. It
22 had a useful life whatever the concerns were about it, and I
23 think it is now appropriate to have the plant leave the site
24 and leave the site in the pristine condition to which it
25 came before it was built.

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1 I have summarized the comments of Mr. DeVillars
2 and I will be happy to make copies available to others as
3 well. Thank you very much.

4 JUDGE BECHHOEFER: Thank you.

5 [Applause.]

6 [Discussion off the record.]

7 JUDGE BECHHOEFER: Next is Mr. Raymond Shadis, who
8 wrote in.

9 MR. SHADIS: I want to thank the panel for the
10 opportunity to address you this evening. I am a resident of
11 Edgecomb, Maine -- live just a few miles downwind of the
12 Maine Yankee Nuclear Power Station and am involved in the
13 Community Advisory Panel for the decommissioning of that
14 plant.

15 I am also a founding member of Friends of the
16 Coast Opposing Nuclear Pollution, an organization which has
17 followed safety issues through Maine Yankee's trial period
18 through its closing and now is the only organization,
19 activist organization, involved on the decommissioning panel
20 for that plant.

21 I also participate in the Keystone Conference on
22 Decommissioning, a national forum examining the financial
23 implications of decommissioning and I am a staff person for
24 the New England Coalition on Nuclear Pollution.

25 I want to urge this panel to exercise its

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1 discretion in taking the most creative and stringent
2 possible view of the issues at hand. Those two terms,
3 "creative" and "stringent" might seem to be mutually
4 exclusive, but in this case what we are asking for is the
5 maximum protection for the citizenry in this area and for
6 the environment and within the latitude that your office
7 provides we ask that you look creatively at the regulations
8 that you are obliged to adhere to.

9 Every Atomic Safety Licensing Board panel that I
10 have ever read about has weighed in, created some little
11 piece of precedent, moving the whole burden and body of this
12 regulation in one direction or another, either making things
13 more difficult for public intervenors or more difficult for
14 the industry, but rarely. Generally the trend that I have
15 observed since I was involved in my first intervention in
16 1982 is that the bar has been raised much higher for
17 standing. The bar has been raised much higher for the
18 admission of contentions and the trend is to move away from
19 meaningful, accountable citizen participation.

20 Now in the decommissioning process, the NRC has
21 come forward very creatively to build a facade of meaningful
22 participation. I am a participant, an actor if you will, in
23 that facade as I participate in my Community Advisory Panel.
24 There is no other forum, so it puts us in a very hard place,
25 those of us who are activists, to choose whether or not to

1 be participants and be co-opted in a process that is loaded
2 against any critical review.

3 What we have in the entire decommissioning process
4 is a very smoothly oiled case of stone soup -- and I am sure
5 you are familiar with the old classic folk tale of stone
6 soup, but it basically involves a vagrant asking to borrow a
7 pot to make stone soup, and a stone is added in water and
8 after awhile he begs a little spice and then a few carrots
9 and then a few potatoes and then a little meat, and so on.
10 Eventually he takes the stone out and throws it away, and
11 this is very much analogous to the process that NRC has
12 developed to bring forward decommissioning as a non-issue.

13 When these plants were built, this current
14 generation which is now being shut down, including Yankee
15 Rowe, the National Environmental Policy Act was not in
16 place.

17 This plant was built with a very minimal,
18 simplistic environmental assessment and it has gone forward
19 these many years -- I think we are talking now close to four
20 decades -- with modifications to the site, roads built,
21 ditches dug, pipes laid, new buildings constructed. The
22 ground itself terraformed and the drainage and flow and
23 compaction of the soil has changed accordingly over the
24 years, but the records have not been kept nor have they been
25 entered into the decommissioning report, nor have they been

1 entered into the Licence Termination Plan, and so it is
2 impossible to predict how water is going to move that site,
3 where the radionuclides that are released are going to be
4 transported or deposited, and NRC permits this to go
5 forward, I think as a layperson, and this is a layperson's
6 opinion, I think in violation of the National Environmental
7 Policy Act.

8 I see this -- and I know that in Maine at least,
9 Maine is of course a backward place, but in Maine our --

10 [Laughter.]

11 MR. SHADIS: -- In Maine our deconstruction of an
12 800 megawatt reactor is the largest construction project we
13 have going on in the state of Maine, and it is not a project
14 that is being done with an Environmental Impact Statement,
15 and the reason is that NRC has substituted a generic
16 Environmental Impact Statement and depends on the original
17 environmental assessment, which was done 30 years ago.

18 Now combined they do not provide an adequate
19 picture of the site, and this is something outside of the
20 discussions that went on earlier today about the
21 measurements of careful -- measurements of radiation.

22 This has really to do with the physical
23 underpinnings of this, and we ask the panel to consider the
24 situation that the public or any Intervenor, any agency
25 outside of NRC has found itself.

1 Instead of an Environmental Impact Statement and
2 thorough plan for decommissioning, power plants are required
3 to produce a post-shutdown Decommissioning Activities Report
4 under the new rule. Connecticut Yankee took about a year to
5 produce theirs, 30 some-odd pages -- pardon me?

6 QUESTION FROM THE AUDIENCE: Thirteen pages.

7 MR. SHADIS: Thirteen pages -- well, that's even
8 better. Maine Yankee took six weeks and it was 20 pages.

9 JUDGE BECHHOEFER: Time is --

10 MR. SHADIS: Yes, time is running, I know. This
11 is an issue that is going to be with us for a long time --

12 JUDGE BECHHOEFER: Right. I realize that --

13 MR. SHADIS: -- and I don't want to take anyone
14 else's time but I do want to impress upon you that the
15 system that has been set up looks like there is public
16 participation and there is some, but it is participation
17 without accountability. There is no way we can hold
18 officials accountable.

19 NRC will send Staff people to talk to the public.
20 They will say whatever they feel like. They will promise to
21 answer questions. The questions are never answered, and
22 that is what is being substituted for a meaningful
23 adjudicatory process, so I ask you, I beg you really, you
24 are the line that can make the difference in whether or not
25 this is going to be met, this new process, with some

1 consideration for the public or it is going to be a
2 steamroller for the industry.

3 I am sorry to take extra time. You have my
4 written statements in front of you and if anyone else would
5 like a copy, we have also a written submittal. Thank you.

6 [Applause.]

7 JUDGE BECHHOEFER: Ed Anthes?

8 MR. ANTHERS: Good evening. My name is Ed Maryrose
9 Anthes. I am an organic farmer in Vermont and very soon now
10 we will be starting to make maple syrup again and we are
11 very proud to say that is Vermont pure maple syrup, just a
12 little bit north of here, and on this side of the line they
13 have their pure Massachusetts syrup and part of what people
14 buy is that belief that they are getting a product that is
15 pure, that it is as clean as it was when their grandparents
16 made it and when their parents had it on their breakfast.

17 It is important what we are going through right
18 now because it is going to set a precedent. It's going to
19 set a precedent for Vermont Yankee, which is going to be up
20 for its cleanup before long. It is important because there
21 are health effects being felt now for the people who are
22 downwind from Yankee Rowe. We have people who are downwind
23 from both Vermont Yankee and Rowe. If you have the time to
24 go through some of the hill towns and could see the effects
25 that people have been suffering it would add a human

1 dimension to this.

2 The question was raised why should the safety
3 estimates be based on children. We need to use that
4 conservative estimate because we can all think of many times
5 that we have heard about playgrounds and schools that have
6 been built on hazardous waste sites and sites from this
7 century or the last century where industrial processes were
8 carried out. Those uses no longer are remembered by most
9 people and we have put our children, we have put our
10 families in danger by being there.

11 When Yankee Rowe asks us to consider only the
12 shorter-lived gamma-emitting isotopes, they are seeking to
13 continue the short-sighted engineering decisions which have
14 left us with what we face now, a contaminated site and
15 buildings, no known way to isolate those for anywhere near
16 the timeframe that will be necessary to safeguard human life
17 and other life.

18 To base cleanup on tests from the top 15
19 centimeters of soil is morally indefensible. I hope that
20 you will rule that it is also legally impermissible. Thank
21 you.

22 [Applause.]

23 JUDGE BECHHOEFER: Derek Jordan.

24 MR. JORDAN: Thank you for allowing the public to
25 participate and speak with you tonight.

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1 I am concerned about what we call and what the
2 industry calls "acceptable levels of exposure." I don't
3 really understand -- I mean I am not a scientist, I am just
4 an average person -- but my understanding is that radiation
5 is extremely poisonous. Even at low levels it can harm
6 cells, it can cause cancer, other possible injuries and
7 health problems in the human body, and I don't understand
8 how any exposure can be acceptable. It seems like a form of
9 legalized murder and that really concerns me deeply.

10 To talk about -- to base these levels on a 200
11 pound man who will spend eight hours a day on the site, it
12 just seems a best case scenario. It doesn't take into
13 account all the other types of people and age groups that
14 would be affected and would be affected much more harmfully,
15 let's say than the 200 pound man scenario.

16 I think that -- I really hope that we can have
17 more public input and more public oversight in these
18 processes and not less. These decisions affect all of us on
19 a very deep level and the quality of our life and our
20 relationships and our communities.

21 This is an extraordinarily momentous occasion and
22 I wish this room was filled even more than it is now. It is
23 of great import. I think a lot of people don't even realize
24 how important this is, especially I have heard this may be
25 the last time that the public is allowed to participate in

1 one of these hearings and that is very hard for me to
2 believe, but nonetheless I have heard that.

3 I hope that in the future we can make and you can
4 make good decisions and your body can make good decisions
5 about this that will be to the benefit of all the people
6 here, because I am afraid that if you do not, then in the
7 future the people, although they are now not culpable under
8 the law, in the future perhaps they will be accused of
9 crimes against humanity and crimes against nature, in some
10 far-flung future time when we can see with the clear light
11 of day the type of damage that we have done to the planet
12 and to each other, so I just would ask you to please protect
13 our community. Thank you.

14 [Applause.]

15 JUDGE BECHHOEFER: David Kotker.

16 MR. KOTKER: My name is David Kotker, I live in
17 Montague, Massachusetts, which is downwind from the Yankee
18 plant and also the Vernon Nuclear Reactor. It is actually
19 nearer to that, and I understand that the NRC likes to
20 direct things to sort of the purview of the hearing, so I
21 will first address a couple of points that occurred to be
22 during the hearing as a whole, the first being the sampling
23 issues that came up in terms of Yankee taking the samples
24 and Yankee averaging them, which was addressed by counsel.

25 It was addressed by Block, but one thing that

1 didn't come up was that, in fact, if Yankee is picking the
2 spots, rather than independent, disinterested, outside,
3 completely outside party, which is what I would hope would
4 happen, there is continuous, really, opportunity for sort of
5 impromptu cost benefit analysis by Yankee to ensure that
6 they don't necessarily find what they should be looking for.

7 There is certainly the appearance of impropriety,
8 and from living around these people for a number of years, I
9 think the appearance of impropriety is often a significant
10 indicator of actual impropriety. So I would urge real
11 independent analysis of the site as a whole.

12 And, second, you had talked about -- well, in the
13 course of talking about the critical population and who the
14 critical population is represented by, Ms. Hodgdon, the
15 lawyer for the NRC, had picked out the 100 millirem figure
16 for safe dosage, what she called safe dosage, which, as one
17 of you mentioned, was, in fact, a cost benefit analysis
18 figure from an ongoing running plant. And she had
19 characterized it as the dosage at which it is safe, but, in
20 fact, it is a cost benefit analysis figure, and what that
21 means is that is the number at which, in the view of the
22 NRC, or the AEC at that time, the benefits of putting more
23 energy into the power grid begin to outweigh the costs of
24 people becoming sick or dying from the actual radiation that
25 exists, and that is a very different thing than the blanket

1 safety which she asserted.

2 And it is something that I think is really not
3 something that it is the business of anyone to determine. I
4 think that that, just by itself, is wrong. It is an error
5 of judgment that was made at that time and we are still
6 living under it. And it was used, of course, -- I mean it
7 was -- and it is not a figure that is relevant at all to a
8 plant once it is closed, because there is no benefit.

