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1 UNITED STATES OF AMERICA  
2 NUCLEAR REGULATORY COMMISSION

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4 Petition Review Board 2.206 Hearing

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6 Recorded Telephonically

7 2:00 PM

8 September 1, 2005

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

(Time not provided.)

MS. CARR: Yes. Is this the Petition Review Board for the 2.206?

MR. HOLLAND: Yes.

MR. SHANNON: Yes. My name is John Shannon. I'm a retired nuclear engineer. I was asked to be part of this hearing.

MR. HOLLAND: Would you state your name, please, whoever just came on line?

MR. SHANNON: John Shannon, S-H-A-N-N-O-N.

MS. CARR: This is Mary Carr. I just came on. I'm with the Southern Alliance for Clean Energy.

MR. HOLLAND: Thank you. Is Ms. O'Brien on the phone yet?

MS. O'BRIEN: Yes. I just called in just before.

MR. HOLLAND: Okay.

MR. HOLLAND: Hello, Pamela. This is Drew Holland.

MS. O'BRIEN: Hi.

MR. HOLLAND: Pamela, do you think the --

MS. CARR: One more new arrival.

MR. HOLLAND: Okay.

MS. OLSEN: This is Mary Olsen, Nuclear

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1 Information and Resource Service.

2 MR. HOLLAND: Pamela, do you expect any  
3 other participants to join in?

4 MS. O'BRIEN: Yes. I expect Russell  
5 Hoffman from California.

6 MR. HOFFMAN: I'm already here, Pamela.

7 MS. CARR: Okay.

8 MR. HOLLAND: Hi, Russ.

9 MR. HOFFMAN: Hi.

10 MR. HOLLAND: If it's all right with you,  
11 Pamela, we'll just go ahead.

12 MS. O'BRIEN: Yes. Okay.

13 MR. HOLLAND: Hold on a second.

14 MS. O'BRIEN: Okay.

15 MR. HOLLAND: Let us do the introduction  
16 part so we avoid the confusion that we had the last  
17 time.

18 MS. O'BRIEN: Yes.

19 MR. HOLLAND: This is Drew Holland with  
20 the NRC. I am a Project Manager, and in this  
21 particular role, I am the Petition Manager. We're  
22 going to go around the room up here, and the people  
23 here will introduce themselves.

24 MR. BERKOW: I'm Herb Berkow and I'm the  
25 PRB Chairman.

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1 MS. WILLIAMS: I'm Donna Williams. I am  
2 the NRC 2.206 Coordinator.

3 MS. LONGO: I'm Jenny Longo, Senior  
4 Attorney from the Office of General Counsel.

5 MR. LeMATT: This is Mike LeMatt. I'm the  
6 Project Manager for Nuclear Fuel Services.

7 MR. HOLLAND: Thank you, folks. Pamela,  
8 are you able to hear us clearly?

9 MS. O'BRIEN: You could speak a little  
10 louder, if that's possible.

11 MR. HOLLAND: Okay.

12 MS. O'BRIEN: Because the lines in this  
13 area, some of them are not very good, because the  
14 tornadoes and stuff that went through North Georgia.

15 MR. HOLLAND: All right. If you could go  
16 around your group of people and have them introduce  
17 themselves, we'd appreciate that.

18 MS. O'BRIEN: Yes. Jack, would you like  
19 to go ahead first?

20 MR. SHANNON: Hi. My name is John  
21 Shannon. I'm a retired nuclear engineer for the Naval  
22 Reactors Program. I was a contractor/employee for the  
23 General Electric Company from 1959 to 1990, a Nuclear  
24 Engineer, Nuclear Physicist, Manager of Health and  
25 Safety, and Manager of Nuclear Safety for the

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1 laboratory which consists of three separate  
2 laboratories. Is that enough?

3 MR. HOLLAND: That's enough for now.

4 MR. SHANNON: Okay. Thank you.

5 MS. O'BRIEN: Russell.

6 MR. HOFFMAN: I'm a concerned citizen from  
7 Carlsbad, California. I've been studying nuclear  
8 issues as a citizen for about 30 years.

9 MR. HOLLAND: Sir, would you state your  
10 name again?

11 MR. HOFFMAN: Russell Hoffman.

12 MR. HOLLAND: All right, sir. Thank you.

13 MS. O'BRIEN: Mary from NIRS.

14 MS. OLSEN: My name is Mary Olsen. I'm  
15 the Staff East Office Director for Nuclear Information  
16 and Refer Service, and I have been with that  
17 organization since 1991.

18 MS. O'BRIEN: And Mary Carr from Southern  
19 Alliance for Clean Energy.

20 MS. CARR: Yes. My name is Mary Carr.  
21 I'm with the Southern Alliance for Clean Energy. I am  
22 seated on behalf of Sara Barczak, our Safe Energy  
23 Director. Hopefully, she'll be able to come on the  
24 call later. Something is wrong with her phone lines  
25 at her office, so she may get on later.

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1 MS. O'BRIEN: Okay.

2 MR. HOLLAND: Okay?

3 MS. O'BRIEN: Yes, that's covered  
4 everybody, I think.

5 MR. HOLLAND: That's everyone. Donna or  
6 you, do we need to do a verification on the reporter,  
7 the transcriber?

8 MS. O'BRIEN: No.

9 MR. HOLLAND: Okay. All right. Well, I  
10 guess at this point we're ready to commence this  
11 conference, and I'm going to hand it over to  
12 the --

13 MS. O'BRIEN: Wait. I can hear somebody  
14 else trying to join us, I think.

15 MR. HOLLAND: Okay.

16 MS. O'BRIEN: Was that Sara trying to join  
17 us?

18 MS. CARR: Yes, she's trying to join us.  
19 Hold on just a second.

20 MS. O'BRIEN: I think they're trying to do  
21 a hook-up across state or something. Hello?

22 MS. CARR: Hi. This is Mary Carr. I'm  
23 going to call right back. I have Sara on the other  
24 line.

25 MS. O'BRIEN: Okay.

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1 MS. CARR: Will that work?

