

**Official Transcript of Proceedings**  
**NUCLEAR REGULATORY COMMISSION**

Title:                   Public Meeting to Receive Comments on the  
                          Waste Confidence Draft Generic  
                          Environmental Impact Statement and  
                          Proposed Rule

Docket Number:    NRC-2012-0246

Location:                    Minnetonka, Minnesota

Date:                        Wednesday, December 4, 2013

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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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PUBLIC MEETING TO RECEIVE COMMENTS ON THE WASTE  
CONFIDENCE DRAFT GENERIC ENVIRONMENTAL IMPACT  
STATEMENT AND PROPOSED RULE

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WEDNESDAY

DECEMBER 4, 2013

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MINNETONKA, MINNESOTA

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The Public Meeting convened at the  
Minneapolis Marriott - Southwest, 5801 Opus Parkway,  
at 7:00 p.m., Miriam Juckett, Facilitator, presiding.

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NRC STAFF PRESENT:

ALLAN BARKER, Region III/RSLO

TISON CAMPBELL, OGC

DAVID CYLKOWSKI, OGC

JENNIFER DAVIS, NMSS/WCD

SARAH LOPAS, NMSS/WCD

TIM McCARTIN, NMSS/WCD

KEITH McCONNELL, NMSS/WCD

PAUL MICHALAK, NMSS/WCD

PREMA CHANDRATHIL, Region III/PA

T.R. ROWE, NMSS/WCD

MICHAEL WENTZEL, NMSS/WCD

SUSAN WITTICK, NMSS/WCD

ALSO PRESENT:

FRANCIS "CHIP" CAMERON, Consultant to NRC

MIRIAM JUCKETT, Facilitator

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

7:04 p.m.

1  
2  
3 FACILITATOR JUCKETT: Good evening,  
4 everyone. Welcome to tonight's Nuclear Regulatory  
5 Commission public meeting on the Waste Confidence  
6 Draft Generic Environmental Impact Statement and  
7 proposed rule. My name is Miriam Juckett, and I'll  
8 be serving as your facilitator for this evening's  
9 meeting. Many of you know Chip Cameron. Chip and I  
10 have been facilitating these meetings together, and  
11 this one of our very last meetings. We've got one  
12 more teleconference meeting, so we very much  
13 appreciate that you guys all came out tonight despite  
14 the weather and all the challenges of rescheduling,  
15 and things like that. We appreciate that you're here.

16 I just wanted to quickly go over a few  
17 ground rules and expectations for tonight so that  
18 you'll know what to expect from this evening's  
19 meeting.

20 The objective of tonight's meeting is  
21 for the NRC staff to be able to listen to your  
22 comments on the GEIS, that's the Generic  
23 Environmental Impact Statement and to consider your  
24 recommendations and your comments in the finalization  
25 of this document. In the presentations that you'll

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1 hear tonight we'll give you several different ways  
2 that you'll be able to submit comments, and we do  
3 consider all comments equally. And everything that's  
4 said tonight on the record on the transcript will be  
5 considered equally with written comments and those  
6 received at other public meetings.

7 For our process tonight we'll have a  
8 couple of very brief presentations by a couple of the  
9 NRC staff members, and then we will go to a couple of  
10 questions, if anyone has a quick question that they  
11 want to ask about how the document is going to be  
12 finalized, or how to submit comments. And then we'll  
13 go to the heart of the meeting, which is where we  
14 give you an opportunity to come up here to the  
15 microphone and speak your comments on the record. And  
16 the way that we'll do that is I have a list of the  
17 names of those who have pre-registered and those who  
18 signed up when they came in who would like to speak,  
19 and I'll just call your names one by one. And if you  
20 would, just come on up to the podium and introduce  
21 yourself and your affiliation, and give us your  
22 comments.

23 For our previous meetings we've had a  
24 few more speakers than we will have tonight, so we've  
25 been asking people to stick to a three-minute

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1 guideline. Tonight, since we have a few -- a little  
2 bit lighter crowd, we'll be able to give you a little  
3 bit more time, so if you could stick to about three  
4 to five minutes, that would be great. And we just  
5 want to make sure that everyone does get a chance to  
6 speak who's here.

7           Just a couple of quick housekeeping  
8 items. We have our transcriptionist over here on the  
9 side, our court reporter, who will be taking a  
10 transcript of this evening's meeting. Out in the  
11 foyer we have a number of NRC staff members who are  
12 here to talk to you if you have some technical  
13 questions, or some legal questions about the GEIS or  
14 Proposed Rule. And you're welcome at any time to go  
15 speak with them since the NRC staff here in the room  
16 are here to listen. So, as you're speaking your  
17 comments they won't be responding to the comments,  
18 but you're all welcome to have conversations with  
19 them out in the hallway. And if we do wind up a  
20 little bit early if we run out of speakers and we  
21 still have time left, we'll stay here until 10:00,  
22 and we'll be happy to talk to you.