9 So it was used to justify the use of a fully grown
10 adult male as the standard man because that 100 millirem
11 figure was so large that, therefore, that gave wiggle room
12 to, you know, not have to worry as much about the general
13 population, children and all. But what isn't accounted for
14 in that is that that standard adult man, before he is a man,
15 is, in fact, a child and, you know, grows from a fetus and
16 from an egg in the body of a woman, who grows from a girl
17 and that, through this whole process, -- I mean the way that
18 Mr. Gad was saying it, it is almost as if until this guy
19 reaches a certain weight, the radiation, you know, has to
20 throw him back like a fish. But that is not -- I mean I
21 don't think that reasoning should be allowed to be the
22 precedent, it is just ridiculous.

23 And I mean, really, what he is not taking into
24 account is that while every, you know, adult male is at some
25 point a child, not every child is going to become an adult,

1 and particularly not in a situation where we play fast and
2 loose with the definitions of what is truly safe and what
3 people will be able to survive. And that is not a rocket
4 science, you know, engineering issue, that is basic common
5 sense.

6 And what I notice very often in these proceedings
7 is that the efforts made by counsel, or spokespeople, or
8 various defenders of the reactor are to exclude anything
9 that is not exactly germane to the specific academic point
10 that is being debated. And while that may, from a
11 perspective of, you know, getting the hearing finished, may
12 have a rationale like that, I think it is -- what, in
13 effect, is being done is it is being used by lawyers to sort
14 of streamline these hearings entirely out of existence, and
15 that is a real problem, because there is never a venue to
16 discuss the real danger that is taking place in this
17 community. And there is never a venue to discuss the ways
18 in which we have been, you know, constantly denied and the
19 ways in which we have continually been told, you know,
20 throughout this whole process that we have no business
21 discussing or interfering in any meaningful way with real
22 accountability.

23 We can talk and we are obligated morally to talk,
24 but you are not obligated legally to listen, and I think
25 that needs to be changed. And it may not be within the

1 venue -- you may not do it today, but it needs to be done,
2 and it will be done. And that is all I have to say.

3 JUDGE BECHHOEFER: Thank you.

4 [Applause.]

5 JUDGE BECHHOEFER: Fred Katz.

6 MR. KATZ: Hello, I am Fred Katz and I live in
7 Rowe and I really appreciate you gentlemen being here. I am
8 falling asleep and you guys must be really tired as well.

9 But being in a courtroom for an entire day brings
10 to mind judiciary issues, and what comes to mind first is
11 Judge Ponzer of the District Court, where John Block
12 represented us for the first time. And his ruling was
13 really inspirational. I mean he was really wonderful in
14 that he, in fact, understood exactly what our complaint was.
15 And in his ruling he said that we being systematically and
16 bureaucratically thwarted in our efforts to get a hearing or
17 even to find a site where we could explain our concerns and
18 air our complaints.

19 And his ruling said that what was brought to mind,
20 to his mind, was the office of circumlocution in Charles
21 Dickens' "Bleak House." And, unfortunately, I don't believe
22 that the activities or the course of action of the NRC has
23 changed very much since that time, which I think is about
24 six or seven years ago, and since that time, actually, there
25 was an adjudicatory statement by the Inspector General of

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1 the NRC who said that the propriety of the component removal
2 project, -- now, the component removal project is what the
3 choice of language that the NRC used rather than
4 decommissioning, because at that time decommissioning would
5 require an adjudicatory hearing. So if you called it the
6 component removal project, it wasn't decommissioning, but,
7 in fact, it was a project that would remove, mobilize, and
8 transport 95 percent of the radioactive inventory at the
9 reactor before a plan had even been submitted.

10 So, in fact, when time went by and we did get a
11 ruling in the First Circuit, that ruling was that the NRC
12 had acted in a manner which was described by them as
13 arbitrary and capricious, and utterly irrational. See, not
14 just irrational, but utterly irrational, which, in fact, was
15 very heartening to me, because a lot of time in those years
16 I thought I was going nuts, you know. I thought I just
17 couldn't understand, you know, how I could look at something
18 and it seemed so strange, but these were judges.

19 So that, in fact, that what we are stuck with is
20 -- and it is very poignant when I heard you people say that,
21 well, we are not allowed to talk about that today. So that,
22 in a certain sense, even you have been bureaucratically
23 thwarted, you see. So that one has to hope that there will
24 be a forum. And I have a lot of faith, based on our
25 experience in the District Court and in the Appellate Court,

1 that these people will be able to understand our contentions
2 as they -- as they are difficult to understand. So that I
3 appreciate your being here so late and we will see you
4 tomorrow.

5 JUDGE BECHHOEFER: Thank you.

6 [Applause.]

7 JUDGE BECHHOEFER: Nina Newington.

8 MS. NEWINGTON: My name is Nina Newington, I own a
9 home in Buckland about 10 miles from the reactor, and I also
10 CAN's representative on the Community Advisory Board to
11 Yankee Rowe, and I also spent the day in court today.

12 And I think I want to pick up this theme of the
13 utterly irrational, because one of the things that strikes
14 me, and this was addressed a little bit in the course of
15 today, was that while it seems that you, as a board, are
16 unable to listen to or take into account CAN's contentions
17 about how the fuel rods are going to be stored on site, to
18 the rest of us, to talk about that site and what will be
19 left on there in the way of radiation, without addressing
20 the fact that the most radioactive element of the entire
21 reactor will remain on that site, is irrational.

22 We can't make that separation, it is a
23 schizophrenia that belongs only to bureaucracy, because the
24 geographical site is going to contain both the extra
25 background radiation that Yankee plans to leave and the fuel

1 rods that will remain on site. It is the same place.

2 Now, I would say that there was a very particular
3 effort to sort of make that not be apparent. And I have
4 noticed it on the Community Advisory Board. We have been
5 divided, against my own desires, into two committees, one of
6 which is concerned with site release, the other of which is
7 concerned with how the fuel rods will be stored on-site.
8 Again, this is really an arbitrary separation, because from
9 the point of view of those of us who have lived with this
10 reactor, and have lived with the consequences of living near
11 this reactor, we can't make that separation.

12 Now, I understand that in terms of what you can
13 address immediately, it is also important to focus on what
14 you can actually talk about. But it is our job as citizens
15 to go beyond what the bureaucracy can see, because
16 bureaucracies blind themselves. And this is one of the
17 reasons why the hearings are necessary to the bureaucracy.
18 They are not just necessary to us, because we are the people
19 who say, hey, wait a minute, let's talk about some common
20 sense. Let's talk about what is actually being left on-
21 site. Let's really look at this, because it is in the
22 nature of bureaucracies and systems, all of us, to become
23 focused on our specializations and lose the big picture.

24 And that is why it is tragic that it has taken as
25 long as it has to have a hearing, has cost CAN as much money

1 as it has, most of which was raised through tag sales and
2 dances, to fight legal battles with a multi-million dollar
3 corporation, in order to request a hearing where local
4 people might have a chance to say, hey, this is our
5 experience and that counts for something.

6 Specifically, coming back, having listened to the
7 stuff about how kind Yankee is being to plan to leave us
8 less than that 100 millirem figure -- in fact, they are
9 being very kind, they are planning to leave us less than the
10 25 millirem, they are only going to leave us 15 millirem
11 over background. That means they are going to leave us
12 radiation we didn't have before. We should be clear about
13 that.

14 We should also be clear that that 100 millirem
15 figure is not a safe dose, as has already been said. There
16 is no known safe exposure to radiation. There is no known
17 safe exposure. More and more information is coming out
18 about the specific dangers of exposure to low level
19 radiation. Much has been studied in terms of the A-bomb
20 survivors and exposure to high levels of radiation, and
21 extrapolated from that. There is now evidence that exposure
22 to low level radiation is a different thing, that stuff
23 sneaks in under the immune system and doesn't get wiped out
24 and causes different kinds of damage.

25 There is no known safe exposure. What we are

1 being left is dangerous. It doesn't matter, you know, how
2 it is dressed up, what fractions of the figure that was
3 supposedly safe are being left. There is no known safe
4 exposure.

5 Then, to add to that, the insult that in 1999,
6 quote, "an individual is to be interpreted as a 200 pound
7 man," I thought we were beyond that, I really did. I did
8 not think that we thought that anymore.

9 [Applause.]

10 MS. NEWINGTON: And not only that, but a 200 pound
11 man who will be on site for eight hours a day. That
12 actually means he only sleeps on-site. You know, he
13 actually doesn't spend any time at home apparently. Oh, he
14 does spend 1 percent of his time in the garden, I gather, as
15 part of the calculation.

16 It is essential -- essential that we calculate
17 those exposures of the basis of the most vulnerable members
18 of our population, and that is children -- that is children.
19 And it has to be on the basis of somebody who is really
20 living there. In a way -- you know, I actually make a
21 living as a landscape gardener. I spend an enormous amount
22 of time at home growing stock, with my hands in the soil.
23 If I were doing this on that site, I would be getting way
24 more than the kind of exposure they are talking about. I
25 wouldn't be one meter away from the hot spots, I would be

1 down in them.

2 Again, this is a matter of abstraction. You know,
3 it is like that putative average individual is not a real
4 person, and what we have to do is stand here and say -- we
5 are real people, look at us. We have to talk past that
6 bureaucracy and say look at this community. Four-and-a-
7 half times the rate of Down's Syndrome in this community.
8 We can't say for sure that is because Yankee pumped
9 radiation into the river for 30 years, but Down's Syndrome
10 has shown up around other reactors in association with
11 exposure to tritium.

12 You have to say, look, we are the real -- we are
13 people. We are here, the stuff affects us. We are not an
14 average figure, we are not a statistic. We are not that
15 average person who is going to be there eight hours a day.
16 And I appeal to you to listen to that, and, as much as you
17 can, to take and translate the language of the bureaucracy
18 that you have to work from. I understand that there's the
19 difficulty of coming up with rules, the difficulty of coming
20 up with regulations, with formulating things, with trying to
21 make them be predictable and applicable across different
22 situations, but you are the human representatives of that
23 bureaucracy and part of your task is to bring that
24 information to a specific site and to be a bridge between us
25 and all of that information. And so I hope very much that

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1 you can do that. Thank you.

2 [Applause.]

3 JUDGE BECHHOEFER: Carolyn Pressley.

4 MS. PRESSLEY: My name is Carolyn Pressley, I live
5 in Greenfield. And I would like to try to make the point
6 that we are all real people in this room, every single one
7 of us, this side of the aisle, that side of the aisle, the
8 other side of the camera. I don't know how far you traveled
9 from. I was here all day and I didn't learn that.

10 JUDGE BECHHOEFER: Washington.

11 MS. PRESSLEY: All three?

12 JUDGE ELLEMAN: North Carolina.

13 MS. PRESSLEY: And?

14 JUDGE MURPHY: Washington, D.C.

15 MS. PRESSLEY: I have lived in Greenfield for four
16 years, but before that I lived in a part of California where
17 uranium is mined, and so I found out that at the beginning
18 of the fuel cycle there is danger. The place where the
19 uranium was mined in the county where I lived had
20 contaminated, in the mining process, the water of the native
21 peoples where the uranium was found, and that created all
22 kinds of problems, as you may guess.

23 And here we are talking about the spent fuel,
24 which sounds a little bit like it is not as dangerous as it
25 may have been before, but, if I understand correctly, it is

1 the most toxic substance that anybody can name. Maybe I am
2 not informed, but I know that I am concerned. It doesn't
3 matter whether I live in Greenfield or east, west, north or
4 south, I think that all of us real people have a concern
5 about that. And we need to try to think less in terms of
6 what side we are on, or whether or not our particular job at
7 this moment in time is causing us to be here today, on the
8 payroll, so to speak. We are not. This is something that
9 concerns all of us no matter where we live.

10 And in Greenfield, if you go to the local junior
11 college, as I do sometimes, you will get a message like --
12 this week the bulletin tells you what to expect. And what
13 to expect this week is a message from the campus security
14 people welcoming people to the spring semester, and telling
15 you they are committed to maintaining a safe and pleasant
16 campus in which to work and obtain an education. At the end
17 of their message they tell you that it is important to
18 remember that the most important component in a successful
19 crime prevention and awareness program is the cooperation of
20 every member of the campus community, and if a crime occurs,
21 report it.

22 I am not drawing a parallel to something that has
23 gone on today, or in the past here, under discussion, as a
24 crime. At this moment I am just pointing out that this
25 local junior college campus is the evacuation site for

1 Yankee Rowe and also for Vernon, the plant in Vermont that
2 is very close to us here.

3 And I think that there is something that costs all
4 of us, that we don't think about this, and that the campus
5 security doesn't think about it in terms of awareness,
6 because I think that this is a problem that if we all don't
7 grasp together, we will all suffer the consequences, and too
8 soon.