2 MR. HOLLAND: We'll wait until you get her  
3 on the line.

4 MS. CARR: Okay. So sorry. Thank you.

5 MR. HOLLAND: Pam, could I get the name of  
6 the person who spoke after Herb Berkow, the 2.206  
7 Petition person?

8 MS. O'BRIEN: That was Donna Williams.

9 MR. HOLLAND: Donna Williams. Okay.  
10 Thank you.

11 MS. O'BRIEN: You're welcome.

12 MS. BARCZAK: Hello.

13 MS. CARR: Yes.

14 MS. O'BRIEN: Hello.

15 MS. BARCZAK: Hello, Pamela.

16 MS. O'BRIEN: Yes. Could you speak up a  
17 little, Sara. You're addressing a lot of people, and  
18 I have a hard time hearing you here.

19 MS. CARR: Can you hear us?

20 MR. HOLLAND: We can hear you. Would you  
21 state your name, please.

22 MS. BARCZAK: This is Sara Barczak.

23 MR. HOLLAND: B-A-R-Z-A-K?

24 MS. BARCZAK: No, B-A-R-C-Z-A-K, First  
25 name Sara, S-A-R-A.

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1 Mr. HOLLAND: Thank you. And your  
2 affiliation?

3 MS. BARCZAK: Southern Alliance for Clean  
4 Energy. And who am I speaking with?

5 MR. BERKOW: This is Herb Berkow with the  
6 NRC. I'm the Petition Review Board Chairperson, so if  
7 everybody is here, we'll get started, and let me just  
8 make a few introductory comments.

9 The subject of this teleconference is a  
10 2.206 petition submitted by Ms. Pamela Blockey O'Brien  
11 dated June 22<sup>nd</sup>, 2005. Ms. O'Brien has requested that  
12 the NRC take enforcement action against boiling water  
13 reactors with Mark-1 containments, pressurized water  
14 reactors with ice condenser containments, special  
15 circumstance reactors, the nuclear fuel services  
16 facility and the Paducah Gaseous Diffusion Plant. Ms.  
17 O'Brien has requested that the NRC shut down and  
18 revoke the licenses of the named facilities, clean up  
19 the surrounding area, remove spent fuel from the  
20 sites, and compensate workers.

21 On July 28<sup>th</sup>, we had a teleconference with  
22 you, Ms. O'Brien, during which you provided additional  
23 information in support of your petition. The  
24 regulations in 10 CFR 2.206 require that the  
25 petitioner provide an adequate basis for taking the

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1 requested actions. As we explained, the staff will  
2 only review a petition under the 2.206 process if the  
3 issues involved were not previously reviewed and  
4 resolved by the NRC.

5 During our initial review of the petition  
6 we identified several issues for which we needed the  
7 sources of your information in order to determine if  
8 the NRC was aware of and had resolved the issues.  
9 Prior to the July 28<sup>th</sup> teleconference, we provided you  
10 with a list of these specific issues. The purpose of  
11 that teleconference was to give you an opportunity to  
12 provide the requested additional explanations and  
13 support for the petition.

14 Following the teleconference on August  
15 2<sup>nd</sup>, you provided a supplement to your petition. This  
16 supplement consisted of the references that you used  
17 in the development of your petition. The PRB reviewed  
18 the information in your original submittal, the  
19 transcript of our teleconference with you and the  
20 supplement, and has determined that the petition does  
21 not meet the criteria for it to be reviewed under  
22 2.206.

23 Specifically, the petition either raises  
24 issues which have already been the subject of NRC  
25 Staff evaluation, and which have been resolved, or

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1 constitute a challenge to NRC regulations, or raise  
2 concerns not within the jurisdiction of the NRC. We  
3 recognize that you might not agree with all of the  
4 NRC's resolutions; however, the facts that constitute  
5 the basis for the issues raised by the petition are  
6 not sufficient to warrant further inquiry.

7 On August 24<sup>th</sup>, Mr. Holland, the Petition  
8 Manager, called you and informed you of the PRB's  
9 determination. You requested an opportunity to  
10 address the Board again, and our process permits the  
11 Petitioner to do that. The purpose of today's  
12 teleconference is to give you a final opportunity to  
13 provide any new information that would cause the PRB  
14 to reconsider our determination. Specifically, we  
15 would like you to identify which specific issues you  
16 believe have not been addressed and resolved by the  
17 NRC, notwithstanding whether you agree with the  
18 resolution, and your basis for concluding that these  
19 issues warrant further inquiry.

20 Please do not revisit what you've already  
21 documented in your petition, or what you covered in  
22 the July 28<sup>th</sup> telecon. And please limit your comments  
23 to 30 minutes.

24 Following this phone call, the PRB will  
25 meet to make a final determination on your petition.

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1 This telecon is being recorded and will be  
2 transcribed, so anyone making a statement should first  
3 state their name clearly. The transcript will become  
4 another supplement to the petition, and will be made  
5 publicly available.

6 Are there any questions on the process  
7 we're going to follow?

8 MR. SHANNON: No, not from me.

9 CHAIRPERSON BERKOW: Okay. Well then, Ms.  
10 O'Blockey, I'll turn it over to you. Ms. O'Brien, I'm  
11 sorry.

12 MS. O'BRIEN: Pamela Blockey O'Brien here.

13 CHAIRPERSON BERKOW: Yes.

14 MS. O'BRIEN: As you said, I've been told  
15 I have 30 minutes to speak on why my petition should  
16 be accepted. I've divided that time up. I'll go  
17 first, and then Major Shannon, and then Russell  
18 Hoffman, and then Mary from Nuclear Information  
19 Resource Services, and then Sara from Southern  
20 Alliance for Clean Energy.