23           Also, there are feedback forms on your  
24 chairs or chairs near you; if you want to leave us  
25 some comments about how this evening's meeting went,

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1 that would be great. And you can either hand them to  
2 any of the NRC staff members here or mail them.  
3 There's a postage paid stamp on them already.

4 And, also, we want to make sure that  
5 everyone knows that since -- there are probably some  
6 people who you might know that were not able to make  
7 it out tonight because of the roads and things like  
8 that. Please do let them know that we have another  
9 call-in meeting, a teleconference on the 9<sup>th</sup> of this  
10 month, and you're welcome to call in. You're welcome  
11 to call in even if you're here tonight. But if you  
12 know people who couldn't make it, please do let them  
13 know that there is another opportunity to speak  
14 comments on the record.

15 So, I would like to introduce to you the  
16 NRC staff who are here. Our Director of the Waste  
17 Confidence Directorate is Keith McConnell and the  
18 Chief of the Environmental Impact Statement Branch is  
19 Paul Michalak. And in the back we have Tison Campbell  
20 who's one of our attorneys in the Waste Confidence  
21 Directorate. We also have Allan Barker, and in the  
22 back we have Prema Chandrathil, and we have a number  
23 of our NRC staff who are out in the foyer who will be  
24 happy to speak with you tonight.

25 So, again, thank you for coming and I'd

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1 like to turn the meeting over to Keith McConnell who  
2 will be giving our first presentation.

3 MR. McCONNELL: Well, thank you, Miriam.  
4 And as Miriam has indicated, we do appreciate you  
5 coming out tonight. I am the Director of the Waste  
6 Confidence Directorate at the Nuclear Regulatory  
7 Commission, so we in the Directorate do appreciate  
8 your participation in this meeting, as well as any  
9 participation you might take in terms of providing us  
10 written comments, also.

11 As Miriam has indicated, our purpose  
12 here tonight is gather comments on the Draft Generic  
13 Environmental Impact Statement and Proposed Rule for  
14 the continued storage of spent nuclear fuel after the  
15 operating life of a power reactor and before it's  
16 disposed of in a geologic repository. And this, in  
17 the past, has been called the Waste Confidence Rule.  
18 So, that's why you see the slide in terms of -- with  
19 the title "Waste Confidence."

20 These two documents, the Draft Generic  
21 Environmental Impact Statement and the Proposed Rule  
22 are the culmination of our efforts in the Directorate  
23 to respond to the U.S. Court of Appeals from the  
24 District of Columbia's decision to vacate, or void,  
25 the 2010 version of the Waste Confidence Rule, and

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1 remand it back to the NRC staff to fix certain  
2 deficiencies with respect to our impacts analysis  
3 under the National Environmental Policy Act.

4           Given that the purpose of tonight's  
5 meeting is to gather comment from you all, the  
6 members of the public and other interested parties,  
7 what we intend to do is minimize the staff's  
8 presentations to just Paul and I so that we can  
9 maximize the amount of time that is available for you  
10 all to comment. But as Miriam has indicated, what we  
11 have provided for is we do have the technical staff  
12 out in the foyer who are available to answer any  
13 questions you might have.

14           I would note that, given that the  
15 transcriptionist is not out in the foyer area, any  
16 comments or questions you might have out there would  
17 not become part of the public record.

18           I do encourage you, though, to talk to  
19 these technical staff because these are the staff  
20 that have written the draft documents that are before  
21 you now, and will be involved in writing the final  
22 documents, so it's a fairly significant opportunity  
23 to talk to the people that actually are doing the  
24 writing.

25           I do want to take a few minutes and talk

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1 about the NRC's rulemaking process. It's a very  
2 important part of our activities at the Nuclear  
3 Regulatory Commission. It's how we implement national  
4 policy and standards, and it's our vehicle for  
5 achieving the NRC's goals of maintaining public  
6 health and safety, and security, and protecting the  
7 environment.

8 In that regard, I would note that this  
9 meeting tonight is an extremely important part of  
10 that process. It's where you all have the opportunity  
11 to comment on those documents that the staff has  
12 developed and provide those comments to the five  
13 Commissioners that will evaluate the final documents  
14 when we do the analysis of comment and revise the  
15 existing drafts. So, again, I encourage you to  
16 participate tonight, or participate in writing,  
17 whatever form of comment that you would like to make.

18 I also would like to note that this is -  
19 - this meeting tonight and the 11 others that we've  
20 had over the past six weeks or so is just one attempt  
21 that we've made in the Directorate to make this  
22 rulemaking process as open and transparent as  
23 possible. In that regard, we do appreciate those of  
24 you who have in the past participated in the scoping  
25 process back last October and November, and have

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1 followed along during our monthly public status calls  
2 that we held from January through September.

