

DOCKET

11-IEP-1J

Statement of Ben Davis Jr. Proponent of California Initiative 11-0008, The Nuclear Waste Act of 2011. Docket number 11-IEP-1J "California Nuclear Power Plant Issues"

DATE AUG 03 2011

RECD. AUG 03 2011

This Committee, in providing recommendations to the governor, the legislature, state agencies, and the voters of California, must carefully balance the benefits and risks of nuclear energy. Before the recent nuclear accidents in Japan the nuclear industry, using assumptions of the low probability of such events, were able to minimize public awareness of the worst accidents nuclear plants were capable of. We had been told that what's happening in Japan couldn't happen. Now the same people who told us that are assuring us that it can't happen in California.

These continued assurances come without even a pause to catch their breath. Never do we hear any admission of fallibility. That one doesn't recognize when a mistake has been made does not bode well as a sign of competence.

Any conversation with the nuclear industry, post Japan, should begin with them admitting, "Yes, we recognize we were wrong about all the assurances we have given over the years, assurances that an accident like this, in fact, multiple accidents like these, were so improbable as to be considered impossible. We recognize that those who disagreed were right. We were wrong."

Once their opinion has been thus qualified, should the industry wish to continue, any proceeding statement should begin, "However, that being said, here's why you should believe us, and trust our judgment now, and not those who disagree with us, when we tell you what happened in Japan is to improbable to warrant planning for here..."

As someone who has been saying for many years that the worst-case nuclear accidents should be planned for (see Petitioner's Statement, Rancho Seco Offsite Emergency Response Plan, April 3, 1984, submitted herewith), I see the nuclear industry's lack of complete acknowledgment and recognition that they were wrong as a glaring omission. It demonstrates that the NRC has strayed well beyond its regulatory authority and into promoting the nuclear industry. Nothing demonstrates this clearer than their fast adherence to preserving the 10 mile primary planning zone in the U.S., even while recommending a 50 mile evacuation in Japan.

In order to determine whether the benefits outweigh the risks of nuclear power, two pieces of information are essential. What are the benefits and what are the risks? Yet to date this committee has little information on a worst-case nuclear power plant accident, and has not determined the economic implications of closing the state's nuclear power plants.

In considering the risks, the worst-case nuclear accidents must be understood. These accidents can be divided into those that are accidental and those that are caused on purpose. As probability has proved the ultimate defense of nuclear proponents, the later, sabotage, deserves close consideration. What is the probability of a successful terrorist attack on a nuclear facility as opposed to, for example, an earthquake/tsunami combination? Was the probability of 9/11 greater or lesser than that of the events in Japan?

Though the probability of large scale terrorist attacks may be difficult to quantify, in fact, apparently, the NRC has done just that. The conclusion?-(Again the qualifier "apparently" must be added because studies on terrorist acts against nuclear power plants are classified and not available to the public.)-Apparently, the nuclear industry has concluded that the probability of terrorists being able to cause a worst-case nuclear accident is insignificant- too improbable to warrant the expense of planning for, and too improbable to warrant expanding the 10 mile evacuation zone. (see: Recommendations for Enhancing Reactor Safety in the 21st Century- the near-term task force review of insights from the Fukushima Dai-Ichi accident (U.S. NRC July 12, 2011). The reference is made on page 50, Section 4.3 Emergency Preparedness, paragraph 3. The third sentence of paragraph 3)

Certainly this willingness to suggest that terrorism poses no significant threat highlights the need to consider such questions as: Had the planes used on 9/11 been targeted on nuclear plants, what could have been the result and what radius of planning zone would be required to respond to such an event? Is such an event happening within the life expectancy of existing nuclear power plants a greater or lesser probability than that the current events in Japan were?

If nuclear power is to go forward, the worst that can happen, economically, environmentally and in terms of human life, must be considered and planned for. Only after such consideration can the benefits be weighed with the risks.

However, currently in California, as I attempted to clarify at the hearing, whether there are any benefits to nuclear power has yet to be determined. In my conversations with staff, it was stated that the CEC's only official position on whether rates may go up or down if the state's nuclear power plants were closed, is that it would require more study. This was the only opinion offered after retracting statements that the state had ample energy to replace that currently produced by nuclear power.