21 MS. OLSEN: Pamela, this is Mary Olsen.  
22 I will not be making a statement today.

23 MS. O'BRIEN: Oh, I thought you were  
24 making one. Mary is just witnessing it, in that case.

25 MS. OLSEN: Yes.

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1 MS. O'BRIEN: It's very difficult to  
2 figure out whether or not I'm going in or out all the  
3 guidelines of the Board because I could not -- in  
4 other words, I'll take about 11 minutes and then it  
5 will be divided up, and I may or may not make a one-  
6 minute wrap-up.

7 I could not believe it when I was told  
8 that the Petition Review Board was probably going to  
9 reject my petition, a petition to which I have enough  
10 back-up documents to paper Walmart Super Store parking  
11 lot. I do not consider any of the issues -- the NRC  
12 may have looked at them, but nothing has happened.  
13 This situation is still going on on the entire  
14 petition. The plants are still chugging along.

15 I've also been told I'm not allowed to  
16 question each member of the Board. I can't even ask  
17 if anyone has even read, for example, NUREG 10.79 or  
18 read any of the inspection reports about that I have  
19 mentioned that you connected with any of these  
20 facilities, so in a sense I feel like I'm speaking to  
21 an unseen firing squad. Leading on behalf of millions  
22 of children, men and women whose lives have been  
23 ruined, and will continue to be ruined as a result of  
24 the radioactive and chemical contamination of the  
25 environment, and the genetic damage caused to them.

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1 And I'm raising this partly as a big issue here, "a  
2 new one" in quotes. The genetic damage is the major  
3 reason for the Department of Energy and the NRC. It's  
4 ally, in other words. It was all the same outfit  
5 before, Atomic Energy Commission, and then it was  
6 broken up. For the Department of Energy, being the  
7 first and major funder of the human genome project  
8 because the Atomic Energy Commission, the Department  
9 of Energy, and the NRC and, of course, their global  
10 counterparts have screwed up the human and animal gene  
11 pool nationwide. The DOE even boasts about this on  
12 their website about why they're funding it, because  
13 after having tried to play God stretching the atom in  
14 unleashed horror, now everyone is trying again to do  
15 what the NRC told the legal team who were representing  
16 a woman who tried to stop this insane nuclear fuel  
17 cycle in the 1970s, mainly the NRC said they were not  
18 going to shut down the source of the problem, the  
19 genetic problems, such as in nuclear power, but they  
20 would fix it with genetic engineering, so we are  
21 decades into this nightmare. And, for example, of the  
22 noble gases released out the stacks from nuclear  
23 plants, and all these in my petition, some of them  
24 decay almost immediately to some of the same  
25 contaminants found in nuclear fallout from atmospheric

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1 weapons testing, which is why those tests were banned,  
2 such as Crystal-90 which decays to Rubidium-90, which  
3 decays to Strontium-90, or Zenon-137 which decays to  
4 Cesium-137; and, of course, the Strontium-90 decays to  
5 Atrium-90, which is a powerful hormone disruptor.

6 It is obvious to me that the same ban  
7 should exist for nuclear plants as for weapons tests.  
8 The new IF-7 report, Biological Effects of Ionizing  
9 Radiation report, which is essentially a federal  
10 document, has finally admitted to no safe level of  
11 ionizing radiation existing. The Board does need to  
12 understand that in 1993, the United Nations Scientific  
13 Committee on the Effects of Atomic Radiation stated,  
14 "Biological effects are believed to arise  
15 predominantly from residual DNA changes, but originate  
16 from radiation damage to chromosomal DNA. It is the  
17 repair response that determines its fate. The  
18 majority of damage is repaired, but it is the  
19 remaining unrepaired or misrepaired damage that is  
20 then considered responsible for cell killing,  
21 chromosomal aberrations, limitations, transformations,  
22 and cancerous changes." So if the Board doesn't  
23 accept my petition, it means that the Board doesn't  
24 care about allowing the continued irradiation of the  
25 public, and the accompanying cell damage. If my

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1 petition is rejected, it means the Board is okay with  
2 the projected 100,000 dead in 1982 figures resulting  
3 from the melt down Sabin. It means the Nuclear  
4 Regulatory Commission will not demand testing of the  
5 drinking water in Miami for water which may be  
6 contaminated from Turkey Point. It means it would be  
7 okay for Palm Hatch to continue to amass deadly  
8 radioactive so-called spent fuel outside on a cement  
9 slab next to the Altamarra River, the melt down of  
10 which will contaminate the entire Georgia coast and  
11 its multi-billion dollar fishing and tourism industry.  
12 It means Calvert Cliffs outside D.C., which has its  
13 deadly radioactive so-called spent fuel pool not on  
14 the outside in cement casks, but in a pool under no  
15 containment dome whatsoever, only an auxiliary  
16 building, and it could be hit by a terrorist or a few  
17 terrorists with a few hand-held rocket launchers, or  
18 by a category five hurricane coming up the Atlantic  
19 coast and inland at the Chesapeake. And then the NRC  
20 in Washington would be toast.

21 I want to insert a word here that I didn't  
22 raise on the effects, this is shall we say new, of  
23 trying to evacuate people. You've seen on the TV the  
24 mess that's going on now. I have read all the  
25 documents on how everybody intends to evacuate around

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1 nuclear plants. They've even got it down to we will  
2 evacuate them at the rate of one meter per second  
3 laterally. I mean, this is ridiculous, that sort of  
4 thing.

5 If the Board rejects my petition, it means  
6 they don't even care that at Paducah they are not even  
7 going to start "characterizing" what to do with the  
8 first 12,000 of the huge depleted Uranium Hexafluoride  
9 cylinders outside. You know, there are over 30,000  
10 outside. They're not going to start that up until  
11 October, 2005, as any cursory reading of Paducah's  
12 inspection reports reveals.