3 I also want to bring to your attention  
4 the fact that the -- in the Proposed Rule, in the  
5 Federal Register for the Proposed Rule, the NRC  
6 Commissioners asked that the public comment on four  
7 specific questions. And those four specific questions  
8 are listed in a handout out in the foyer area. So, it  
9 would be, I think, worthwhile for you to take a look  
10 at those and see if you can provide input on those  
11 questions.

12 By providing a response to those  
13 specific questions or any general comments you have,  
14 it will help us, the NRC staff, to develop the final  
15 documents, and it will be very important for the  
16 Commission to have that information when they make  
17 their final deliberations on what we provide them  
18 probably next summer sometime.

19 So, with that I'll turn it over to Paul,  
20 and Paul will provide some background information on  
21 the Proposed Rule and Draft Generic Environmental  
22 Impact Statement.

23 MR. MICHALAK: Good evening. I'd like to  
24 add to Keith's welcome, and thank you for coming out  
25 tonight. My name is Paul Michalak, and I'm the Branch

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1 Chief of the Environmental Impact Statement Branch in  
2 the Waste Confidence Directorate.

3 At today's meeting, I'll give a brief  
4 history of Waste Confidence, outline key aspects of  
5 the Draft Generic Environmental Impact Statement, and  
6 the Proposed Rule, and explain how you can comment on  
7 these documents. And then we'll get to the public  
8 comment portion, which is really the heart of the  
9 meeting.

10 Waste Confidence accomplishes two  
11 things, it generically addresses the environmental  
12 impacts of continued storage and makes a  
13 determination about the feasibility of safe storage  
14 and the time frame for repository availability. The  
15 Draft Generic Environmental Impact Statement  
16 satisfies part of the Commission's National  
17 Environmental Policy Act obligations for reactor  
18 licensing and re-licensing, and the licensing and re-  
19 licensing of spent fuel storage facilities.

20 The Draft Environmental Impact Statement  
21 also serves as the regulatory basis to support the  
22 Proposed Waste Confidence Rule. The Environmental  
23 Impact Statement and Proposed Rule only cover the  
24 time frame after the license life for reactor  
25 operation. However, it is important to note that the

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1 Proposed Rule on Waste Confidence does not license  
2 any particular site or facility, nor does it allow  
3 for long-term storage of spent fuel at any site.

4 The NRC's history with Waste Confidence  
5 started when the Commission issued the Rule back in  
6 1984. Since then, the Rule has been changed and  
7 updated, most recently in 2010. In 2012, the Rule was  
8 challenged, and the Court of Appeals for the D.C.  
9 Circuit vacated the 2010 Rule. The Court identified  
10 three deficiencies with the Commission's  
11 Environmental Analysis to support the 2010 Waste  
12 Confidence Rule. The Court found that the analysis  
13 didn't evaluate the environmental effects of failing  
14 to secure permanent disposal of the spent nuclear  
15 fuel.

16 It also directed the Commission to  
17 provide a forward-looking assessment of spent fuel  
18 pool leaks, and the environmental consequences of  
19 spent fuel pool fires. The Court did conclude that a  
20 generic approach either with an environmental  
21 assessment or an environmental impact statement would  
22 appropriately address the issues associated with  
23 Waste Confidence.

24 Following the Court's decision, the  
25 Commission directed the staff to prepare an

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1 environmental impact statement evaluating these  
2 issues with the possibility of issuing an updated  
3 Waste Confidence Rule.

4 There are two things that I would like  
5 you to remember. The first is that Waste Confidence  
6 is just a small part of the overall environmental  
7 analysis for reactor or storage facility licensing  
8 and re-licensing. Secondly, the Waste Confidence Rule  
9 does not license any particular facility or authorize  
10 storage after the expiration of a facility's license.

11 The draft Statement describes the  
12 impacts of continuing to store spent nuclear fuel  
13 beyond the license life for operation of a reactor  
14 whether in a spent fuel pool, or at an independent  
15 spent fuel storage installation located either at a  
16 reactor, or at an away-from-reactor site.

17 The draft Statement describes why we're  
18 revisiting Waste Confidence. It discusses  
19 alternatives that were considered. It describes how  
20 the impacts were evaluated. It describes what  
21 facilities are covered and the environmental impacts  
22 of continued storage at reactor sites and away from  
23 reactor sites.

24 It also contains information on the cost  
25 of the alternatives to the rulemaking. It describes

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1 cumulative environmental impacts of continued  
2 storage, and it contains information on the  
3 feasibility of a repository and the feasibility of  
4 safe storage of spent fuel.