However the LAO was able to complete such a study, comparing the risks and benefits of nuclear power, in a mere three weeks. The conclusion?-Nuclear power is safe, economical and the state would go bankrupt without it. If the LAO, with no particular energy background, can accomplish such a conclusive study, without the benefit of any input from the CEC, in such a short time, why is it CEC staff, nearly 6 months after the events in Japan, could not provide any conclusive information on economics for these proceedings?

Ultimately, there is currently no evidence in these proceeding that the benefits of nuclear power in California warrant the risks. Both the CEC staff and the utilities have had ample time and opportunity to supply this information and they have not done so. For the Committee to make any other recommendations, this information is needed first.

Therefore, I respectfully recommend the Committee do the following:

1. A finding should be made that the utilities have provided no credible evidence in these proceedings that the benefits of using nuclear power in California warrant the risks.
2. These proceedings should be continued to determine whether the benefits outweigh the risks.
3. The utilities, having failed to do so thus far, should be given an extended opportunity to demonstrate whether the benefits of nuclear power outweigh the risks in the state.
4. A finding should be made that the risks of nuclear power have been determined to be significantly unknown, and to the extent that they are known, warrant closing the state's nuclear power plants during the process of these proceedings, and unless and until the economic benefits are shown to outweigh the risks in these continued proceedings.
5. CEC staff should be directed to determine as soon as possible if economically feasible alternatives to nuclear power exist in the state.
6. CEC staff should be directed to cooperate with the LAO and other state agencies in determining and balancing the risks and benefits of closing the states nuclear power plants.
7. It should be recommended that the state's nuclear power plants not be allowed to continue to operate until the utilities have demonstrated that emergency plans have been created, and are functioning, based on accidents that include a worst-case nuclear power plant accident, and that the environmental effects of such accidents, and the effects of implementation of the response to such accidents, have been disclosed and considered under the appropriate legal standards.

PETITIONER'S STATEMENT
RANCHO SECO OFFSITE EMERGENCY RESPONSE PLAN
APRIL 3, 1984

The County of Sacramento has proposed an emergency response plan for the Rancho Seco Nuclear Power Plant which is based on the Worst Probable nuclear power plant accident. The petitioner contends that the Worst Possible accident, commonly referred to as a Worst Case Accident, should be the primary focus of the plan.

By planning for the Worst Case Accident the County will have a plan for all accidents that could occur at Rancho Seco. If the County chooses to accept a plan based on the Worst Probable Accident, this will not be the case. In light of this a question that begs asking is, "Why not plan for all possibilities?"

There is only one realistic answer: economics. To plan for the worst possible scenario would be more expensive monetarily. However, to not plan for the worst possible scenario will be more expensive in terms of human life if, in fact, the worst occurs.

No matter how well established the improbability of a Worst Case Accident might be, the fact that it is not being as well planned for as possible is still a matter of balancing economic considerations with human life. That governmental decisions do on occasion balance economics with life bears close examination, and certainly the adoption of the proposed plan would not set a precedent in this area. However, when decisions are made with such inherent compromises, the public's right to know should be a foremost consideration.

Public education is not only important from an ethical viewpoint, but also in terms of practical planning. The response of the County cannot be any more effective than the response of the individuals who reside in the County. In this sense, the County Response Plan will only be effective in coordination with the individual response plans adopted by its one million citizens. Public education is the essential coordinating factor.

The role of public education in any effective emergency response plan cannot be overstated. In the Public Information Zone

EX. D

delineated in the proposed Plan, the need for education is doubly important when considering a Worst Case Accident for two primary reasons: 1) that zone is more likely to be affected by a Worst Case Accident than the Basic Emergency Planning Zone; and 2) public information is the only effective formal response pre-planned for that zone.

The proposed Plan, however, does not adequately plan for a Worst Case Accident effect on Sacramento because the accident is considered improbable. Because of the potentially catastrophic effects a Worst Case Accident could have on Sacramento, the probabilistic study upon which the proposed plan was based deserves close examination.

When considering whether a Worst Case Accident is likely enough to plan for in the City of Sacramento, it should be noted that before the Three Mile Island accident in 1979, none of the serious accident potentials, not even the Most Probable Accidents, were considered probable enough to plan for. It should also be noted that in 1975, before Rancho Seco was granted an operating license, the meltdown accidents being so carefully considered today were claimed to be impossible.