13 The industry has written its own ticket to  
14 get the aged, decaying, corroding reactors licensed.  
15 For example, in NUREG 1705 on Calvert Cliffs, over and  
16 over it shows the problems due to aging, corrosion,  
17 leakage, and erosion, yet over and over there are  
18 idiotic statements like, "The applicant evaluated the  
19 low leakage as not safety significant and will  
20 continue monitoring to alert operators to increasing  
21 leakage." Or, "On the basis of industry data and  
22 experience", the staff concluded they didn't have to  
23 do such and such, and such and such. They say  
24 industry can make commitments to address laundry  
25 lists of problems by the far, far distant future, 2014

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1 or whenever. This is beyond outrageous.

2 Furthermore, according to former Atomic  
3 Safety and Licensing Board Judge Samuel Jench, he  
4 found out later that the plants licensed all violate  
5 the law as the Atomic Energy Commission and the NRC  
6 "systematically withheld adverse information from the  
7 official safety analyses they gave to their own  
8 licensing boards and the general public." And then,  
9 "made many decisions at variance with the terms and  
10 legislative intent of the Administrative Procedure Act  
11 adopted in 1946, which is meant to assure the  
12 soundness and fairness of decision making by federal  
13 agencies."

14 These plants were never meant to function  
15 passed their licenses. They were not meant to keep on  
16 going wrapped up with bits of bailing wire around the  
17 core shrouds. The acceptance of my petition advances  
18 the NRC. In fact, it would make it appear that the  
19 NRC is finally trying to make some effort to address  
20 these vital, serious public concerns, not just say oh,  
21 we looked at it. Yes, yes, yes, we told them to fix  
22 it. Whereas, rejection of my petition would be in a  
23 word wicked.

24 Anyway, I'm handing it over to Major  
25 Shannon. Jack, would you like to make your comments

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1 now?

2 CHAIRPERSON BERKOW: Go ahead.

3 MR. SHANNON: Well, I've read Pamela's  
4 petition, and frankly, it buttresses my opinion of the  
5 entire nuclear industry as a total disaster, but over  
6 and above that, am I talking to anybody there who's a  
7 nuclear engineer? Hello?

8 CHAIRPERSON BERKOW: Yes, I'm a Nuclear  
9 Engineer, Herb Berkow.

10 MR. SHANNON: Okay.

11 MR. HOLLAND: I am also, Drew Holland.

12 MR. SHANNON: Okay. General Electric  
13 Company boiling water reactors in Oswego, New York  
14 several years ago were starting to crack in the  
15 shrouds, and at that time they were still writing a  
16 plan for the cracks. It's not my understanding that  
17 the cracks have been fixed with something that I  
18 understand to be like a U-Bar welded to each side of  
19 the crack, and who oversaw that fix and agreed that  
20 the fix made the shroud equal to or greater than the  
21 original shroud design? Was there any calculations  
22 performed by the NRC or GE as to that matter, any  
23 mechanical engineering studies?

24 CHAIRPERSON BERKOW: Major Shannon, this  
25 opportunity is for you to address the Board. We're

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1 not going to respond to any questions at this time,  
2 unless they're questions of process.

3 MR. SHANNON: Well, that's a question of  
4 process, that these U-Bars, for want of a better name,  
5 and what I want to know is, was that process good  
6 enough to make these shrouds equal to or greater than  
7 the original shroud design. And if so, who evaluated  
8 the work that General Electric Company did? Okay.  
9 The answer apparently is no.

10 Another question about storage. It's my  
11 understanding that some or perhaps all of the spent  
12 fuel storage facilities have been doubled to the  
13 original design capacity. If so, who did what studies  
14 to show that that would be safe from a nuclear  
15 criticality safety point of view? Did GE do any  
16 studies, did you folks do any studies? And if GE did  
17 any studies, who evaluated them, an internal  
18 evaluation or NRC evaluation? Nobody? GE? And these  
19 are questions of substance which everybody says well,  
20 it's no problem. How do we know it's not a problem?  
21 Is anybody talking to me? You just don't like me or  
22 what?

23 MS. O'BRIEN: Mr. Shannon is asking you  
24 all some questions.

25 CHAIRPERSON BERKOW: Yes. This is Herb

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1 Berkow. Let me repeat again, we're not prepared to  
2 answer or discuss technical questions here. This is  
3 your opportunity to convince us why we should accept  
4 this petition, so use the time as you wish.

5 MR. SHANNON: Well, I've just asked you a  
6 question of significant technical importance.

7 CHAIRPERSON BERKOW: But we're not  
8 answering questions of any technical nature on this  
9 phone call. That's not the purpose of the call. I  
10 stated the purpose of the call before we started.

11 MR. SHANNON: Well, it didn't come across  
12 clear to me that you were --

13 CHAIRPERSON BERKOW: Well, I apologize.  
14 This is Herb Berkow. This is an opportunity for the  
15 petitioner to explain to the Board why she disagrees  
16 with our decision to reject the --

17 MR. SHANNON: Well, we don't know what  
18 your decision is based on. I'm just asking two  
19 questions, one about the boiling water reactor --

20 CHAIRPERSON BERKOW: Major Shannon, please  
21 proceed.

22 MR. SHANNON: Okay. I guess I have a  
23 general comment about the operation of commercial  
24 nuclear power plants, whether it be pressurized water  
25 reactor plants or boiling water reactor plants in the

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1 midst of populated areas. I happen to know that there  
2 are no evacuation plans in effect that would be  
3 sufficient for evacuating areas, well virtually any  
4 areas, except in Kansas or something like that, in the  
5 event that there were a terrorist attack against any  
6 nuclear power plant.

7 I've read in the newspapers that a plane,  
8 say a 767 loaded with just its regular gasoline on it,  
9 perhaps no passengers, and the plant containment  
10 vessel would be able to withstand such an impact. I  
11 don't believe that. NRC made that comment within a  
12 week or two after the 9/11 catastrophe, so I'd like to  
13 know how that conclusion was arrived at. Did somebody  
14 within the nuclear industry call the NRC and say well,  
15 this is okay, because unless I can ask you some  
16 questions of a technical nature, how do I know that  
17 any of your plants are safe just in a regular  
18 operating mode?