5 The draft Statement assessed impacts of  
6 continued storage for three time frames on when a  
7 repository would be available. There was a short-term  
8 time frame, or 60 years beyond the license life for  
9 operation of a reactor. There was a long-term time  
10 frame evaluated, which is 100 years beyond the short  
11 term, or 160 years and an indefinite storage time  
12 frame where no repository becomes available.

13 The draft Statement serves as the  
14 regulatory basis for the Proposed Rule. The Proposed  
15 Rule would generically address the environmental  
16 impacts of continued storage. These impacts would not  
17 be revisited in future site-specific licensing  
18 proceedings unless the NRC discovers something about  
19 the site that would make the application of the  
20 conclusions in the Environmental Impact Statement  
21 inappropriate.

22 The Proposed Rule would revise the  
23 Nuclear Regulatory Commission's regulations,  
24 specifically the citation is Title 10 of the Code of  
25 Federal Regulations, Section 51.23. The Proposed Rule

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1 also states that the analysis supports the  
2 Commission's determination that it is feasible to  
3 safely store spent nuclear fuel following license  
4 life for operation of a reactor. It also states that  
5 it is feasible to have a mined geologic repository  
6 within 60 years following license life for operation  
7 of the reactor. We are specifically seeking comment  
8 on whether the Final Rule should contain these last  
9 two statements.

10 To ensure that your comments are  
11 considered they must be received by December 20,  
12 2013. Mailed comments must be postmarked by December  
13 20<sup>th</sup>. All comments, whether submitted in writing or  
14 provided orally, are considered equally. Of course,  
15 we're here tonight so you can tell us about your  
16 comments on the Generic Environmental Impact  
17 Statement and Proposed Rule. Tonight's comments are  
18 being transcribed and will be considered part of the  
19 record.

20 You can also leave written comments with  
21 the NRC staff located at the registration table, and  
22 we will make sure those comments are added to the  
23 docket. You may also email, fax, or mail your  
24 comments to the NRC. You may also provide comments  
25 using the Federal eRulemaking site which is

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1 www.regulations.gov.

2 That concludes the presentation. I'll  
3 turn the mic back over to Miriam.

4 FACILITATOR JUCKETT: Thank you, Paul. Is  
5 there anyone who has a question about how to submit  
6 comments, or how tonight's meeting will work, or  
7 anything like that that we can clarify for you?

8 (No response.)

9 FACILITATOR JUCKETT: I don't see any, so  
10 let's go ahead and go to the comment portion. And,  
11 again, I'll just call your names one by one, and if  
12 you would come up and speak into the microphone, and  
13 please don't forget to introduce yourself and give us  
14 your affiliation.

15 I'd like to open tonight with Ron  
16 Johnson of the Prairie Island Indian Community,  
17 followed by Ralph Rauterkus of City of Red Wing, and  
18 then Phil Mahowald of Prairie Island Indian  
19 Community. This is Ron.

20 MR. JOHNSON: Good evening. My name is  
21 Ron Johnson, and I'm here on behalf of the Prairie  
22 Island Indian Community Tribal Council.

23 We want to take this opportunity to  
24 thank the NRC for scheduling this meeting in  
25 Minnesota to take comments for the Waste Confidence

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1 Draft Generic Environmental Impact Statement.

2 Like everyone here today, I care deeply  
3 about our community, state, and nation. I've served  
4 Prairie Island Indian Community as an elected  
5 official for more than 12 years, and have seen  
6 firsthand the impact of the failed nuclear policy on  
7 our people.

8 Our reservation is right next door to  
9 Prairie Island Nuclear Generating Plant. It's  
10 independent spent fuel storage installation is about  
11 600 yards from the nearest tribal member's home, less  
12 than a mile from our clinic, community center, elder  
13 education, gaming operation, and government offices.

14 Our tribal council chamber overlooks the  
15 nuclear plant. One afternoon, someone in a meeting  
16 would look at me and say, "Ron, why do you always sit  
17 on the opposite side looking out the windows here?"  
18 And, you know, I had to think about it for a minute,  
19 and it kind of occurred to me I always watch the  
20 plant. And I'm not looking for scenery or anything,  
21 but I do, I keep an eye on the plant, and that's what  
22 I do. And that's part of my position that I do, you  
23 know. And it's not the, you know -- to make sure that  
24 things are okay and everything for the safety of the  
25 community. But then out of concern for the family and

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1 the community here, that's why I encourage the people  
2 of Minnesota and beyond that that I'm compelled to be  
3 here. So, you know, it's part of what we do.