9 JUDGE BECHHOEFER: Thank you.

10 [Applause.]

11 JUDGE BECHHOEFER: Rosemary Bassilakis.

12 MS. BASSILAKIS: Good evening, and thank you for
13 this opportunity to give you testimony. And I also want to
14 thank the organization I belong to, Citizens Awareness
15 Network, and, also, New England Coalition, for having the
16 wherewithal and the endurance, and all it takes to do what
17 we do, and to stand before you with contentions. It is not
18 easy for ordinary people, and I grateful to all of us.

19 What you decide with this issue does have
20 monumental importance and I am trusting that you gather
21 that. What you allow here in Rowe will happen in my
22 community and will happen in communities nationwide. Now, I
23 live with my husband and my two school-age kids in Haddam,
24 Connecticut. I live one mile from Connecticut Yankee.

25 Now, let me just touch a minute on Connecticut

1 Yankee because it is applicable here. Connecticut Yankee
2 was ruled to have been imprudently managed by both the
3 Federal Energy Regulatory Commission, Connecticut Department
4 of Public Utility Control, the Connecticut Attorney General.
5 It was an imprudently managed reactor throughout its life.
6 And we all know what that means with regard to money, it
7 means that they can't collect all their money for
8 decommissioning funds. But what does it mean in terms of
9 health and safety now and in the future?

10 And just a few details. They operated with faulty
11 fuel for two different fuel cycles. One of them was a
12 record long run, they were very proud of that fuel cycle.
13 Unfortunately, it led to transuranic contamination that
14 pretty much flooded the site, you know, not just the piping,
15 but the site. And, in fact, the NRC put forth a bulletin
16 warning licensees that workers can get unplanned uptake of
17 transuranics because of faulty fuel.

18 They also operated with stainless steel clad fuel,
19 not just faulty fuel, but stainless steel clad fuel which
20 led to the dumping of massive amounts of tritium into our
21 river, 120,000 curies as far as what was measured. Not what
22 was leaked, just what was measured through their purposeful
23 discharges.

24 They had drains in the fuel pool building that
25 went directly to a leach field in the environment, directly.

1 So workers would have buckets of contaminated liquids, and
2 they would pour them into the drains and they would go out
3 into the yard. They had since built a basketball court over
4 there. But my point is just some of this complete loss of
5 control of radiological materials.

6 Their reactor water storage tank leaked, on and
7 on. And I hope you are aware of the problem they had with
8 contaminated materials leaving the site, concrete blocks,
9 soil, scrap metal, plywood, all kinds of tools, welders --
10 which they are in the midst now of trying to locate and
11 bring back to the site. These are decommissioning issues.

12 And I raise this because what you allow here is
13 going to be allowed elsewhere. So that the issues that were
14 raised today with regard to background measurements, site
15 surveys, whether or not they are going to go through the
16 arcane measurement of alpha detection. Dose calculations,
17 whether or not those calculations are going to be what
18 children would receive, are all of utmost concern and
19 importance, and they really do warrant a hearing so that
20 these issues can be discussed, so that people can have
21 discovery, not just a pre-hearing, we really need a hearing.

22 Our fear, of course, is that what you permit here
23 will become the precedent, regardless of whether or not it
24 is protective. If Yankee is allowed to proceed with this
25 plan, this inadequate, somewhat faulty plan, which merely at

1 times refers back to generic guidelines as far as what they
2 plan to do, we are all in trouble, not just this community,
3 but our nation. There's 110 reactor sites in this nation.

4 Now, with regard to off-site contamination, I will
5 be brief if you may let me. The NRC rules are somewhat
6 flawed in that as long as licensees do releases that are
7 within the regulations, they don't have to worry about what
8 is left in the sediment, in the rivers and in the waterways,
9 and that is a flaw with the NRC rules, and you need to
10 recognize that. And these issues need to be addressed in
11 decommissioning. It is not about blame, it is about being
12 protective. So this is something that needs to be
13 addressed.

14 The fact that we can't discuss removing the fuel
15 pool and dry cask storage is really a meltdown of democracy
16 -- and let me just end with this. I had more comments, but
17 let me just end with this. Before you make your decisions,
18 I want to press upon you to ask yourself how you would feel
19 if your children or your grandchildren moved to the Rowe
20 site to raise a family. Would you be able to rest
21 comfortably thinking that this license termination plan is
22 going to adequately protect them? Thank you.

23 [Applause.]

24 JUDGE BECHHOEFER: While the next person on the
25 list is Debbie Katz --

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1 MS. KATZ: I can't talk?

2 JUDGE BECHHOEFER: I think you --

3 MS. KATZ: I talked a lot.

4 JUDGE BECHHOEFER: Right.

5 MS. KATZ: I'll have to talk to you tomorrow.

6 JUDGE BECHHOEFER: Yes. This is intended not for
7 the parties.

8 MS. KATZ: Yes. I'm not done.

9 [Laughter.]

10 JUDGE BECHHOEFER: Okay. Rich Garant.

11 MR. GARANT: Hi. I am Rich Garant from
12 Brattleboro, Vermont, just a few miles --

13 JUDGE BECHHOEFER: Sorry I mispronounced your
14 name.

15 MR. GARANT: That's fine. I should have given
16 Rose a few more minutes because mine is going to be pretty
17 short.

18 This is first sort of day-long meeting that I have
19 ever attended on this issues. I just moved up to the area a
20 little over a year ago. I had a great deal of difficulty
21 listening to counsel for the Licensee continually talking
22 about plan and implementation of the plan and the
23 differences in these things. I mean to me it doesn't seem
24 like there is that much difference if you have got your plan
25 set out there. The implementation of it is of course going

1 to depend on what the plant says and for him to just really
2 sort of bifurcate the two so much to a very legalistic
3 degree was -- I found very difficult, which just struck me.

4 The other, the sampling issues on and off site I
5 think Dave discussed a little about it. It really should be
6 a far more independent group that is doing that type of
7 analysis because it is so obvious that it is to certain
8 groups' self-interest to report low figures or to juggle
9 around where they take their samples.

10 The third issue that I found a little
11 disappointing and maybe it is just because I haven't been to
12 a lot of these types of meetings was --

13 [Laughter.]

14 MR. GARANT: -- was I thought that the NRC
15 Staff -- it's a public agency. I mean they are the one sort
16 of "big hitter" on the taxpayers' side. As a taxpayer, that
17 is where my money is going, and for them to sit there and be
18 little more than a glorified cheerleader, not even to take
19 the side of either CAN or New England Council -- thank you,
20 Coalition on Nuclear Power but just to give a little more
21 critical information -- it's a public venue.

22 I mean, you know, we support the Licensee. We
23 have no problem with this. I mean, you know, I know there's
24 a far greater range of discussion about these issues and
25 they could have done a much better job about presenting some

1 of their concerns, and I heard none of it, and that bothers
2 me in this type of venue. Thank you for your time.

3 JUDGE BECHHOEFER: Thank you.

4 [Applause.]

5 JUDGE BECHHOEFER: Okay. Tim Judson.

6 MR. JUDSON: Hi. My name is Tim Judson and I am
7 from Syracuse, New York.

8 I represent the Syracuse Peace Council and the
9 Syracuse Anti-Nuclear Effort, and we are also the New York
10 affiliate for Citizens Awareness Network --

11 JUDGE MURPHY: I didn't hear that.

12 MR. JUDSON: We are the New York affiliate for the
13 Citizens Awareness Network.

14 I guess I want to begin by saying that -- I mean
15 to make the comments I am going to make tonight it makes me
16 a little bit sad, because while I'm glad that a lot of
17 people in the room have already talked about the very human
18 issues that the communities face here and face in all
19 reactor communities and waste communities and transport
20 communities face and so I feel like as an activist on this
21 issue a lot of times we talk about and we work on the issues
22 so much and we deal with the technical details of this
23 really perverse situation to the extent that sometimes I
24 think even we have to develop a certain callous way of
25 talking about technical details and technical aspects of

1 nuclear power and that kind of diverts us away from dealing
2 with the very human issues of how nuclear power and nuclear
3 waste affect people who actually live in the communities and
4 affect the environment -- ad infinitum.

5 I mean these effects are going to be seen
6 forever -- you know, a lot of the isotopes we are dealing
7 with are radioactive for hundreds of thousands of years, and
8 so I guess at the start I would like to reinforce the sense
9 that we are really in this hearing tonight at a historical
10 juncture, an historical moment, and I think everyone here is
11 conscious of the fact that what is decided here in this
12 process is going to act as a precedent for decommissioning
13 around the country.

14 What I think is actually sort of criminal about
15 that at this point were the LTP as it stands to go forward
16 is that it deals with the issues of decommissioning and the
17 issues of the waste that is being left in this community in
18 such a general way as to actually not be able to deal with
19 the problem at all, and so what I guess I am going to urge
20 in my comments is an independent site-specific evaluation
21 that takes into account the actual contamination of the
22 community, not just averages but actually pinpoints the
23 varying degrees of contamination at various points in the
24 community and within the contamination pathways and
25 investigates and takes into account the particular

1 ecological and environmental circumstances of the Deerfield
2 River Valley.

3 As they stand right now, the estimations that
4 Yankee Atomic is using and that the NRC is supporting are
5 basically design-basis estimations. They are going on
6 estimations of how the nuclear plant was supposed to
7 operate, where its waste was supposed to go, where
8 contaminants were supposed to end up, and basically it tries
9 to draw the line on the contamination pathway as close to
10 the fence of the reactor as possible.

11 This is basically indefensible. We all know that
12 contamination has spilled far outside the boundaries of that
13 and in random ways that we don't really understand right now
14 and that is largely because the environmental and ecological
15 factors have not been understood yet.

16 For instance, one of the reasons that they can't
17 approve the Yucca Mountain National Repository is because
18 recently they discovered radiological -- they discovered
19 radioactive isotopes that have transported through
20 groundwater into the mountain from miles and miles away, and
21 this is in the middle of a desert where there is not much
22 water to begin with.

23 And so here we are in the Deerfield River Valley
24 in one of the most water-rich regions of the planet and we
25 have no idea where water goes. It seeps underground through

1 various pathways. It's in the air. We have air
2 inversion -- all these different ecological factors that
3 have yet to be taken into account and understood and how
4 they transport radioactive contaminants.

5 Essentially the area is saturated and through
6 processes that we don't even understand yet, and in order to
7 really get a handle on this, we need an independent
8 investigation because obviously Yankee Atomic isn't even
9 interested in finding these things out. They have been
10 completely disinterested in going through an actual process
11 of understanding how their reactor has messed up this
12 community, and there are plenty of environmental scientists
13 and there are plenty of independent agencies who would be
14 interested in actually understanding the ecology of how
15 their water moves and how it goes to different places and
16 what it carries with it, and so what we have here are just
17 very crucial questions that we need to deal with in order to
18 process this.

19 I guess there are a couple of other concerns that
20 I have particular to the LTP, and one is with respect to the
21 whole remediation -- am I running out of time?

22 JUDGE BECHHOEFER: You have run out of time.

23 MR. JUDSON: I have? Okay. Well, what I will say
24 with respect to soil remediation are two points. There seem
25 to be two assumptions behind what Yankee Atomic is saying

1 about the 15 centimeters depth. One is that the
2 contamination is higher closer to the surface than under,
3 and if have groundwater contamination, that is manifestly
4 not to be assumed.

5 Secondly, that exposure only happens to a certain
6 depth and not significantly at depths greater than that.
7 Fifteen centimeters is only about six inches. It seems
8 highly probable that exposure could happen at depths greater
9 than that, significantly, and that needs to be taken into
10 account as well.

11 Just in conclusion, I would like to support
12 Citizens Awareness Network and New England Coalition on
13 Nuclear Pollution's other contentions and I am going to hope
14 that the Commission can take those into account. Thanks.

15 [Applause.]

16 JUDGE BECHHOEFER: Keith Snow.

17 MR. SNOW: Good day, Your Honors. I am a local
18 boy. I grew up in Williamsburg, which is very closeby. I
19 live now in Greenfield. I worked for General Electric for
20 five or six years. I have a Master's in Electrical
21 Engineering and I worked in Aerospace Electronics
22 Laboratories in Syracuse, New York. Science is not a
23 stranger to me.