19 The GE reactors, for example, are  
20 intrinsically unsafe with those control rods being  
21 driven in from the bottom, and that's been a subject  
22 of debate within the nuclear community for as long as  
23 I've been in the nuclear community, so how do I know  
24 they're safe? I haven't seen a single document from  
25 the NRC or General Electric Company saying that in the

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1 event of a complete loss of power, that those control  
2 rods would drive it by themselves.

3 Hey, panel, what's going on here?

4 MS. O'BRIEN: Well, this is one of the  
5 problems, Jack, is that I have been -- I'm asking the  
6 Petition Review Board here to listen to Major Shannon  
7 because of his experience. These are some of the  
8 things that I have raised in my petition. I'm  
9 concerned about the GE plants, I'm concerned about all  
10 these things, and they never have been addressed,  
11 never. Jack, do you want me to go on to let Russell  
12 make some comments?

13 MR. SHANNON: Yes. Go ahead, Russ,  
14 because I guess they're not going to answer any of my  
15 questions.

16 MR. HOFFMAN: No, it doesn't appear that  
17 they will. This is Russell Hoffman, and I wanted to  
18 go over very briefly the historic attitude that you're  
19 exhibiting once again, you, the NRC. And before I do,  
20 I also want to mention that Neil Diaz gave a speech to  
21 the American Nuclear Society earlier this year in  
22 June, I believe it was, and he said that he has a  
23 chart of the last 35 years of reactor down time  
24 accumulated during the past four or five actual years  
25 of reactor activity nationwide, and it shows that

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1 about 50 percent of that down time was due to  
2 "materials issues". I would like to get a copy of  
3 that chart. Anyway, I would like a copy of that chart  
4 admitted into the record for this petition.

5 Now I want to go over a couple of historic  
6 documents and books just to show your attitude is  
7 unwarranted because we've been there, done that. In  
8 1987, a book by the Union of Concerned Scientists  
9 states on page 47 that -- it's called "Safety Second."

10 "When the Atomic Energy Act of 1954 was  
11 passed and amended in 1957, a trade-off was made.  
12 Nuclear power was exempted from state and local  
13 regulations by federal exemption of on-site reactor  
14 safety issues. The nuclear industry's liability was  
15 limited, and insurance was provided by the Price  
16 Anderson Act. In exchange, Congress mandated full  
17 open public hearings to resolve safety issues before  
18 each reactor could be licensed."

19 Now as we're re-licensing the reactors for  
20 their 20-40 and even 40-60 year time frames, it is  
21 imperative that there be public input. I have here a  
22 book called "The Anti-Nuclear Handbook", which is  
23 published in 1978 . It states on page 86 as a caption  
24 to a cartoon, "The industry claims that the latest  
25 reactors are built to withstand a crashing plane, but

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1 not a jumbo size airliner, nor a big bomb. As for  
2 reprocessing plants, they are almost totally  
3 unprotected from things falling out of the sky", and  
4 I'll mention that on the same page it mentions that n  
5 the event of hostilities, the first thing you're  
6 probably going to want to do is close the reactors  
7 down.

8 Now we closed down Waterford, I believe,  
9 the reactor was closed because of the hurricane and  
10 several others had to shutdown because they had no one  
11 to take their juice, or nearly shut down. The  
12 reactors are exactly the opposite of what they're  
13 supposed to be in the event of a catastrophe. They're  
14 a liability. We need you to admit that.

15 I have here a book called, "Understanding  
16 Radioactive Waste", Third Edition. This was published  
17 in 1989 by the Patel Memorial Institute. The copy I  
18 have was originally owned by a person from Southern  
19 California Edison, and it says on it, "When no longer  
20 needed, donate to your local library." Well, somehow  
21 it ended up in my library when I bought it at a used  
22 book store. And in the book on page 124, they're  
23 discussing getting the waste out into space as a way  
24 to dispose of it, safely I might add. And it does say  
25 it does have some flaws, which is great cost per pound

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1 of waste, and that there might be accidents.

2 Now listen to this, "Investigations have  
3 been made of the concept illustrated to use a shuttle  
4 like the Columbia to take waste from the earth's  
5 surface to a low orbit around the earth." Well, we all  
6 know what happened to the Columbia. That wasn't too  
7 good an idea, I don't think. And I'm sure I'm running  
8 out of time, so I'll just do one more book.

9 This is called, "A General Account of the  
10 Development of Methods of Using Atomic Energy for  
11 Military Purposes Under the Auspices of the United  
12 States Government 1940-1945 by H.D. Smyth", S-M-Y-T-H.  
13 And here I want to point out how little was known.  
14 This is page 89, Section 7.43, "The properties of  
15 Plutonium. Although we were embarking on a major  
16 enterprise to produce Plutonium, we still have less  
17 than a milligram to study, and still have only limited  
18 familiarity with its properties."

19 Well, we now know that radiation is  
20 hazardous in all potential doses, that there's no  
21 minimum dose. We now know that when 9/11 happened,  
22 you had plenty of warning long before it happened, and  
23 yet it came as a total surprise. It took about two  
24 weeks, but then the NRC had to back off their claims  
25 that Jack mentioned, that the containment domes can

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1 withstand a large airplane crashing through them  
2 because it's well known that they can't, so the  
3 purpose of Pamela's petition is to re-gather the  
4 information that you have already rejected many times,  
5 and perhaps some new information, but it's time to  
6 give it a fair look in light of all the real world  
7 experience we've seen over the past umpteen years  
8 since you stopped listening to anything the public has  
9 to say. Should there be a major accident, a cascading  
10 nuclear catastrophe, for example where one reactor  
11 explodes and causes another reactor explosion and a  
12 spent fuel fire, there's probably going to be calls  
13 for capital punishment of the regulators.