4 This past summer, I also participated in  
5 a radiation exposure conference in Japan that  
6 included an onsite tour of the Fukushima Daiichi  
7 facility. I've seen firsthand what happens when  
8 design basis isn't enough, when multiple supposedly  
9 redundant backups, safety systems, fail. I've seen  
10 the devastation and driven to the abandoned villages.  
11 My worst fear, and the worst fear of our people is  
12 that we will be forced to abandon our homeland  
13 because of an incident at the plant. And to be honest  
14 with you, my biggest concern isn't with the plant  
15 operations, it's with the nuclear waste packed into  
16 the spent fuel pools and the stored aboveground dry  
17 casks less than a half mile from our lower Island  
18 residential area.

19 That's why our tribe has been actively  
20 involved in the Waste Confidence activities. We  
21 joined a Coalition of States in a successful  
22 challenge last year to the Waste Confidence Decision  
23 and temporary storage rule in the United States Court  
24 of Appeals for the District Court of Columbia. That  
25 successful challenge is why the NRC prepared the

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1 Waste Confidence Draft Generic Environmental Impact  
2 Statement, and why we're all here today.

3 I'm proud of our Tribe's efforts to go  
4 forth with this. I'm also thankful for the invitation  
5 from the State of New York to join into this  
6 challenge. I'd also like to take this time to  
7 encourage the State of Minnesota to also get  
8 involved.

9 Our nation's Nuclear Waste Policy Act is  
10 a complete failure. The defects of the Nuclear Waste  
11 Policy Act were first exposed when the 1998 deadline  
12 for the removing of nuclear waste to a permanent  
13 repository came and went. More than 15 years later,  
14 that's still the law of the land, but now it's simply  
15 being ignored.

16 We cannot accept a newly revised Waste  
17 Confidence regulation that continues the fraud of  
18 this failed Federal policy, not for our generations,  
19 and certainly not for our next seven generations of  
20 our people, indeed, of all Americans who will be the  
21 first left to face the consequences of our nation's  
22 broken promises.

23 As a Mdewakanton Dakota, we use the term  
24 seven generations to refer to a length of time and  
25 the success of generations of our people who can be

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1 affected by our actions today, but nuclear waste is  
2 more than a seven generation problem. Some of the  
3 most dangerous and toxic substances known to mankind,  
4 spent nuclear fuel, must be isolated from the  
5 environment for tens of thousands of years.

6 As Dakota people, we know how the world  
7 can change in 100 years. Just last year we  
8 commemorated the 150-year anniversary of the Dakota  
9 Conflict. The Dakota ceded the first tract of land in  
10 what is now the State of Minnesota in 1805; 208 years  
11 later our land base is reduced to just 3,000 acres,  
12 and our reservation is along the flood plain of the  
13 Mississippi River. And the Federal government thinks  
14 it can make a 10,000-year promise to deal with  
15 nuclear waste.

16 The Draft Generic Environmental Impact  
17 Statement has many flaws. It seeks to analyze severe  
18 consequences and potential environmental and health  
19 impacts generically for all facilities. This makes no  
20 sense. We're not aware of another tribal nation whose  
21 entire reservation homeland could be rendered  
22 uninhabitable by a spent fuel accident.

23 The NRC must conduct a site-specific  
24 analysis of environmental impacts. The Prairie Island  
25 Indian Community appreciates the opportunity to be

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1 here tonight. We do have some additional comments to  
2 make, and will submit additional written comments  
3 during the comment period. Thank you.

4 FACILITATOR JUCKETT: Thank you. Is Ralph  
5 here? Great.

6 MR. RAUTERKUS: Good evening. My name is  
7 Ralph Rauterkus. I'm the Vice President of the Red  
8 Wing City Council. I'm here tonight representing the  
9 City of Red Wing, Minnesota, which is the host  
10 community to the Prairie Island Nuclear Generating  
11 Plant which is operated by Northern States Power, or  
12 better known as Xcel Energy.

13 At the outset, I would like to thank  
14 you, the representatives of the NRC, for being here  
15 tonight and affording the city and other interested  
16 parties the opportunity to publically state certain  
17 comments and concerns that we have with respect to  
18 the Generic Environmental Impact Statement.

19 As I stated, the city is the host  
20 community to the Prairie Island Nuclear Generating  
21 Plant. Prairie Island is a dual reactor that is  
22 located literally within the city's boundaries. Next  
23 to it is the Prairie Island Indian Community. Ron,  
24 thank you. Our neighbors who I know share many of the  
25 same concerns we have in the city regarding the spent

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1 fuel that has accumulated since the plant started  
2 operating in 1973.

3 The city as the host community is the  
4 first responder to any incidents at the facility. The  
5 city is obligated to maintain the necessary police,  
6 fire, and other emergency personnel, equipment, and  
7 facilities to respond in a timely and meaningful  
8 fashion. The city is obligated under the NRC and the  
9 State of Minnesota regulations to provide reasonable  
10 assurance that it can meet the emergency preparedness  
11 plan for the Prairie Island Plant, and accompanying  
12 independent spent fuel storage systems.