In considering the likelihood of the Worst Case Accident, the most recent State of California study on response to nuclear power plant accidents concluded the probability of occurrence to be one in millions. This statistic, however, does not adequately assess the role of human error in improbable accidents. Human error is not a quantifiable statistic. However, for argument's sake, if the statistic were to be considered plausible, the laws of probability still dictate that the accident is just as likely to occur tomorrow as it is a thousand years from now. In any event, playing roulette with the lives of its citizens is not sound governmental practice.

Finally, when considering probabilistic studies, it is important to note that not all accidents are accidental. One saboteur could render the State's probability study meaningless. A saboteur could not only cause a Worst Possible Accident, but could also predict a probable coincident with Worst Case meteorological conditions.

These considerations demonstrate the need not only for contemplation of, but also for serious planning for, a Worst Case Accident.

Without effective public education, the proposed Plan will not remedy a Worst Case Accident emergency scenario, but will instead serve only as a placebo for an ignorant public. If a Worst Case Accident does occur, the cost of such careless treatment will be paid in human lives.

The Proposed response plan does not reflect the need for thorough public education. On the contrary, had a plan been designed to effectively keep the alarming potential of nuclear accidents out of the public eye, it could not have achieved this goal more effectively than the one which has been proposed. The proposed Plan downplays the Worst Case Accident to the point of insignificance. The proposed Plan has cut public education right out of the proposed Public Education Zone, thereby keeping one million people from an education on nuclear power plant accidents.

Public education is the single most important aspect of County response. It is more important alone than the rest of the Plan combined. Public response is the goal of the Plan, yet there are no provisions for educating the public prior to a serious nuclear accident on how to respond should such an accident occur. The proposed Rancho Seco Offsite Emergency Response Plan should not be approved until this situation is alleviated.

CONCLUSION

In conclusion, the following brief analysis of the County's response to the petitioner's concerns as submitted March 27, 1984, is offered with considered recommendations.

Response #1

The factor determining whether the public education provisions in the proposed Plan are adequate is not whether the County has made an earnest attempt to provide information, as the County's response may suggest. The factor determining whether the public education provisions of the proposed Plan are adequate is whether or not the education provided has in fact prepared the public

for response.

To date, the public is not prepared and there are no provisions in the proposed Plan to adequately prepare the public. The County's future plans in this regard are stated in the proposed Plan in a manner sufficiently vague to defy meaningful analysis.

Response #2

The response stated above regarding public education substantially applies to media education as well. The inadequacy of the rumor control standards is evident in the most recent news coverage of a local nuclear power plant accident. Two days after the recent explosion at Rancho Seco, two Sacramento television news stations and one major newspaper stated that no release of radiation had occurred. The other two television news stations and major newspaper stated that a release had occurred. Similar coverage of a more serious nuclear accident could have catastrophic consequences.

Response #3

The myth of public cooperation during hypothetical nuclear accidents is longstanding. The studies that are offered in an attempt to substantiate this claim are based on too many hypotheticals to be taken for granted.

There is always a risk during any large-scale emergency that emergency instructions will not be followed. In the final analysis public cooperation will depend on public education. The most effective time to provide an education sufficiently thorough to ensure public cooperation is before an emergency, not during one, as the proposed County Plan suggests.

Response #4

The County's contention that the experience acquired in moving large numbers of people at the Jazz festival and at sports events will suffice for a Worst Case Accident at Rancho Seco is not based on sound judgment. It is a case of comparing apples with oranges, or perhaps more precisely, comparing apples with great grey whales.

The County's contention that a "well developed highway system will permit (a) quick exit with a minimum of traffic control"

is equally ill-founded. It is well documented in the State of California's study on nuclear accidents that an evacuation of Sacramento would take days under favorable conditions.

Response to CEQA

The purported categorical exemption is not applicable. First, Resource Code Section 21080(b)(4) applies to ongoing emergencies, not to potential future emergencies. Secondly, Rancho Seco is currently shut down.

Response to Summary

The summary of the meeting with Mayor Ann Rudin is misleading. Exhibits A and B are offered in support of this contention.

Petitioner _____ Date: April 3, 1984