14 Now I think I should stand there with you  
15 because I wasn't able to warn the public of the danger  
16 that is quite obvious to me, but there's going to be  
17 some very upset people if anything goes wrong, and  
18 they're going to have a lot of good reason to be  
19 upset, so what say you?

20 MS. O'BRIEN: Anyway, I think now Sara,  
21 would you like to say something?

22 MS. BARCZAK: Sorry, I had you on a  
23 speaker phone. Pamela?

24 MS. O'BRIEN: Yes. Can you speak a little  
25 louder?

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1 MS. BARCZAK: This is Sara Barczak.

2 MS. O'BRIEN: Can you speak a little  
3 louder, Sara?

4 MS. O'BRIEN: This is Sara Barczak. Can  
5 everyone hear me?

6 MR. HOFFMAN: Yes, I can hear you.

7 CHAIRPERSON BERKOW: We can hear you.

8 MS. BARCZAK: Okay. My apologies if my  
9 tone does not come off very well, but I'm just trying  
10 to project my voice. I have a written statement and  
11 then a couple of quick questions.

12 The Southern Alliance for Clean Energy is  
13 a regional non-profit conservation and energy consumer  
14 organization. We have members throughout the  
15 southeast and have focused on energy policy, including  
16 nuclear issues, for over 20 years. We are  
17 participating in today's conference call regarding  
18 Pamela Blockey O'Brien's 2.206 petition request to the  
19 U.S. NRC to urge the NRC to accept her petition and  
20 begin thorough investigations of the important  
21 concerns posed throughout.

22 Many of the facilities documented in the  
23 2.206 petition are located in the southeast, and we  
24 are concerned about the numerous documented  
25 vulnerabilities that these facilities have had in the

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1 past, continuing to have today, and are likely to have  
2 in the future. SAFCE is very concerned about the  
3 difficult process that a concerned private citizen, in  
4 this case Ms. Blockey O'Brien, is put through by the  
5 NRC when trying to raise genuine health and safety  
6 concerns. Let us not trivialize the possible impact  
7 of not acting or not taking these allegations  
8 seriously.

9 Additionally, the detailed documentation  
10 that is present in Ms. Blockey O'Brien's petition and  
11 her subsequent follow-up to the NRC's lengthy list of  
12 questions from July 22<sup>nd</sup>, 2005, which she responded to  
13 on August 2<sup>nd</sup>, 2005, are substantial. We find it  
14 disappointing that a private citizen is being "run  
15 through the ringer" for raising real health, safety,  
16 and environmental concerns to the very agency that is  
17 supposedly charged with ensuring adequate protection  
18 of public health and safety, as directed in their own  
19 mission statement.

20 Again, we encourage the NRC to accept Ms.  
21 Blockey O'Brien's 2.206 petition, and appreciate in  
22 advance the efforts that NRC Staff will need to put  
23 forward in order to fully address the significant  
24 issues identified. We should all be greatly  
25 appreciative of Ms. Blockey O'Brien tireless efforts

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1 over the years to protect the public, and her ongoing  
2 determination to make sure that the responsible  
3 government agencies are made aware of the problems  
4 that currently face these many nuclear facilities.  
5 And I want to thank you for your consideration.

6 That concludes my formal written  
7 statement, which I will mail to Mr. Holland, as well.  
8 But I had a couple -- this is a process question, so  
9 if Mr. Berkow could reply back, that would be great.  
10 I wanted to know, will the Petition Review Board  
11 identify what is outside of NRC's purview in some kind  
12 of written capacity so that it could be that those  
13 issues could then be addressed or directed to what  
14 other federal agencies you feel that it should go to.  
15 And I'm asking that question just because I know there  
16 is a lot of information in this petition, and though  
17 the NRC is saying some of it may be outside of their  
18 purview, it would be important or helpful to know what  
19 those things are, so the Department of Energy, or EPA,  
20 or whoever else could then use those comments so they  
21 could address that, so that's my question. Will those  
22 items be identified?

23 CHAIRPERSON BERKOW: I'm going to put you  
24 on mute for one moment, if you don't mind.

25 MS. BARCZAK: Sure.

1 MS. O'BRIEN: I'm just waiting. They have  
2 us on mute right now.

3 MR. SHANNON: That's the kind of reception  
4 we all get.

5 MS. O'BRIEN: Yes, it's usually worse.

6 MR. SHANNON: Well, I don't think that  
7 does a thing, frankly. That's my opinion.

8 MS. O'BRIEN: Well, they can probably hear  
9 what we're saying right now, and I don't care,  
10 frankly.

11 MR. SHANNON: I don't care. We had a  
12 situation at the laboratory that I used to work at  
13 before --

14 MS. O'BRIEN: You need to perhaps raise  
15 this when they come back on the line.

16 CHAIRPERSON BERKOW: Okay. We're back on  
17 the line. This is Herb Berkow.

18 MR. SHANNON: Okay.

19 CHAIRPERSON BERKOW: Ms. Barczak, to the  
20 extent that we can in our letter, we will identify  
21 those areas that are outside of our jurisdiction.

22 MS. BARCZAK: Okay. That would be helpful  
23 to see what those are. This is also a process  
24 question, too. When the Petition Review Board  
25 responds back to Ms. O'Brien, will the sections that,

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1 for instance, let's say when we're looking at Plant  
2 Hatch, the allegations specific to Plant Hatch, like  
3 on page 19 of her typed statement, would the NRC  
4 respond back by saying, much like you to do in  
5 environmental impact statements, this issue regarding  
6 the Floridan Aquifer was already addressed by the NRC  
7 in such and such a document? I'm just wondering will  
8 the different allegations be referred to in response.