13 The city as a host community is the  
14 recipient of certain tax payments from Xcel Energy  
15 that are used to pay for a portion of the necessary  
16 public safety services required to satisfy the  
17 emergency preparedness plan.

18 While I'm not going to go into the  
19 detail tonight about those taxes, suffice it to say  
20 that those have declined greatly over the years. In  
21 fact, since 1995 there has been a dramatic shift in  
22 the tax base from the power plant to other tax payers  
23 in the Red Wing community.

24 Since the plant started operations in  
25 1973, there has not been one used fuel assembly that

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1 has left the city's boundaries. Every single spent  
2 fuel rod or fuel rod assembly is located either in  
3 the spent fuel pool or the casks stored next to the  
4 power plant. As of today, there are approximately 40  
5 casks that store spent fuel assemblies, and it is  
6 anticipated at the end of the plant's operations  
7 there will be well over 100 casks that will store the  
8 spent fuel assemblies and any additional waste from  
9 decommissioning that cannot be properly disposed of.

10 The continued storage of spent fuel  
11 outside the Prairie Island Plant is not something the  
12 city or even Xcel bargained for, and they will  
13 continue to remain there despite the best efforts of  
14 many people without any plausible plan for removal.  
15 This is a far-reaching effect that is literally  
16 impossible to quantify. It impacts the city and the  
17 citizens on every level, and will continue to do so  
18 until these casks are removed and the land is  
19 restored to its natural habitat. To continue storage  
20 now and after operations will have a chilling effect  
21 on the city and its long-term urban planning and  
22 growth.

23 At the outset, the GEIS needs to be  
24 refocused to separate from a Waste Confidence  
25 standpoint the continued operations of the nuclear

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1 power plant from the waste storage. The purpose of  
2 the Waste Confidence Rule is to provide a benchmark  
3 for the time that the NRC believes the spent fuel can  
4 be safely stored.

5 Assuming that the storage is in dry  
6 casks, which the GEIS does, the identifiable time  
7 frame that has been selected by the NRC is 100 years;  
8 that is, spent fuel can be safely stored for a period  
9 of 100 years before a cask has to be replaced. This  
10 time frame does not take into account any information  
11 from the manufacturer, such as its declarations of  
12 warranty or useful life of the cask.

13 Despite this determination, the GEIS and  
14 the Waste Confidence Rule upon which it is based uses  
15 as a starting mark the date the plant ceases  
16 operations. There is no accounting for the many casks  
17 that have been loaded and are sitting for years,  
18 indeed decades before the plant operations cease. It  
19 would be more appropriate, therefore, for the GEIS to  
20 separate operations from storage and focus solely on  
21 storage since, after all, that is the reason for the  
22 existence of it in the first place. In other words,  
23 the statement from the NRC for the confidence in  
24 storage should run from the date that the spent fuel  
25 is put into a cask, not the date that the plant that

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1 has generated that spent fuel ceases operations.

2 I'd like to make three other  
3 observations regarding the GEIS, and in making these  
4 observations I would like to note that the city does  
5 intend to submit more detailed written comments in a  
6 timely fashion. However, given the limited time I  
7 have here tonight, it is impossible to address all of  
8 these comments. Thus, I will only focus on three  
9 issues.

10 First, regarding emergency preparedness,  
11 the NRC has chosen to not include that within the  
12 scope of the GEIS. The city believes that this is a  
13 mistake. The key factor in any environmental impact  
14 statement is to examine the ability to mitigate any  
15 potential release or harm that may arise from the  
16 activity that is being examined. One of the primary  
17 ways mitigation occurs is through emergency  
18 preparedness and the response in the event of any  
19 incident.

20 The purpose of a response is not to only  
21 mitigate, but also to contain and perhaps prohibit  
22 any further damage from any release, or a threatened  
23 release. It should be noted that for any operation of  
24 an ISFSI, that there is requirement that there be in  
25 place an emergency response plan; yet, this is found

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1 nowhere within the GEIS. Instead, the GEIS simply  
2 relies upon the robust characteristics of the  
3 containment vessels themselves, whether that be a  
4 pool or dry cask storage.

5 Without emergency preparedness, an  
6 analysis of mitigation and containment in the event  
7 of a release or escape from a containment vessel, the  
8 GEIS fails. It must be part of the GEIS in order to  
9 be a fair and complete evaluation to be provided.

10 The second issue, the GEIS in numerous  
11 spots references taxes, and how there will be a  
12 continued socioeconomic benefit arising from  
13 continued storage. This statement is a phantom and  
14 does not take into account the continued obligation  
15 of a whole city like Red Wing to maintain the  
16 necessary public safety services to meet the  
17 emergency preparedness to respond to a release or a  
18 threatened release. Indeed, in Section 3.2.2, the  
19 GEIS cites a number of different of examples of  
20 reductions in and taxes from operations to a storage  
21 facility alone. This precipitous drop is something  
22 similar that the city is looking at when the Prairie  
23 Island Plant ceases operations. Yet, as stated  
24 before, the city as a first responder is still going  
25 to be held responsible for ensuring that it has the

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1 necessary preparedness to respond to an incident.  
2 This area of the GEIS must be further developed and  
3 addressed.

