

PRESS RELEASE

San Luis Obispo Mothers for Peace

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For immediate release

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MOTHERS FOR PEACE AND NRC STAFF FACE OFF AT NRC HEARING

San Luis Obispo Mothers for Peace (MFP) today accused the Nuclear Regulatory Commission Staff (NRC Staff) of failing to address the catastrophic land contamination that could result from a terrorist attack on dry cask storage units designed to hold radioactive spent fuel at the Diablo Canyon nuclear plant in California.

In highly unusual oral arguments before the Nuclear Regulatory Commissioners, attorneys for MFP and the NRC Staff faced off on whether the NRC Staff had complied with federal environmental protection laws when it concluded that an attack on the proposed facility would not lead to any significant release of radioactivity. Under questioning by the Commissioners, the NRC Staff admitted that the environmental study it had prepared did not address the consequences of an attack-induced fire and airborne release of cesium gas. The Staff claimed to have assessed this possibility in secret, and to have dismissed it as "too remote and speculative" to consider.

MFP Attorney Diane Curran, assisted by MFP's expert witness, Dr. Gordon Thompson, asserted that the NRC Staff's extreme secrecy was not only illegal, but constituted poor policy. She argued that the NRC must publicly disclose the broad outlines of its environmental impact analysis of an attack on Diablo Canyon in order to ensure the agency's accountability to the public.

MFP spokesperson Jane Swanson from California was present at today's hearing. "The NRC Staff put on blinders in regard to land contamination," according to Ms. Swanson. "It has relied on hidden assumptions, and Mothers for Peace votes 'no confidence'"

MFP has no estimate of when the Nuclear Regulatory Commission will come to a decision. The group is hopeful for a positive decision, but is prepared to seek federal court review if necessary.

BACKGROUND

The precedent-setting case began in 2002, when the NRC refused to evaluate the environmental impacts of an attack on the proposed dry cask facility before issuing a permit to Pacific Gas & Electric Co. (PG&E) to store spent fuel on the site. In 2006, the Ninth Circuit of the U.S. Court of Appeals ordered the NRC to do such a study in

compliance with the National Environmental Policy Act. In response, the NRC Staff produced an extremely abbreviated environmental study, devoting just a few pages to its conclusion that the impacts of an attack would be insignificant. MFP's expert witness, Dr. Gordon Thompson of the Institute for Resource and Security Studies, contends that the agency's technical analysts erred by assuming a cask could be punctured without also recognizing that its contents could be ignited, allowing a large quantity of radioactive cesium and other contaminants to become airborne and transported over a broad geographic area. The resulting damage to public health and the environment would cost billions of dollars.

Today's hearing is unprecedented in that appeals within the NRC are normally heard before an Atomic Safety and Licensing Board, which then reports to the Commissioners. Oral arguments before the Commissioners have not been conducted in at least the past decade.

MFP, an all-volunteer non-profit group, has challenged NRC regulatory practices as applied to Diablo Canyon since 1973, and has litigated issues related to sabotage and terrorism since 1976.

Further background is available at www.mothersforpeace.org.

The Hearing will be available from the NRC webcast archives by July 3. Go to <http://www.nrc.gov/public-involve/public-meetings>, scroll down to the July 1 Diablo Canyon hearing, and click on "Webcast."