9 CHAIRPERSON BERKOW: Yes. This is Herb  
10 Berkow. The answer is no, that would be an inordinate  
11 amount of work to address every one of the issues, so  
12 we will just generalize. We will not address each of  
13 the alleged --

14 MS. O'BRIEN: They're not alleged.  
15 They're from the NRC's own documents, Mr. Berkow.

16 CHAIRPERSON BERKOW: Okay.

17 MS. O'BRIEN: In other words, they have  
18 already heard or they are part of the NRC record, and  
19 nothing has been done about the situation. For  
20 example, with Plant Hatch situation, Plant Hatch  
21 already contaminated the groundwater around Plant  
22 Hatch back in 1979, but nothing has been done about  
23 it. It's just contaminated. I mean, these are the  
24 types of things that go on, and then the NRC comes  
25 back with oh, well, we looked at it.

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1 MS. BARCZAK: Well, I would like to raise  
2 a couple of more issues as to why we feel that - this  
3 is Sara Barczak again - why we feel that the Petition  
4 Review Board should accept the petition. And going  
5 through the petition, I think we all agree there's a  
6 tremendous amount of information in here. There's  
7 historical information, which is very well detailed,  
8 bringing up instances like on page 36, where Turkey  
9 Point is discussed, and there's a reference to various  
10 endangered species. And that's done for various  
11 facilities in the petition.

12 I'm very familiar with the Hatch review  
13 process when it went up for re-licensing, and  
14 originally Southern Nuclear had submitted data, for  
15 instance, on the short nose sturgeons from the early  
16 1970s, even though we were talking about a plant that  
17 was undergoing re-licensing 30 years later, and every  
18 fisherman on the coast of Georgia knows that the short  
19 nose sturgeon population is much different than it was  
20 years ago, so this is an overall question on the  
21 endangered species front. I think many of these  
22 facilities where endangered species are addressed in  
23 the petition, it does behoove the NRC to visit those  
24 state agencies, like the Fish and Wildlife Service to  
25 find out what are the updates to those specific

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1 endangered species that are mentioned, that there  
2 could very easily have been a change. Some of them,  
3 hopefully, have been taken off of the endangered  
4 species list, and are recovering, but I'm under the  
5 strong impression that many have not. So even though  
6 the NRC may say okay, during the Hatch re-licensing we  
7 addressed the short nose sturgeon, that doesn't mean  
8 that in the last five years something has not happened  
9 to them.

10 Secondly, on page 38 there was a mention  
11 of emergency diesel generators, back-up generators.  
12 I know at the Waterford Plant right now, and I'm sure  
13 you all know more about what's going on with the  
14 Waterford plant than I do, but when you're looking at  
15 a worse case scenario of what's occurred with Katrina,  
16 how much diesel fuel is on site, is available, how are  
17 they getting more diesel fuel there? I think that is  
18 a newer issue, because of the dramatic impact of  
19 Hurricane Katrina. And I know that this happened  
20 within the last couple of days, so that is not cited  
21 in her petition specifically about Hurricane Katrina,  
22 but it is brought up as concern over diesel  
23 generators, and I would like to say I think that is an  
24 area for the Petition Review Board to look at that as  
25 a possibility of needing further review, and meriting

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1 this 2.206 petition to be addressed.

2 Bringing up Plant Hatch, as I mentioned  
3 earlier, there is a mention on page 19 of Plant  
4 Hatch's use of the Floridan Aquifer, and that is not  
5 for cooling purposes, but since Plant Hatch was re-  
6 licensed, the State of Georgia is undergoing a severe  
7 water management crisis that is the paramount issue  
8 environmentally for Governor Perdue, and we have had  
9 a moratorium on pumping from the Floridan Aquifer.  
10 That has not been addressed, I can guarantee, by the  
11 NRC as to the impacts of the Floridan water use. And  
12 it is not used for critical purposes like cooling, but  
13 there is something to bear in mind there.

14 And then also, decommissioning funds are  
15 mentioned in this petition, as well, the lack thereof.  
16 Page 22 specifically talks about Plant Sequoyah.  
17 There are many other facilities she referenced in her  
18 petition that fall under the same boat as Sequoyah, as  
19 having insufficient decommissioning funds, and the  
20 most recent DAO report that I saw does not show that  
21 those plants' benchmark has changed, so these are just  
22 a sampling of some of the things that I pulled out.  
23 They may not be the most urgent critical issues, but  
24 I can't imagine that the NRC can say every single one  
25 of the issues that is in this petition have been

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1 recently addressed. And I'm just raising that concern  
2 as an organization. I'm also a personal citizen who  
3 is equi-distant from Plant Vogel and Plant Hatch, and  
4 she's just a regular citizen who has put together  
5 quite a bit of documentation. Ultimately, we don't  
6 want anything to go wrong, but I think this is a red  
7 flag, warning signal that for those of us who need to  
8 re-review some of these problematic plants. Here's an  
9 opportunity.

10 I understand it's a tremendous amount of  
11 work for Staff to have to do this, but you are charged  
12 with public health, environment, and safety concerns,  
13 and protection, and I would rather see my tax dollars  
14 going towards you working out some of these very  
15 serious allegations in here than working on the new  
16 licensing procedures for the combined construction and  
17 operating license of several of the facilities that  
18 are getting pursued. And I will conclude with those  
19 items there, and appreciate the opportunity to address  
20 the Petition Review Board.

21 CHAIRPERSON BERKOW: Okay. This is Herb  
22 Berkow. Thank you, Ms. Barczak. We are running out  
23 of time, but let me just make a general comment on  
24 your comments. And thank you for your comments. We  
25 hear them and we understand them.

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1 I would point out that any licensing  
2 action by the NRC or its predecessor, the AEC, whether  
3 it be a new license, a license amendment, or re-  
4 licensing has a licensing process that provides for  
5 public hearings. And issues like this could, and  
6 frequently are, brought up and dispositioned as part  
7 of the public hearing, so it isn't that the public  
8 does not have an input to these things. This 2.206  
9 petition and the Petition Review Board are not the  
10 right place for these issues. There was an  
11 opportunity to address them during the licensing  
12 proceeding, so that's just a general comment.