24 Today what I heard was very disconcerting for me.
25 I heard Yankee Atomic complaints, calls for dismissals,

1 legal discreditation of contentions, and attempts to
2 discredit the petitioners' technical experts.

3 I didn't hear a lot of substance, Your Honor, and
4 one of the things that became sort of clear to me today was
5 that what the petitioners are asking for is some substance
6 to the LTP and there isn't a lot of substance according to
7 the petitioners. I haven't read it.

8 I do have some experience looking at Yankee
9 documents however. Yankee complained and complained today
10 that the Intervenors are suggesting that YAEC won't fulfill
11 its obligations, which as Yankee points out, it has not yet
12 had the opportunity to fulfill, and the petitioners'
13 contentions notwithstanding, it has every intention of
14 fulfilling, this gives Yankee the opportunity to loosely
15 interpret the Licence Termination Plan.

16 This is a history that Yankee has demonstrated in
17 this community and it gives Yankee the opportunity to
18 loosely interpret the new NUREG guidelines since the LTP and
19 the Guidelines are loosely defined to begin with. It is my
20 contention that Yankee has and will continue to attempt to
21 contravene any and all requirements from this LTP, anything
22 it can get away with, so to speak. It will minimize its
23 obligations, having already secured their loose
24 interpretation and will, as in their recent history, argue
25 that they have fulfilled these nebulous obligations, all the

1 while contending that they were procedurally delineated by
2 this hearing, and finally that the procedure is no longer up
3 for debate and therefore that the site has adequately been
4 discontaminated -- decontaminated.

5 This is a process of judicial, administrative
6 "round-speak" -- introduce a concept, twist it around, claim
7 you are going to do this and that, and in the end that you
8 did this and that. What does the public want? Clean-up.
9 What does "clean" mean? Yankee records suggest that, quote,
10 "Background measurements were taken prior to the startup of
11 plant operations." Further, documents often cite, quote,
12 "Samples taken for routine characterization over the history
13 of Yankee's 31 years of operation."

14 What we get when we start talking about background
15 and I mean we, any member of the public, as far as I can
16 understand, is this duplicitous Orwellian argument whereby
17 background is never related to Yankee but always deemed a
18 product of global weapons tests, nuclear fallout, or the
19 original geological spectrum, all the time the background is
20 ever-revised upwards to suit the corporate financial gain.

21 This is what it looks like to me, Your Honors.

22 I am not interested in Yankee's selective and
23 arbitrary spectrographic analysis which in any case
24 according to Yankee has not yet been defined and therefore
25 shouldn't even be up for discussion. In contra-distinction,

1 this is exactly what is being asked for under the
2 petitioners' request of specificity.

3 Yankee's history is one, as far as I am concerned,
4 and I think this goes for my corporation when I worked for
5 them and for myself when I worked for them, of technological
6 arrogance. The site contamination is an unknown quantity I
7 think at this point. It is untransparent and shielded from
8 public and independent scrutiny. There's insufficient,
9 nonexistent, complacent or vested interest regulatory
10 oversight, Your Honors. You do not appear to me as
11 independent.

12 There's lost or disappeared engineering
13 documentation of early designs, there are structural
14 alterations over the history of Yankee's operations, there
15 were physical modifications to the site, its buildings and
16 structures, its inputs and outputs. This is from the record
17 from the Public Document Room, Your Honor, from the fiche
18 itself, the fiche of the records.

19 There are examples of moved and/or buried storm
20 drains, culverts, quote "deep storm sewers" -- deep storm
21 sewers? What does that mean? 15 millimeters is it?

22 SPEAKER FROM THE AUDIENCE: Centimeters.

23 MR. SNOW: Oh, centimeters. Deep doesn't apply to
24 15 centimeters, I don't think.

25 And there is early decontamination areas such as

1 the, quote, "outdoor decontamination pads cited in Yankee
2 reports from 1966."

3 There's significant, numerous, countless spill,
4 quote, "overflow," quote "leak" incidents outside of the,
5 quote, "routine," primary to secondary coolant leakage where
6 hundreds of thousands of gallons of contaminated effluent
7 were routinely dumped into the river.

8 Where is this? What is the characterization of
9 the site? When the petitioner is asking for a
10 characterization in my technical understanding this means
11 you have a plot or a grid and you use known scientific
12 quantities which are not delineated by a dependent, vested
13 interest party to determine.

14 There are known scientific quantities that are
15 agreed upon by the petitioners, perhaps in Yankee itself or
16 some independent and in this case I am not looking for some
17 clown from MIT to come down and substantiate it because most
18 people or some people, those who have taken the time to
19 figure it out, know that Mr. Rasmussen himself was involved
20 in the President's Commission to misdirect the inquiry into
21 the accident at Three Mile Island.

22 So there have been asphalt paving and storm sewers
23 and culverts with contamination due to leaking relief valves
24 and safety injection heat systems, "fence the culvert system
25 via the floor drains" -- this is the words from Yankee's own

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1 documents.

2 What global climatic mayhem, Your Honor? Where
3 are you thinking about that? There are tornadoes. There
4 are storms. Who is going to be watching out for this site
5 under these conditions? I don't believe that there are too
6 many people in the corporate sense of the word here who
7 understand what global climatic mayhem means. I feel that I
8 do and I feel that it needs to be taken seriously into
9 account when you look at the nature of definitions like
10 "100- year flood plan."

11 Last year the Deerfield rose to a over 100 year
12 flood plain level. This Yankee diagram, 9699-FY6A shows
13 where the reactor input cooling water inlet and outlet are.
14 Where in the remediation plans will Yankee be addressing the
15 sludge that lies at the outlet from the reactor where for 31
16 years in the soil which Yankee has spoken up for with the
17 NRC in a hearing when Morton Fairtile was present that there
18 are unknown contaminants in the soil under the water at the
19 outlet.

20 According to this diagram, the inlet is 70 to 90
21 feet down. The outlet is in 10 feet of water. What is
22 going to prevent somebody's child from taking a boat out
23 there and diving down and digging up some of this gunk when
24 he is on a little fishing expedition? That is what
25 remediation security means in my understanding, not this

1 technical jargon which Yankee likes to throw around, at
2 least in the sense that the lawyers are in control and
3 involved with it, and many of the things I have heard --

4 JUDGE BECHHOEFER: Time is up.

5 MR. SNOW: -- are just meaningless. I am almost
6 done, Your Honor.

7 JUDGE BECHHOEFER: Because your time is up.

8 MR. SNOW: Thank you. NRC's delineation of
9 parameters whereby the spent fuel pool and ALARA and onsite
10 storage issues are neatly excluded from this hearing is
11 unacceptable, Your Honor.

12 That is the history of the NRC.

13 I was sitting back there trying to think what are
14 the major words, but I don't have any magic words -- what
15 will help you people see what I see. This is only little
16 old me but I would like you to see what I see, because I
17 want to clean this thing up. I would like to help you do
18 that, but I reject the deployment of some -- I reject YAEC's
19 claims for, quote, "good faith" -- their promises of
20 attention to detail and thoroughness and their assurances of
21 good working relationships, because YAEC has a history of
22 subterfuge and deceit, cowardice and bad faith, pollution of
23 the democratic process, and the use of the local newspapers
24 through financial measures that the citizens do not have
25 access to, which makes it overly unfair, and that's why

1 there aren't more citizens in this room, because they have
2 been swayed by the public media, so-called.

3 JUDGE BECHHOEFER: I think --

4 MR. SNOW: In my eyes, you are not really
5 interested in public inputs. You are merely laying the
6 groundwork and testing -- and tempering the waters for
7 future public exclusion, environmental hostility, and social
8 expropriation. How can you expect my trust?

9 JUDGE BECHHOEFER: Thank you.

10 [Applause.]

11 JUDGE BECHHOEFER: Nicole Petrin.

12 MS. PETRIN: It's P-trin, thanks.

13 JUDGE BECHHOEFER: Okay.

14 MS. PETRIN: I wasn't here today. I'm kind of
15 relieved about that. It's been a long day.

16 I'm a local yokel. I am 31, almost 32 years old,
17 like Yankee Rowe. What you all said, I want to just say I
18 support most, almost everything, that's been said at this
19 podium before me, and that I want to repeat a couple points
20 that seem especially important to me -- the democratic
21 process being the most important, that we continue being
22 able to put our time and effort, our nonpaid time and effort
23 into protecting our own interests, for me being my friends,
24 family, community, or environment that I live in.

25 This is my home. This is my home and when we talk

1 about children, these are my potential children. These are
2 my kids, you know, and I carry them with me from birth.
3 Women carry their eggs with them all their lives. Every
4 single thing that has happened to me, everything I eat,
5 everything I ingest, all the cow's milk that I have ever
6 had, everything that happens at Yankee Rowe, at Vernon, the
7 confluence of the rivers, the Connecticut and the Deerfield,
8 all that is affecting my children, my potential children.

9 It is affecting my decision to have children, my
10 faith that I might be able to have healthy children. You
11 know what a big decision that is? It makes me just -- I
12 mean it's hard to stand up in front of people and cry, but I
13 might not be able to have children, you know? -- because I
14 don't trust that they would be healthy. Okay, they might be
15 healthy but then what about what they eat and what they
16 drink and I want to live here with my family. I grew up
17 here. My people grew up here.

18 And that is why I am just begging you -- keep the
19 process open and listen with your hearts, you know, and what
20 was said about the grandchildren and the children, really
21 think about that. I mean these are issues we don't
22 understand. We pretend to with our scientific knowledge,
23 but we don't have a clue. We don't understand how, we
24 really don't -- it's how things are connected and where that
25 water flows and what plant grows up there and, oh, I was

1 into eating wild edibles and did I pull up the wild edible
2 from the Deerfield River and who else pulled that up, what
3 other beings pulled that up that live in this community?
4 Who buys their fiddlesticks at the coop? Where do those
5 fiddlehead ferns come from? You know, they come from the
6 watery areas. They come from down by the river and somebody
7 goes and collects them. Little things like this -- people
8 are ingesting parts of our community. The plants are part
9 of our community. The animals are part of the community,
10 and I am just urging you to protect my community because you
11 guys have the power and you have the power to shut us off,
12 and I basically beg you, don't shut us off, you know? It's
13 in your hands, my fellow human beings -- so thank you.

14 JUDGE BECHHOEFER: Thank you.

15 [Applause.]

16 JUDGE BECHHOEFER: Sam --

17 JUDGE MURPHY: Sam Streeter?

18 MS. STREETER: Sandra.

19 JUDGE BECHHOEFER: Sandra? Okay. Sandra?

20 MS. STREETER: Sandra.

21 JUDGE BECHHOEFER: Okay. We couldn't read it.

22 Streeter, is that the right --

23 MS. STREETER: Correct.

24 My name is Sandra Streeter and I live in
25 Bernardston, Mass., which is a small town located between

1 Vernon and Rowe.

2 I have had the pleasure of visiting your home in
3 Washington and I was impressed mightily. I love beautiful
4 places and that pink and white marble that is the NRC's home
5 in Washington is a gorgeous place. I experienced wiping my
6 feet on your nice doormats outside. I experienced armed
7 guards protecting your door and the opulent lobby, and the
8 beautiful panel, the mirrored hallways and the meeting rooms
9 that we attended a hearing in or prehearing.

10 It was very clear I should be respectful of your
11 splendid home. I even experienced stopping to read the
12 carved relief platitudes of how much you care about the
13 human condition and me, my children.

14 I am here tonight to beg you to honor our home.
15 The walls are not polished marble, just granite and forest,
16 but I love every inch as dearly as you love your home and I
17 wish my children to be safe here, which at the present time
18 I really question if my two-year-old grandson should stay in
19 Bernardston because of the proximity of Vermont Yankee.

20 Our community cannot afford guards to make sure
21 our home is honored and respected. In fact, we can barely
22 compensate the wonderful legal help that we have received,
23 and this condition is caused partly because our Federal
24 taxes pay for your home and your salaries.

25 Our Federal taxes paid for the nuclear reactors

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1 originally. Our state welfare and insurance rates, both our
2 taxes and insurance rates help pay for the illness of the
3 people who become ill from the pollution, and now the
4 powers-that-be in our state have enforced that we must pay
5 the stranded costs of nuclear power.

6 In my estimate we have paid for those plants three
7 times -- when they were built through the ratepayers,
8 through our high rates for power, and now through the
9 stranded cost.