4 Finally, the third issue, the GEIS  
5 assumes that there is going to be institutional  
6 control or a longevity to ensure that all of the  
7 obligations associated with the spent fuel left  
8 behind are met. The underlying assumption of  
9 institutional control is that there will be  
10 appropriate funds to insure that these activities of  
11 inspection, maintenance, repair, and replacement are  
12 taken care of. Yet, nowhere does the GEIS indicate  
13 where these funds are, or how they will be provided.

14 This assumption that the funds will be  
15 available at some far future date without actual  
16 verification of their existence today represents  
17 potentially an intergenerational shift. Those whom  
18 receive the benefits of the low-cost electricity from  
19 nuclear power will not be obligated for the byproduct  
20 of the same. Rather, the cost will be shifted onto  
21 the next generation, two, three, or four, or as Ron  
22 says, seven, to that it is properly stored and  
23 disposed of. Sharing this burden and responsibility  
24 as a host city like Red Wing, whose residents many  
25 generations down the line will still have the

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1 obligation to maintain emergency preparedness. In the  
2 event that there is failure of institutional control,  
3 pick up the burden themselves.

4 The assumption of institutional control,  
5 or better yet, financing or money to pay for the  
6 storage over the periods of time analyzed in the GEIS  
7 is simply too important to assume. The GEIS, or  
8 better, the NRC should not assume that this is the  
9 case, but rather to start to require that power  
10 companies and other generators of spent fuel to  
11 create a reserve separate from the decommissioning  
12 fund to ensure that there is sufficient resources to  
13 meet these obligations.

14 Again, I want to thank you here at the  
15 NRC for all your work, and for putting together the  
16 GEIS, for taking into consideration the comments of  
17 Red Wing and the others here. On behalf of the City  
18 of Red Wing and the citizens, we look forward to  
19 continuing to work with the NRC to address these  
20 important issues in a meaningful way. Thank you.

21 FACILITATOR JUCKETT: Thank you. If we  
22 can next go to Phil, and then after that we'll go to  
23 Wally Taylor, and then Terry Pickens.

24 MR. MAHOWALD: Good evening. My name is  
25 Phil Mahowald. I'm General Counsel for the Prairie

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1 Island Indian Community. I've had the privilege of  
2 representing the tribe in the proceedings before the  
3 D.C. Circuit Court of Appeals, as well as before the  
4 NRC, the Atomic Safety and Licensing Board, as well  
5 as the Minnesota Public Utilities Commission. I have  
6 a few more comments to add to those already provided  
7 by tribal council secretary, Ron Johnson.

8 The U.S. Court of Appeals for the  
9 District of Columbia Circuit rejected the NRC's 2010  
10 proposed Waste Confidence Decision and Temporary  
11 Storage Rule because they were based on the hope, the  
12 assumption that nuclear waste would eventually be  
13 removed to a permanent repository. The Circuit Court  
14 remanded to the NRC with a directive to consider the  
15 possibility that a permanent repository never becomes  
16 available, and to analyze the potential environmental  
17 impacts of long-term onsite storage.

18 The Draft Generic Environmental Impact  
19 Statement sidesteps the Circuit Court directed  
20 analysis with several assumptions, including an  
21 assumption that the spent fuel storage installation  
22 will be rebuilt, and that every cask will be reloaded  
23 every 100 years. In other words, the NRC purports to  
24 analyze the potential impacts of long-term onsite  
25 storage of spent nuclear fuel by assuming that there

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1 will be no long-term onsite storage of spent nuclear  
2 fuel.

3           The uncertainties associated with the  
4 long-term storage high-burnup fuel are simply wished  
5 away. There are known documented problems associated  
6 with high-burnup fuel. The NRC has yet to determine  
7 precisely how to monitor those effects during the  
8 extended storage periods contemplated in the Draft  
9 Generic Environmental Impact Statement. But, yet,  
10 we're told that there's no need to worry about cask  
11 and cladding degradation or the embrittlement of fuel  
12 assemblies and internal cask components because the  
13 casks will simply be reloaded every 100 years.