13 Ms. O'Brien, do you have any other  
14 concluding comments, please?

15 MS. O'BRIEN: Yes, I do. Yes, concerning  
16 what you just said. People went through the dog and  
17 pony show for Plant Hatch re-licensing, and the people  
18 were -- some of them were in tears. You can read the  
19 whole thing, because the NRC did, in essence, what is  
20 happening now; which is say oh, yes, we dispositioned  
21 it. We looked at it. We glanced at it. Yes, it's  
22 okay. And this is what happens all the time, and all  
23 I want to say is you have to take this seriously, and  
24 that means you should have read a lot of the documents  
25 that I read, and should be reading them.

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1           No person who has read this, people who  
2           don't know much about nuclear anything, no person who  
3           has read my petition, not one of them has said oh,  
4           well, that's all right. They have all been absolutely  
5           outraged that this situation is allowed to continue.  
6           And I would have thought that you would listen to  
7           Major Shannon, also when he raises the issue of the  
8           core shrouds. People have been worried about this  
9           issue for years.

10           There are so many problems. These are not  
11           allegations. These are things where you'll come along  
12           and you fix a few bolts here, and you tell them to do  
13           that. When the NRC isn't around, they do what they  
14           want. It is time. You have got to step up to the  
15           plate and say we understand. Enough. We're going to  
16           accept this petition.

17           MR. HOFFMAN: This is Russell Hoffman.  
18           Furthermore, also with reference to your claim that  
19           there are other venues to cover these issues, I have  
20           a letter here from the Office of the Attorney General,  
21           Phil Lockier, State of California, June 29<sup>th</sup>, 2005  
22           addressed to me, in which he states that "the  
23           petitioners seeking to discuss the environmental  
24           impact of dry cask storage at Diablo Canyon,  
25           Intervenors, asked for public hearings and the

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1 opportunity to present testimony, and remarkably, this  
2 is a quote from his letter. "Remarkably, the NRC ruled  
3 that the possibility that an act of terror or sabotage  
4 will be directed against a proposed nuclear facility  
5 is so remote and speculative that it does not warrant  
6 environmental review or public discussion under NEPA.  
7 We argue that the NRC's position is factually at odds  
8 with statements made by the President and the members  
9 of his cabinet, and actions taken by various federal  
10 agencies, including the NRC since September 11<sup>th</sup>,  
11 2001." That's from a letter to me from Bill Lockier.  
12 And you guys aren't giving us any chance to talk, not  
13 now, not ever.

14 MS. O'BRIEN: Anyway, I --

15 MR. SHANNON: I have a comment to make  
16 here relative to what Russ just mentioned.

17 MS. O'BRIEN: This is Major Shannon again.

18 MR. SHANNON: Yes. People talk about  
19 well, terrorists aren't going to attack nuclear power  
20 plants. Well, I don't know where that comes from. If  
21 I were a terrorist, that would be one of the first  
22 things of order on my target list, but as far as  
23 guessing what's going to happen relative to nuclear  
24 power plants, at the Nova Atomic Power Laboratory  
25 where I worked, running one of the plants at high

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1 speed and the water breaks broke. For those of you  
2 who don't know, water break takes the place of the  
3 ocean. It absorbs the energy of the power plant.

4 Of course, when the water breaks broke,  
5 the instrumentation calls for more power to be sent  
6 out because now the thing is spinning out of control.  
7 And in the process of that happening, a number of  
8 steam generator tubes broke. Now plenty more could  
9 have broken, depending on how quickly they could get  
10 this thing shut down. And after it broke, they just  
11 kept continuing to run the plant. After they had  
12 installed a new water break, without finding out why  
13 the water break broke in the first place, the second  
14 water break broke. This thing costs several hundred  
15 millions of dollars, and now they've got another one  
16 installed which is causing the same kind of problems.  
17 They're getting oil, rattling, and rolling. And the  
18 reason I'm bringing this up is because nobody had ever  
19 designed anything for these plants, as to what happen  
20 if a water break broke, so nobody here in your office,  
21 or anybody else in the country can tell me that  
22 terrorists are not going to attack a nuclear power  
23 plant.

24 CHAIRPERSON BERKOW: Major Shannon, excuse  
25 me. This is Herb Berkow again.

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1 MR. SHANNON: Yes.

2 CHAIRPERSON BERKOW: Ms. O'Brien, we're  
3 well beyond the allotted time. Can you please wrap  
4 this up?

5 MR. SHANNON: Pamela, go ahead.

6 MS. O'BRIEN: Okay. Once again, I am  
7 urging you all to accept my petition. There is really  
8 no reason to reject it, none at all. Any sane person  
9 can see that these should be shut down, something  
10 should be done about it. I don't know what else to  
11 say, except I guarantee you that when there is a major  
12 accident or a melt down at one of these facilities, or  
13 a catastrophe happening at Paducah, or at Nuclear Fuel  
14 Services, and all the children in the surrounding  
15 community are trapped and dying, wherever I am, I and  
16 everybody else that I know of, will be out there  
17 holding up my petition, and I hope the Supreme Court  
18 goes after everybody who denied it to the fullest  
19 extent that they can. And that's all I have to say,  
20 because it's obvious, you're just like talking into  
21 the wind.

22 UNIDENTIFIED: There's a cluster of  
23 malfeasance at the NRC, and that's what we're trying  
24 to stop. The only nuclear expert that really matters  
25 is what Mohammed Atta and Osama bin Laden know about

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1 how to destroy nuclear power plants. I think you can  
2 find lots of experts that are equal to them who don't  
3 want it to happen, whom you ought to listen to.

4 CHAIRPERSON BERKOW: Okay. Well, thank  
5 you very much then. We'll terminate the phone call  
6 now. Thank you for participating.

7 MS. O'BRIEN: Okay. Bye-bye.

8 (Off the record.)  
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CERTIFICATE

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

Name of Proceeding: Petition Review Board

2.206 Hearing

Docket Number: n/a

Location: teleconference

were held as herein appears, and that this is the  
original transcript thereof for the file of the United  
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Eileen Jackson  
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