10 Nuclear communities are painfully being drained of
11 life. Rural people have become the new natives. I feel we
12 are being systematically exterminated along with our
13 ecosystem.

14 In my neighborhood illness is rampant. When I see
15 my neighbor's grandchildren playing outside, one of them in
16 a wheelchair, trying to play baseball -- I'm sorry, does
17 someone have a Kleenex?

18 [Pause.]

19 MS. STREETER: I'm sorry. In my neighborhood
20 illness is rampant. And, as I said, my neighbor's
21 grandchild goes outside and plays baseball in a wheelchair
22 because of spina bifida, and this is a common problem, spina
23 bifida is very prevalent in our community.

24 I really -- I start questioning if my home is
25 being honored by the very people who should care for us the

1 most, our protectors. I think NRC are the only protectors
2 of the people. I become more and more uncomfortable about
3 seeing three white males sitting up here in judgment, no
4 women, no children.

5 [Applause.]

6 MS. STREETER: I really, I wonder if you can hear
7 the pleas of the mothers and the grandmothers for the safety
8 of our children and our planet.

9 When Oak Ridge National Lab is cited as helping to
10 protect us, of making decisions for us, I think about their
11 record of abuse in their own site. I have a copy of an
12 August 4th, 1991 incident about radioactive frogs hopping in
13 their driveways, being run over by cars and the tires
14 becoming contaminated. Their environmental coordinator
15 said, and I quote, "The frogs aren't particularly cute, so I
16 don't think anyone is going to take them home as pets."
17 What kind of concern is this? Do they know frogs are eaten
18 by other animals? They are scientists, shouldn't they know
19 this?

20 They remediated that site with a frog fence, and I
21 am supposed to trust them. I am not a scientist, but I can
22 add two and two, and it equals we are not being protected.

23 Do we provide your home and pay your salaries to
24 protect the public or to give the public a snow job with
25 white paper? Where does it say in the Bill of Rights, my

1 Bill of Rights, my children's Bill of Rights, that we must
2 accept contamination and poisoning of our atmosphere and our
3 home for corporate stockholders' gains?

4 If I come to Washington, to your home, with some
5 of Franklin County's waste, which I guess would have to be
6 cow manure, will your guards let me bring it to your house
7 and store it on your site? I doubt it.

8 It this justice that citizens must come begging
9 for a fair and prudent settlement of a site that they have
10 already given up their health to, and then be told that it
11 is safe for your next generation of children to live near
12 and play on? And this is just a guess, and we don't have
13 any assurance that the corporation may be trying just to cut
14 its losses and screw the rural poor community one more time.

15 I'm sorry, but I feel it is an outrage and I ask
16 you, please, to think of us.

17 [Applause.]

18 JUDGE BECHHOEFER: Libby Hubbard.

19 MS. HUBBARD: Hello, I am writer-artist, I am a
20 futurist. And it is ironic that I am a futurist because I
21 am also a dead end gene. Can you guess what a dead end gene
22 is? I'm sterile. I tried to conceive a child, I went to
23 fertility doctors and they said you have unexplainable
24 infertility. Now, after 4 billion years of human evolution
25 of my ancestresses being able to conceive, why could I not

1 conceive?

2 Perhaps it was because I am a child of the nuclear
3 age. Since my birth there have been thousands of nuclear
4 test site explosions, nuclear power plants have popped up on
5 the planet like canker of some terrible venereal disease.
6 The water, the soil is contaminated, and you know it. And I
7 am a dead end gene. I will not go on. I do not have any
8 joy of raising children, or being near children. I stopped.

9 I don't have money, like that scientist said, oh,
10 well, just use in vitro fertilization, you know, use -- go
11 to a sperm bank, get sperm, take somebody else's egg, and
12 you can have a baby that way. But I don't even have health
13 insurance. It is not an option for poor people to use that
14 technology.

15 I will leave you with this idea -- plutocracy. I
16 am sure you judges know what that is, government by the
17 rich. And plutonium is their byproduct.

18 [Applause.]

19 JUDGE BECHHOEFER: Katie Flynn-Lambeck.

20 MS. JANBECK: Janbeck.

21 JUDGE BECHHOEFER: Pardon?

22 MS. JANBECK: Katie Flynn-Janbeck. You have to
23 bear with me, I am dealing with microphones and cameras,
24 which are my two least favorite things to speak in front of.

25 I would like to say, in general, that I am here to

1 support the contentions of CAN and the New England Coalition
2 on Nuclear Pollution. And as I am not an expert and we have
3 already gone over many of these at length, I think what I
4 wanted to speak about --

5 AUDIENCE PARTICIPANT: Louder.

6 MS. JANBECK: I'm sorry, like I said, you have got
7 to bear with me.

8 I am pretty much just going to touch on the things
9 that seemed obviously absurd. You know, I am not expert
10 enough to get into some of the details, but some of this is
11 -- just strikes me as very bizarre. We have thrashed over
12 the -- or talked a little bit today about the concept of
13 using a 200-plus pound man on the site as kind of your
14 standard person. You have to excuse me. From what I
15 understand, this person is a farmer who only gardens 1
16 percent of the time, which is kind of conflict, I would
17 think, because if you were going to be a farmer, you might
18 be on the site for more than eight hours a day, and would
19 most likely be gardening for more than 1 percent of your
20 time. That is what you do, essentially, if you are a
21 farmer.

22 So that these are the kinds of things that if we
23 are screwing up on that kind of stuff, that really makes me
24 be concerned about the rest of it. The stuff, you know, the
25 issues that, maybe because I am not an expert, I might not

1 catch the math on, but some of these things are -- they are
2 pretty straightforward that there is -- basically, I am
3 saying if the math is wrong on the little things, I am
4 really concerned about some of the larger things.

5 I also have some really -- it somehow seems absurd
6 to me as well that we are not addressing any issues having
7 to do with the fuel pool when we are talking about a license
8 termination plan. It is my understanding that the NRC is
9 not going to release that site if there is fuel on it, or if
10 there is, you know, if there is fuel in the fuel pool, if
11 there's fuel in casks, most likely you will still have some
12 oversight of that area. Am I wrong? Can I ask a question?

13 JUDGE MURPHY: I was off someplace. Ask the
14 question again.

15 MS. JANBECK: Well, I am having hard enough time
16 up here, so I would really appreciate it if you had paid
17 attention.

18 [Pause.]

19 MS. JANBECK: That is not -- I am just asking you,
20 am I correct or am I --

21 JUDGE BECHHOEFER: I think the answer is yes, but
22 you might better ask the staff.

23 MR. MASNIK: Yes.

24 JUDGE BECHHOEFER: I think the answer is yes.

25 MS. JANBECK: You still would have some oversight.

1 MR. MASNIK: Oversight. As long as there is fuel
2 on the site, there will be oversight.

3 MS. JANBECK: All right. Okay. So, these are the
4 reasons why it just -- it seems somewhat absurd to me. It
5 also seems very strange that there is -- that Yankee is
6 allowed to not find what they don't want to find. You know,
7 if they get to pick how deep they want to look -- and I know
8 that you are following other regulations as well, but it is
9 pretty easy not to find something if you are really not
10 looking for it. And, so, do you understand the level of
11 absurdity that I am referring to?

12 One question that was not answered earlier, too,
13 about if you do find a hot spot, I mean maybe they will
14 stumble across one, what would you want to know about it?
15 And besides just kind of knowing what kind of isotope it
16 would be, you know, how long-lived -- long the half-lives
17 were of that isotope, I would want to know how it got there.
18 Because maybe if we know how it got there, we would know
19 where else to look. If we know that it got there from one
20 of these underground gutters, then you should be looking in
21 more underground gutters. If you think that it got there
22 because they are using a faulty fuel, then you would have
23 somewhat of an idea. And I don't know if you can figure
24 this stuff out, but I hope that you are able to and that you
25 do.

1 It has also been really frustrating to me, today,
2 here, listening to counsel talk about how hard it is to
3 understand goofy old CAN's contentions. You know, we are
4 not lawyers. You know, I took a vacation day to be here
5 today. I would rather use my vacation day to be on
6 vacation. You know, you guys can figure it out. I have
7 pretty high confidence that you guys can muddle through.
8 And as much as it might be annoying to have to come deal
9 with us, and it might take time out of your day to come deal
10 with us, we are here, you are going to have to deal with us,
11 whether we do it on your terms or on our terms, we kind of
12 muddle through the way that we have been muddling through.
13 I mean that is why we are all here, is because we live here.
14 If we didn't live here, it wouldn't be an issue. That's all
15 I have to say. Thanks.

16 No, wait. Actually, wait, wait, I'm sorry, that's
17 not all I have to say. That's why I wrote it down. We have
18 to remember that it is -- that this issue does not get
19 cleaned up and go away. If we take the waste from the Rowe
20 site, we are bringing it somewhere else, and then it is
21 somebody else's problem, and we can't forget that in this
22 whole process. And that is something that, you know, a lot
23 of people here are aware of, but you have to really keep
24 that in sight as we talk through this process. Thanks.

25 [Applause.]

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1 JUDGE BECHHOEFER: Larry Kilroy.

2 MR. KILROY: Thanks for coming out. I think we
3 were here like four years ago. I don't know if it was this
4 room or one of these rooms here, and I do appreciate you
5 coming out, because that day it didn't seem like anyone was
6 listening.

7 So, anyway, I am from a town called Warwick,
8 Massachusetts, which is close to here. It is actually
9 within 10 miles of Yankee Vernon, not the Rowe plant itself.
10 I am about 20 pounds short of being an average man, but I do
11 think that, one, I just want to take a couple of minutes of
12 your time and impress upon two ideas.

13 One is that for several years now I have got the
14 feeling from, not yourselves personally, obviously, but that
15 the public is somehow this other segment of folks who might
16 not know much about things, and I just wanted to say that I
17 think you should listen especially to people who have been
18 involved with this from the public because they do have a
19 different perspective on things, and there are people who
20 are experts in the public. Not all of us choose to work for
21 the nuclear industry, but we can still have expertise in
22 those areas, and I am confident that you will.

23 I also wanted to point out that the level of
24 absurdity, since that is the term that seems to be working
25 here, I just wanted to give you a quick example of one that

1 I grew up in. I grew up in a home that was about 15 feet
2 from the actual 10 mile radius that was the immediate
3 evacuation zone around Yankee Vernon. The house across the
4 street had to leave immediately in case of an accident,
5 whereas, we didn't. And I never understood that. So I
6 think, you know, a lot of us who have grown up around these
7 plants have experienced that, and I am just asking you to at
8 least absorb that we do have some of these preconceptions
9 that seem to hammer on us all our lives that we just don't
10 understand. And I am sure you will take that into account.

11 I also, the last thing I wanted to touch on is the
12 idea of Yankee testing itself, policing itself and, you
13 know, figuring out when to test and where to test. And that
14 I just think that it is fair to assume that they are going
15 to do that honestly. And I say that because I have worked
16 with CAN and other folks, and private citizens, and even
17 with -- I guess you could say with folks from Yankee Atomic,
18 on the issues, and I don't feel like there has been a
19 groundwork established to expect us to trust them. I am not
20 saying they couldn't earn it, but I think at this point it
21 is -- they would have to do a lot.

22 So, I would just ask you to consider that. But if
23 you should decide that they can police themselves, and since
24 you are down in Washington, I thought maybe you can some
25 strings for us citizens, and I have some ideas. Maybe you

1 could see if we can monitor ourselves for speeding, that
2 would be good. Also, maybe get some strings pulled so that
3 we could pay our own taxes and make sure we pay our own
4 taxes. And, finally, I think we should all just drug test
5 ourselves from now on.

6 [Applause.]

7 JUDGE BECHHOEFER: Kim Medeiros.

8 MS. MEDEIROS: Okay. So, my name is Kimberly
9 Medeiros, I live in Montague, Massachusetts. I am 24 years
10 old and I am scared out of my wits to be up here talking.
11 But, basically, it scares me a heck of a lot more about what
12 is going on with the nuclear industry in this country and
13 the effects that it can have on the communities and the
14 people that we love, and the people that you love, too, so.

15 I am not a scientist, I am not a public speaker,
16 but there is one thing I do want to point out to you. I am
17 sure you have read the license termination plan and this
18 cover sheet here that they gave to us to make us feel better
19 about the way that they are going to decommission this site.
20 And, you know, there is a couple of things on here. It
21 says, first of all, that it was safe from start to finish,
22 which is ridiculous, because we all know that there is
23 nothing safe about radiation. The other thing is that they
24 call this entire decommissioning plan "Project Green
25 Fields," as if they could just magically return Yankee Rowe

1 to what it was before. And then to make us feel even better
2 about it, they give us a picture of what the reactor site
3 looks like now and then they air brush the reactor off the
4 river. But they failed to erase the reflection of the
5 reactor in the river, even on their own advertising.

6 [Applause.]

7 MS. MEDEIROS: So if they can't do it on paper,
8 then I really don't believe that they can do it in real
9 life. So, please, you know, consider CAN's contentions and
10 the Nuclear -- Coalition on Nuclear Pollution's contentions
11 and reconsider their license termination plan and don't
12 leave the site unrestricted. That's all I got to say.

13 [Applause.]

14 JUDGE BECHHOEFER: Thomas A. Wilson.

15 MR. WILSON: My name is Tom Wilson, I am a dentist
16 in Shelburne Falls. Kim, that was marvelous.

17 There has been some anger up here. I generally
18 try to bring some with me. And there have been some people
19 close to saying just plain "bullshit," which works for me
20 better than some of the other jargon. And there have been
21 some common threads coming through here, in case you haven't
22 been taking notes, and I just wanted to mention a few. Like
23 the utilities running roughshod over the democratic process.
24 I guess the first time we became really aware of that was
25 Seabrook.

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1 The pre-determination of how these hearings come
2 out and what is reported, and what the media gets, and how
3 you guys feel pretty safe in here, and gals, token, and I
4 hope you people don't mind now looking at four old men.

5 [Laughter.]

6 MR. WILSON: The nuclear plant is creating a
7 radiological public health nightmare, and, in a lot of ways,
8 touching on perpetuating the lie of nuclear technology.
9 Back in the '60s when they were writing some plants for the
10 Montague plant, they were a little more truthful and they
11 used terms like "nuclear park." Better -- better, "national
12 sacrifice area." I wonder what that means, or what it was
13 supposed to mean, or what it is going to mean.

14 I am just part of the public and I have been
15 really angry for a number of years about "the lie." And I
16 have gone all over the country in a way visiting different
17 sites from the nuclear fuel cycle, mostly the nuclear
18 reactors. And I went to Harrisburg in 1981, and the people
19 there were organizing, like the people here do, CAN, and
20 upper in Brattleboro, the Nuclear Coalition, and they have
21 money-raisers, which somebody already mentioned tonight,
22 which was fun, and sell T-shirts.

23 And in 1981, at the third commemoration of the
24 disaster at Three Mile Island, which continues, a nationally
25 syndicated cartoonist designed a T-shirt, Jules Feiffer, a

1 simple statement -- I'll show it to you. I show it to you
2 first, in deference, and I consider you part of this whole
3 process, I don't consider you protectors. I think you are
4 bad guys.

5 Now, this is a simple statement using a nuclear
6 cooling tower as the eye, and it says, "They lie." And I
7 know who they are, the people who conceived of the nuclear
8 technology in order to make weapons grade material and sold
9 the public on the idea that energy was going to be too cheap
10 to meter and, hey, that didn't happen, we know that. It was
11 economics that they say shut down the Rowe reactor, but it
12 was probably more lack of safety associated with the
13 radiation from that reactor.

14 My favorite shirt, "They lie." Pretty simple. I
15 wish they would stop lying. I wish you people would stop
16 lying. I wish you would fess-up to this whole mess. I wish
17 all the reactors around the country and around the world
18 were shut down, period. And no disrespect meant, but I
19 don't want you guys overseeing anything. I want the people
20 to be overseeing the decommissioning of the reactors in
21 their own neighborhood. We don't need the NRC, and we don't
22 need to pay federal taxes.

23 [Applause.]

24 JUDGE BECHHOEFER: Jonathan Snelling.

25 MR. SNELLING: My girlfriend, Joycelyn Jay, would

1 like to take my spot.

2 "MS. JAY": Ooh, it's me.

3 MR. SNELLING: So I am going to give my spot to my
4 girlfriend.

5 "MS. JAY": Thank you so much, Jon. We are going
6 to kick the level of absurdity up -- what do you think of my
7 exposure? Do you have no eyes?

8 JUDGE BECHHOEFER: Could you make a statement?

9 "MS. JAY": This becomes heavier than the average
10 man.

11 [Laughter.]

12 "MS. JAY": Yes, I am Joycelyn Jay, and I am a
13 clown, and I am here to clown around with you guys because
14 you think you have no show time. You come plowing in here
15 to Greenfield with your drama and your theater, and you
16 think all these wonderful, beautiful, sincere, heartfelt
17 people -- not you guys, them guys -- are going to sit here
18 and pour our hearts out to you and you are sleeping, and you
19 are like schmoozing around, and, hey, we want to talk about
20 billfolds. Who's got the biggest billfold here? Is it on
21 this side or is it on that side? Oh, but anyway, or perhaps
22 it is with you gentlemen.

23 Now, they have been calling you the honorable
24 gentleman. Are you judges, or are you just sort of
25 bureaucrats from the NRC?

1 JUDGE BECHHOEFER: We are judges.

2 "MS. JAY": You are judges. Federal judges? Oh,
3 my goodness. I have been so disrespectful. Oh, I hope you
4 don't find me in contempt, but if you do, maybe we can go in
5 the back room and I can do what Bill Clinton would like.
6 But that's something else, sorry.

7 But, honestly, I would like to sing a song for
8 you. This is a prelude, it is not really a fat lady
9 singing, but the fat lady will sing if you continue to act
10 like you do.

11 [Laughter.]

12 "MS. JAY": So I want to just sing. And I want to
13 turn this drama and this theater into a bit of a cabaret, if
14 you don't mind. So I would like to come down off the stand.
15 And I am sure you can hear me -- and see me. But I will
16 cruise along and, Susan, follow me, because there is no
17 other press around.

18 [Laughter.]

19 "MS. JAY": They found some funny rocks out on the
20 cobble road flats, so they thought they would make some
21 money, and they hired some bureaucrats. Now, they say it is
22 what we need to keep us free from all our care, and we have
23 atomic power -- radiation everywhere.

24 You can't see it, you can't feel it, you can't
25 stash it in the hall. You can't serve it up for dinner, it

1 will answer when you call. You can't flush it down the
2 toilet and, my friends, this ain't no lie, you will give it
3 life and money but you'll never make it die.

4 Well, it is the rage in Russia, and in China and
5 in France, and every little dictator wants to get their
6 atomic chance. And they will breed it right along until
7 there's tons on it on store, and they will put it in their
8 missiles and they will have themselves a war.

9 Yes, it is in the air, it is in the food, and it
10 is the milk kids drink. It is in the snow at Christmas and
11 it is in the kitchen sink. And down below the continent
12 there's tons of it on store, and all we have to do is keep
13 it safe forever more.

14 Now, here's to all the great men who have brought
15 it right along, in all their war and glory and in business,
16 right or wrong. And when we finally meet them, in the
17 mansion in the sky, we can thank them very kindly for
18 kissing our ass goodbye.

19 You can't see it, you can't feel it, you can't
20 stop it in the hall. You can't serve it up for dinner, it
21 will answer when you call. You can't flush it down the
22 toilet, and, judges, this ain't no lie, we are going to give
23 it life and money -- oh, I can't even fit in the chair --
24 but they will never make it die.

25 Okay. Now, I want to offer you a little extra

1 bonus just to entice you to give us some stiffer regulation
2 with these people, I want to offer you each a little Viagra.
3 Now, we can take Viagra and have stiff regulation. The
4 world would be a better place and I wouldn't have to sing.
5 I don't want to sing, I want to be happy and clown around.
6 Yeah, thank you very much.

7 [Applause.]

8 JUDGE BECHHOEFER: Joshua Jay.

9 SPEAKER FROM THE AUDIENCE: He's not here.

10 MR. JAY: That's me --

11 [Laughter.]

12 JUDGE MURPHY: Wait a minute -- Sal Mangiagli.

13 Can we have some --

14 JUDGE BECHHOEFER: Sal Mangiagli.

15 MR. MANGIAGLI: My name is Sal Mangiagli and I am
16 with the Citizens Awareness Network and I live in Haddam,
17 Connecticut, a mile from Connecticut Yankee.

18 That was quite an act. There's been a lot of very
19 strong, very powerful testimony tonight, and I am wondering
20 how it is received by you guys, to stand here and listen to
21 people talk about their cares and their concerns, their
22 children, their health.

23 In Connecticut, it is not received very well. We
24 deal with Northeast Utilities down there. We live about 23
25 miles from the Millstone reactors. We have been dealing

1 with Northeast Utilities and the NRC for a number of years
2 and they do lie to us and they deceive us, both Northeast
3 Utilities -- may be record-breaking -- and the NRC.

4 Connecticut Yankee was called by our Attorney-
5 General and our Governor an undocumented waste dump,
6 radioactive waste dump, and as Rosemary had raised the
7 issues of the sloppy radiological controls over there, the
8 awful contamination that has been detected on the roofs, in
9 the parking lots, in the grass, the tritium that has been
10 dumped into that river. This is one reactor that is going
11 to be decommissioned after Rowe, and what you set here for
12 Rowe is what we will have to live with in Haddam, and
13 there's great concern that that site is left as clean as
14 possible, not by the utility's standard but as clean as
15 possible.

16 I have been sitting here listening to all this
17 testimony and I have been sort of sidetracked. I have been
18 here all day and I have been thinking about what I wanted to
19 say and it's all been said very well, and I just want you
20 folks to hear it and that as these reactors are aging, as
21 the problems are surfacing, as they are starting to shut
22 down, as the waste is piling up, as the low level waste
23 dumps are failing and leaking, every one of them, as Yucca
24 Mountain has to break down its hurdles to be found suitable,
25 this is the endgame of nuclear power, and the waste is going

1 to be with us for a long, long time, and we have to be
2 responsible with it because it kills people, it contaminates
3 for a long, long time and it is very important that you guys
4 set very high standards.

5 In Connecticut Northeast Utility gets what it
6 wants. It's obvious -- none of them are in jail. They have
7 paid some fines. You know what has gone on down there.
8 Northeast Utility has run four reactors into the ground so
9 bad that they cannot collect decommissioning funds on one of
10 them, that another one of their reactors is shut down after
11 an inspection, and after citizens demanded those
12 inspections, otherwise I believe those reactors would still
13 be running, because the NRC wasn't doing their job and those
14 reactors -- Millstone 3 was a 10 year old reactor. They had
15 to spend over a billion dollars to bring it into compliance,
16 and the NRC was there the whole time, so you are not doing
17 your jobs and you need to start doing your jobs. This is
18 the endgame and it is very serious and I guess that's all I
19 have to say.

20 [Applause.]

21 JUDGE BECHHOEFER: Are there more names on the
22 list out there?

23 [No response.]

24 JUDGE BECHHOEFER: Thank you very much.

25 JUDGE MURPHY: Here.

1 JUDGE BECHHOEFER: Katra Foust.

2 MS. FOUST: Hi. I live in Vermont, in
3 Westminster, west Vermont -- I think as the crow flies about
4 16 miles from Vernon Nuclear Power Plant.

5 I think tonight I feel truly honored to be here
6 with a group of people that have truly become my inspiration
7 in the last year and a half in terms of really taking on the
8 nuclear power industry.

9 As a therapist I work continuously to help people
10 heal and I work on a systems model and I ask people to look
11 at the biological issues, the psychological issues, the
12 sociological issues that influence their life, and the
13 spiritual and creative issues that come to play in their
14 life on a day-to-day basis which influenced the quality of
15 their life.

16 The people who I respect most here tonight, the
17 people from CAN and the New England Coalition and the other
18 people who have so bravely come out here to speak about the
19 concerns that deepest in their hearts have addressed many of
20 these concerns -- the biological, somewhat the
21 psychological.

22 Again and again I ask organizations that I work
23 with and children that I work with to look at what the world
24 is that they see and what is the world that they want to
25 have for their children and again and again the answers that

1 I hear are answers that are vague and despairing. The rate
2 of suicide that we see in teenagers in this country speaks
3 acutely to the fact that we live in a country that does not
4 have hope. They don't have hope in the older generation.
5 They don't have hope in democracy. They don't believe that
6 the men in the suits care. They don't trust.

7 When I talk to the older generation, the retired
8 generation, they have the same despair. They believe that
9 they are leaving our Earth in worse shape than when they
10 came into this Earth and they are saddened and they are
11 depressed, and they feel hopeless.

12 So I look again and again at despair and
13 empowerment and what does it mean to feel despair and how do
14 we empower people in the nuclear age? How do we define what
15 democracy is and how do each and every one of us in our own
16 small and yet gigantic ways make democracy alive on a day-
17 to-day basis?

18 I ask them to find ways to creatively do that. I
19 asked 27 people in all realms of life that I knew when is
20 the last time they called a politician, and each one of them
21 in all different walks of life said they hadn't, and I asked
22 them why, and they said because it doesn't matter.

23 Well, I have a daughter who is 12 years old and I
24 have three stepchildren and it does matter because I have
25 taught them that it matters and I am here tonight because it

1 matters to me and it matters to me because it mattered to my
2 grandparents, and that leads me to the last aspect, the
3 aspect of spirituality.

4 That is an issue that I haven't heard addressed
5 here tonight, the spiritual issues of the struggle.

6 I was raised by four grandparents, all of who are
7 immigrants from Sweden, and they were all dairy farmers. My
8 one grandfather was more prosperous than my other
9 grandfather because my one grandfather had 27 cows and my
10 other grandfather only had 16, but they were both Lutherans
11 and all four of my grandparents believed very strongly in
12 their community and they were optimistic about their life,
13 and they taught me and their church taught me some very
14 simple and yet complex truths.

15 Number one was to love God in each waking moment
16 of my life. Number two was to love the Earth -- every
17 single inch of the Earth. To love one another as I loved
18 myself. And my grandfather said to me repeatedly, remember
19 always, that the sins of the parents will be visited upon
20 the child.

21 As we look at nuclear technology, we look at
22 hundreds of thousands of years worth of nuclear waste that
23 our children will have to deal with. It's the greatest sin
24 that I have allowed to exist for my children and for their
25 children's children and for their children's children.

1 For those who see this as a competition and of
2 those who will win and those who will lose, it is very clear
3 that we are all losers and all of our offspring will lose
4 with us.

5 You are all in my prayers. You are in my prayers
6 and it is very wonderful that you are here because there are
7 now faces that I can connect to my prayers -- and there is
8 also a political movement and I really feel blessed that I
9 live in New England where people truly feel that it is okay
10 to fight, and by being here we have won.

11 There are lots of issues that come about when we
12 look at what trust is, and there's nothing that exists if we
13 do not trust, nothing. It is about predictability. It is
14 about knowing that somebody is predictable, that what they
15 say they will do. Nothing about the nuclear energy fiasco
16 has proven to me that there is predictability, that I can
17 predict outcome.

18 Two near-misses during the refueling of Vermont
19 Nuclear Power Plant this summer leads me to believe that for
20 me to believe that there is predictability there would
21 certainly be unwise.

22 Competency -- I am not sure about competency. I
23 know Peter James Atherton. I know that Peter James Atherton
24 still has a case in front of the NRC and I don't feel that
25 he has been treated fairly as a nuclear whistle-blower, but

1 there are many whistle-blowers and many whistle-blowers who
2 have not been treated fairly by the NRC and the companies
3 with which they work.

4 So it makes me question competency, predictability
5 and certainly caring -- the ability to care for themselves
6 and the ability to care for others, and yet I am optimistic.
7 I am truly optimistic because I truly do believe in a God.
8 Thank you.

9 JUDGE BECHHOEFER: Thank you.

10 [Applause.]

11 JUDGE BECHHOEFER: Jen Gutshall.

12 MS. GUTSHALL: My name is Jennifer Gutshall and
13 you'll have to forgive me because I always cry when I get --

14 [Laughter.]

15 MS. GUTCHALL: It's really hard for me to be in
16 this position and look at your faces. Really, you are going
17 to have to forgive me but I am just going to go ahead and do
18 it, okay -- all right.

19 I'm not a freak for crying. I'm a normal person
20 but it's just very hard for me to be in this position where
21 I have to look at your faces and when I passed you in the
22 hall, you look like you're normal. I feel like you're
23 normal and then when I smile at you, and then -- like a
24 connection -- it's really hard for me to look at you in the
25 eyes because I know that although I could talk to you in a

1 normal conversation and really connect like a normal human
2 being that you go back to D.C., where you are completely
3 disconnected from what we go through, and you make your
4 little deals and you have these, all these alternate plans
5 for things and I know that your end, but also the thing is
6 that I know that you are pulled and I know that you are
7 pushed and I know that you have to deal with everything that
8 everyone else has to deal with, because it's all politics.

9 I understand that, but the thing is you heard all
10 this testimony. These people are normal people and I don't
11 know if you look at them with contempt. I don't know if you
12 look at me with contempt and I am an educated woman and I
13 have spent -- and I can't even tell you the countless hours
14 that we spent learning and learning and learning and
15 travelling and travelling and travelling and suffering and
16 sacrificing our normal lives to just protect ourselves and
17 that people that are around us.

18 I think of my parents. You know, I grew up in
19 Pennsylvania, in Bloomsburg, Pennsylvania. I was seven
20 years old and maybe 55-60 miles north of TMI when they had
21 their accident, and I also live 10 miles west of Susquehanna
22 Nuclear Power Plant, so I am not a stranger to this and when
23 they moved to New England, I don't know what I was
24 thinking --

25 [Laughter.]

1 MS. GUTSHALL: -- but I think of my parents and
2 they are so ignorant and I love them but they are ignorant
3 and here I am trying as hard as I can. I cry because I
4 can't try any harder and I don't know if you are listening.
5 You know, I don't know how much harder we can try.

6 We don't like to spend so much time away from our
7 friends. We don't like to spend so much time away from our
8 families, spend so much time on the road, spend so much
9 money that we don't even have -- do you understand that? We
10 spend so much money that we don't have to protect ourselves
11 and we have to go to people who don't have money and get it
12 from them too.

13 I don't know if you can understand this. I don't
14 know if you can understand what it must be like and I know
15 you all who work Yankee and who work for the NRC must be
16 normal people underneath. I don't know how you deal with
17 the duality. I don't know how you do it. I don't know if
18 you are normal and that you have a work identity and a
19 normal identity, and I don't know how you deal with the two.
20 I mean you must have families that live in reactor
21 communities, you know? You must think about it and you
22 must -- and every time one of us speaks, does it poke the
23 veil? Do we poke into your soul?

24 Does it affect you at all? Do you go home and
25 think about it? Do you ever have dreams about us?

1 I can't imagine that you don't and we are just
2 going to keep poking because it's the right thing to do
3 until you wake up. I mean we are not going to go away and I
4 am not -- I don't want to be -- it's hard for me because I
5 don't want to -- when I am this close to you, I don't want
6 to hate you. When you are in D.C. and there's these
7 decisions getting made that are so disconnected from our
8 experience and it affects us, and I know it was only to deal
9 with money or power, it makes me hate you and I don't want
10 to hate you. I don't like that. I don't want to live in an
11 angry world. I don't want to be "us" and "them."

12 So I am begging you, not even begging you -- I
13 want you to please go back and think about us when you are
14 gone and think about two things. We need a hearing. This
15 is the only chance we get to deal with this stuff, really,
16 and you know, just so you know, we represent the masses of
17 people who don't have the strength or the courage or
18 whatever to speak for themselves? Do you understand? We
19 are not like weirdos. I mean for every one of us there's
20 like 500 people that we must be representing and this is
21 just a small portion, and mind you, there is a person from
22 Vermont, New York, Massachusetts, Connecticut -- I mean all
23 fighting the same battle and think about why they are here.

24 I mean this is a pretty specific item we are
25 dealing with tonight. It's not like general waste issues or

1 general this issues. You are setting -- this is a
2 historical moment. Do you see yourselves in that position,
3 I mean really, when you look at the whole scheme, the whole
4 history of the nuclear industry?

5 You -- right now, everything that we are doing
6 right now is historical and you, unfortunately, have to make
7 the decision, and I hate to appeal to ego but do you want to
8 be a champion or a devil? Thank you.

9 [Applause.]

10 [Discussion off the record.]

11 MS. ALZNER: Can I say something?

12 JUDGE BECHHOEFER: Yes.

13 MS. ALZNER: Okay. One of the things that came up
14 a lot tonight was --

15 JUDGE MURPHY: Excuse me. Could we have your
16 name, please?

17 MS. ALZNER: Sure. Susan Alzner -- Alzner,
18 A-l-z-n-e-r.

19 One of the things people talked about a lot today
20 was how this whole issue affects children and I kind of feel
21 like a child here, because I am kind of new to this work.

22 Maybe a year I have been listening to different
23 people talk on this issue and so I feel kind of naive in a
24 way and kind of innocent, but I think that is a good thing,
25 and that is why I came up here, because I feel like I don't

1 have a lot of rules to my perspective and I just want to
2 kind of attack this from that place.

3 What I have heard tonight is pretty much one of
4 the most sort of intense presentations of truth that I have
5 ever heard in my life from the people, the regular people
6 who talked tonight in the past two and a half hours, and to
7 me when I hear people talk like this or when I have
8 experiences like this, you know, I mean it's kind of like
9 being in the Grand Canyon or something like that where you
10 are just really overwhelmed by beauty and truth and life is
11 really pure and intense, and in fact you feel alive -- like
12 truly alive.

13 I have always been frustrated with these sort of
14 impediments in the world that keep us from feeling alive. I
15 think that all of our goals should be to feel as alive as we
16 can possibly feel.

17 Now given that, in summary, through this whole
18 evening what I would like to know -- everybody said I hope
19 you feel what we have been talking about today, I hope you
20 go home and think about this, but I want to know now --

21 [Laughter.]

22 MS. ALZNER: -- how do you feel? I mean has this
23 impacted you, and I know how courtrooms are. It's like, oh,
24 "us" and "them" -- hush, hush, you know, like there are
25 these rules or something. I don't get it. We are all

1 people. We are having -- we should have a dialogue here.
2 To me, that is what seems to be the goal is for us to reach
3 common ground, you know?

4 I mean I think that we give you a service of
5 listening to you. I think that all of the people who work
6 in this movement, one of the greatest assets of individuals,
7 of the personalities in this movement is that everyone knows
8 how to listen. We have to listen because we have to learn
9 and the only way we are going to learn is that we are going
10 to listen, so we've listened to you and I really hope that
11 you listened to us, but I really need to know how this has
12 affected you, you know --

13 SPEAKER FROM THE AUDIENCE: Let them answer.

14 JUDGE ELLEMAN: Can I say something?

15 [Laughter.]

16 JUDGE ELLEMAN: I can't speak for my associates I
17 will speak for myself. I think it is very clear this
18 evening that all of you feel very strongly and very
19 sincerely about the issue you have spoken to this evening.

20 I think, Ms. Alzner, you put your finger on it
21 when you said it was one of the most intense sessions that
22 you have heard and I would endorse that.

23 I have sat in Moscow listening to the citizens of
24 Russia beat up on the operators of their nuclear plants and
25 I would say they were far more subdued and -- well, I won't

1 say kinder because that is not a correct allusion -- but it
2 was a much less intense session than what it has been here
3 this evening.

4 I am very sorry that some of you view us as if we
5 come from another world, because we really don't. I look
6 out my window and see the Shearon Harris Nuclear Plant
7 operating outside of my community just like you did every
8 day, and I live with the reality of nuclear power right next
9 door to me.

10 You think that we don't recognize your
11 environment, but I come through here all the time to visit
12 my daughter, who lives in Maine, where my two youngest
13 grandchildren are, and I care very deeply about what happens
14 to them.

15 I think another thing that makes me very sad is to
16 hear that some of you don't trust us. You think we are
17 going to lie to you, that you think we are dishonest, and I
18 think all I could say to you is that there have been many
19 times in my life when I have been wrong. There have been
20 many times when I have operated incorrectly given the gift
21 of hindsight, but all of us up here try to act in as honest
22 and forthright and sincere way as we are capable of doing,
23 and we are not up here to deceive you and we are up here to
24 listen closely and sincerely to what you have to say and
25 what the issues of the case we have been called upon to

1 listen to have to say.

2 The only last comment I would make is there were
3 some allusions to how wealthy we are, and I was very tempted
4 to ask when was the last time you met a wealthy ex-teacher,
5 but I kept quiet and didn't say a word, but I will close
6 with that comment.

7 [Applause.]

8 MS. ALZNER: Does anyone else want to share?
9 Well, I mean, you know, he can't speak for everyone. I mean
10 I am actually --

11 JUDGE BECHHOEFER: Well, I would almost conclude.
12 For one thing, they have asked us to get out of here by 9:30
13 and that is almost now. But I have been very impressed by
14 the sincerity of all of those people who have addressed us,
15 as well as the people who are petitioners who came this
16 afternoon, all day, actually, and which will continue
17 tomorrow.

18 We will do our best to take various views into
19 account. We are bound by certain rules that, for better or
20 for worse, -- some of them we don't necessarily like, but
21 that is what the Commission has put into effect, so we will
22 do our best to give a fair decision, and recognizing various
23 views that have come before us. And we do appreciate all of
24 your coming out and making statements and showing your
25 interest, so we appreciate that.

1 MS. MILLER: I would like to speak.

2 JUDGE BECHHOEFER: Well, make it quick because we
3 have to get out of here fast.

4 MS. MILLER: I will.

5 MS. ALZNER: Well, thank you anyway.

6 [Applause.]

7 MS. MILLER: I am Sunny Miller, I am formerly a
8 teacher and an artist, and currently the director at
9 Traprock Peace Center in Deerfield, Massachusetts, and I
10 lived within the 10 mile radius of Yankee Rowe, that is when
11 I got real interested in nuclear issues.

12 A couple of thoughts to close with. For hope, I
13 hope we can remember Nelson Mandella, imprisoned for so many
14 years, held back, but with integrity, and now things have
15 changed and are continuing to change. And, of course, there
16 is struggle after change as well as before. But it is one
17 thing to remember, nothing stays the same, everything
18 changes. There are hard times ahead, there are hard times
19 behind us. There's joy ahead, there is joy behind us.

20 And I think this thought that we don't want to be
21 "us" and "them," none of us, really, it is very
22 uncomfortable. We would much rather understand one another
23 as neighbors, overcome our doubts and our lack of trust,
24 come to know one another, and understand one another.

25 I thought of singing "Love Will Guide Us" to

1 close, but maybe it would be more appropriate if we went out
2 to the pub.

3 [Applause.]

4 MS. MILLER: And we will get out in time. There
5 is a lovely pub right -- just walking distance, and maybe
6 there is more than one pub. We ought to take a tour, you
7 know. And we won't keep you out too late, you know. But,
8 really, to -- you know, to visit and share and speak from
9 the heart.

10 I would like to remind you that Albert Speer was
11 the weapons manufacturer for Nazi Germany. He was a great
12 guy, he was very efficient and very productive, a winner.
13 Later, after the Nuremburg trials, in prison he wrote his
14 memoirs. And Bishop Gumbelton, a Catholic Bishop from
15 Detroit, who visited recently, we brought him out here to
16 speak, said, you know, in his memoirs, he said something
17 that really has stuck with me, and I think it is true today
18 in so many ways about Iraq, and our depleted uranium that is
19 creating birth defects.

20 This -- we have been, in effect, fighting a
21 nuclear war against Iraq. Since 1991, children born without
22 heads, with skulls that won't stop growing, with all kinds
23 of birth defects that are horrendous, because we have let so
24 many genies out of the bottle in our efforts to win. But
25 Albert Speer's words were, "We didn't want to know." And

1 maybe we can find the common ground that, really, it serves
2 us all best if we do know, we really know, and know one
3 another, and come to trust one another.

4 So let's have a beer.

5 [Applause.]

6 JUDGE BECHHOEFER: The meeting is adjourned. We
7 will be back at 9:00 tomorrow.

8 [Whereupon, at 9:31 p.m., the prehearing
9 conference was recessed, to reconvene at 9:00 a.m.,
10 Wednesday, January 27, 1999.]

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REPORTER'S CERTIFICATE

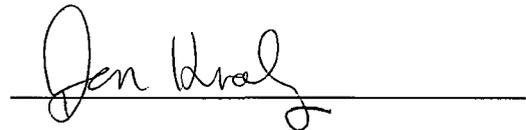
This is to certify that the attached proceedings before the United States Nuclear Regulatory Commission in the matter of:

NAME OF PROCEEDING: YANKEE ATOMIC ELECTRIC
COMPANY (YANKEE NUCLEAR
POWER STATION)
PREHEARING CONFERENCE

CASE NUMBER: 50-029-LA-R
98-736-01-LA-R

PLACE OF PROCEEDING: Greenfield, MA

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.



Jon Hundley

Official Reporter

Ann Riley & Associates, Ltd.

include



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I
JOHN F. KENNEDY FEDERAL BUILDING
BOSTON, MASSACHUSETTS 02203-0001

January 26, 1999

Charles Bechhoefer, Chairman
Atomic Safety and Licensing Board
[Mail Stop T-3 F23]
U.S. Nuclear Regulatory Commission
2 White Flint North
11545 Rockville Pike
Rockville, MD 20852-2738

Office of the Secretary
Rulemakings and Adjudications Staff
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

RE: In re Yankee Atomic Electric Company (Yankee Nuclear Power Station) License
Termination Plan, Docket No. 50-029-LA, ASLBP No. 99-754-01-LA-R

To the Atomic Safety and Licensing Board:

In accordance with 10 C.F.R. § 2.1211(a) (1998) and 63 Fed. Reg. 67494 (December 7, 1998), the United States Environmental Protection Agency (EPA) - New England, Region I submits the following non-party statement, which expresses our view on the Nuclear Regulatory Commission's (NRC) approval of the Yankee Rowe License Termination Plan (LTP). The stated purpose of the January 26, 1999, prehearing conference is to determine whether the petitioners have submitted admissible contentions. We believe that the parties have raised legitimate health and safety concerns, which if substantiated at a later hearing, would bear directly on the question of whether the Atomic Yankee Electric Company will be able to satisfactorily clean-up the site. We therefore encourage the Atomic Safety and Licensing Board to fully consider the petitioners' contentions. We further invite the Board to use its adjudicatory process to provide the public with adequate responses to the numerous unanswered and longstanding health and safety questions, which should properly have been addressed in the LTP, or earlier through the National Environmental Policy Act (NEPA) process.

EPA - is particularly interested in the decommissioning of Yankee Rowe. Because it is the first commercial plant in New England to be decommissioned, it is especially important that the process affords the public appropriate opportunities for review and comment, and assures that the clean-up is done correctly from the outset. NRC's and Atomic Yankee's treatment of the site will both set a precedent for a number of upcoming decommissionings in New England, and continue



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contains at least 75% recycled fiber

to impact the health and welfare of the people, and the environment, in the vicinity of the site. EPA - New England is equally concerned about releasing the site for unrestricted residential or commercial use and allowing the public, including children, free access to the site, particularly when so many questions about on- and off-site radiation contamination remain at this late stage in the decommissioning process.

We note at the outset that EPA - New England is pleased that Yankee Atomic has committed to a Total Effective Dose Equivalent from residual radiation contamination not to exceed 15 mrem/year above background. EPA considers 15 mrem/year to be a minimally acceptable dose limit, consistent with both the risk range for other carcinogens, and our mandate under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), that clean-up levels "at a minimum . . . assure protection of human health and the environment." CERCLA § 121(d)(1). This is the same level of clean-up that EPA requires of all other radioactively contaminated CERCLA sites. We also commend Yankee Atomic for assuring that upon license termination, the plant-related contamination in groundwater and surface water will not exceed the EPA's National Primary Drinking Water Standards (Maximum Contaminant Level) for radioactivity.

Notwithstanding our approval of the chosen clean-up standards at Yankee Rowe, we believe the petitioners have raised a number of health and safety concerns that directly challenge how and whether Yankee Atomic will meet these standards under the LTP and Final Status Survey Plan. For instance, the petitioners challenge the LTP's site characterization, arguing that Yankee Atomic has not yet: determined background radiation levels; fully examined the extent of contamination on-site below a depth of 15 cm; adequately surveyed for contamination off-site; or, accounted for all possible radionuclides (e.g. plutonium and americium). Petitioners further allege that site inspections revealed that Yankee Atomic's scan survey results are biased toward low readings, and that sampling methodologies have been adjusted to de-emphasize existing hot-spots on-site. We do not address the validity of these contentions, as that is the proper function of the Board. But if the petitioners' concerns are legitimate, and to the extent that the Yankee Rowe decommissioning might subsequently fail to meet the stated clean-up standards, we note that NRC's own publications propose that such sites could be assigned to the EPA for listing on the National Priorities List under CERCLA.

We comment last on decommissioning as a public process, and our hope that the future need for prehearing conferences, such as this one, might be lessened by allowing the public to participate more substantively in the early stages of decommissioning, accompanied by meaningful environmental review. EPA - New England believes that the public has cause for concern and its questions should be addressed. The NRC has recognized that Yankee Rowe decommissioning is in many ways experimental and that some of the clean-up technologies and methodologies are untested. Recent incidents occurring during the decommissioning of Connecticut Yankee at Haddam Neck demonstrate that decommissioning is not necessarily environmentally benign, and

also indicate that greater NRC oversight is required.¹ Radiation can pose serious health and environmental risks. It should be treated in the same manner as other regulated pollutants, not more leniently. Its clean-up should be addressed openly. As evidenced by the First Circuit's recent decision,² the Yankee Rowe decommissioning process precluded public participation and environmental review for a number of years while nearly 90% of the site was dismantled. This should not be allowed to happen in the upcoming decommissionings of the Maine and Connecticut nuclear power plants.

Many of the contentions presently before the Board could have been addressed earlier in the decommissioning process or through NEPA. Although NRC's new regulations do not require NEPA compliance during the earliest stages of decommissioning, EPA - New England suggests that an Environmental Impact Statement (EIS) is the appropriate vehicle for environmental review of decommissioning activities because it would allow for comprehensive site characterization and consideration of alternative clean-up scenarios and mitigation, as well as full public review and comment. NEPA also encourages public participation in the scoping process early in a federal agency's decisionmaking process. Especially in the case of Yankee Rowe, which was the first commercial plant to come off-line and be decommissioned, we are surprised that without much current environmental information, NRC issued an Environmental Assessment/Finding of No Significant Impact and relied to a great degree upon an outdated, 1988 Generic EIS, which contains no site-specific information, in approving the decommissioning plan. We also agree with the petitioners that it appears that NRC has segmented the decommissioning process by allowing the temporary storage of spent fuel to be considered under a separate licensing scheme, the environmental review of which typically occurs after an LTP has been approved. By doing so, the impacts associated with Independent Spent Fuel Storage Installation (ISFSI) -- earth-moving, alterations to drainage and surface and groundwater flows, radiation releases -- which also affect the decommissioning of the site, remain unaddressed until the closing stages of license termination.

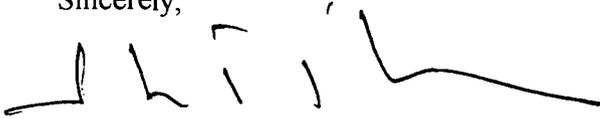
In short order, New England will see the decommissioning of a number of nuclear power plants, such as Maine Yankee, Connecticut Yankee, and Millstone Unit 1. EPA - New England will monitor the NRC proceedings in these other cases to ensure that the plant operators demonstrate at least the same level of commitment to radiological clean-up levels, and the protection of our region's human and ecological health. With respect to Yankee Rowe, we are concerned that so many health and safety questions persist at this stage of the decommissioning process. We are equally troubled by the parties' allegations that site remediation, as described in the LTP, may not satisfy the chosen radiological clean-up standards. EPA - New England believes that the petitioners' numerous contentions deserve the Board's further attention. We request that the

¹ See Director's Decision, Office of Nuclear Reactor Regulation, Docket No 50-213, DD-99-01 at 3-5 (Jan. 12, 1999).

² See Citizens Awareness Network, Inc. v. United States Nuclear Regulatory Commission, 59 F.3d 284, 293, 295 (1st Cir. 1995).

Board fully respond to those contentions as well as the concerns raised in this letter, in order to ensure that the decommissioning of Yankee is done right on the first try. And we look forward to working with NRC on the upcoming decommissionings in New England.

Sincerely,

A handwritten signature in black ink, appearing to read "John P. DeVillars". The signature is fluid and cursive, with a long horizontal stroke at the end.

John P. DeVillars
Regional Administrator

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