14           The Draft Environmental Impact Statement  
15 simply raises more questions than it answers. What is  
16 the legal and factual basis for the NRC's assumptions  
17 that the casks will be reloaded every 100 years?  
18 Considering that the operating licenses for many  
19 plants, including the plant at Prairie Island will  
20 expire in 20 years, how do we know that the utilities  
21 will even be around in 100 years? What if the United  
22 States Government reneges on its promise and fails to  
23 rebuild the casks, rebuild the ISFSIs and to reload  
24 the casks every 100 years? What are the effects of  
25 high-burnup fuel on fuel rod cladding and fuel

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1 assemblies over 100 years, over 200 years, over 300  
2 years? What are the effects of high-burnup fuel on  
3 the internal dry cask components themselves, the  
4 baskets and the separators, again, over 100 years,  
5 over 200 years, over 300 years? We don't know. And  
6 who's going to pay for this monumental construction  
7 and engineering activity every 100 years?

8 One month ago today Xcel testified in  
9 its Minnesota Public Utilities Commission rate case  
10 that its installed per cask cost at Prairie Island is  
11 \$5.96 million, \$5.96 million per cask, which includes  
12 the cost for cask fabrication, loading, and licensing  
13 cost. That's \$372 million in today's dollars for the  
14 63 additional casks that will be needed to store all  
15 of the waste generated during the PINGP's next 20-  
16 year license extension. And that would amount to  
17 another \$584 million in today's dollars to reload all  
18 98 casks in 100 years.

19 The plant is only licensed to operate  
20 another 20 years. Have these costs been factored into  
21 Xcel's rates? Have these costs been factored into the  
22 plant's decommissioning cost?

23 Nationwide at the end of 2011, the  
24 United States commercial spent nuclear fuel inventory  
25 had reached about 224,000 fuel assemblies. I'm going

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1 to make my own assumptions. I'm not an economist so  
2 they're a little bit rough, but I think it gives you  
3 a sense of what we're talking about. I'm going to use  
4 the Prairie Island model for these assumptions.

5 So, assuming 40 assemblies per cask,  
6 that amounts to about 6,000 casks. And I'm further  
7 going to assume that Xcel's per-cask cost at \$5.96  
8 million can be multiplied by those casks, so we're  
9 talking about \$33.6 billion in today's dollars to  
10 reload those casks. Who knows what the cost will be  
11 in 100 years? But looking back 100 years, \$33.6  
12 billion in 1913 dollars would cost \$794 billion  
13 today. And that's just for the first 100-year  
14 replacement.

15 On what basis can the NRC assume that  
16 utilities will pay these costs? Have these costs been  
17 factored into the rates for all nuclear power plants  
18 around the country? And on what basis can the NRC  
19 assume that the United States Government, already  
20 more than \$17 trillion in debt, will expend or be  
21 able to expend these incredible sums every 100 years?

22 We certainly don't envy the NRC staff.  
23 They've been given the impossible task of drafting  
24 the Waste Confidence regulations for our nation's  
25 failed nuclear waste policy. The District of Columbia

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1 Circuit Court of Appeals struck down the NRC's last  
2 revision because it was based on hope and not fact.  
3 Unfortunately, the Draft Environmental Impact  
4 Statement fails for the same reasons.

5 Once again, the Prairie Island Indian  
6 Community appreciates the opportunity to make these  
7 comments, and we will submit additional written  
8 comments during the comment period. Thank you.

9 FACILITATOR JUCKETT: Thank you. Next  
10 let's go to Wally Taylor, followed by Terry Pickens.

11 MR. TAYLOR: Good evening. My name is  
12 Wally Taylor. I'm an attorney from Cedar Rapids,  
13 Iowa, and I'm speaking on behalf of the Sierra Club.  
14 The Sierra Club is the nation's largest grassroots  
15 environmental organization with over 600,000 members.  
16 The Sierra Club supports sustainable energy  
17 alternatives that do not harm the environment.

18 The Sierra Club opposes nuclear power  
19 because its fuel cycle from uranium mining to spent  
20 radioactive fuel poses grave dangers to the  
21 environment. In addition, reliance on nuclear power  
22 unjustifiably delays the beneficial transition to  
23 clean and renewable energy.

24 We believe the DGEIS in this case fails  
25 to evaluate an important alternative that must be

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1 considered in the analysis of environmental impacts  
2 of radioactive spent nuclear fuel. That alternative  
3 is to stop licensing any new nuclear reactors and  
4 decommissioning all existing reactors so we are not  
5 creating any more radioactive waste. To put it in  
6 more colorful terms, perhaps, when you've dug  
7 yourself into a hole the first thing to do is stop  
8 digging.

9           The important point to be understood,  
10 also, is that the Waste Confidence decision and rule  
11 are an integral part of the licensing process of  
12 nuclear reactors. Statutes, rules, and court  
13 decisions have said that an EIS must discuss  
14 reasonable alternatives to the proposed action. The  
15 alternatives analysis is the heart of the  
16 Environmental Impact Statement. NEPA demands that the  
17 agency rigorously explore and objectively evaluate  
18 all reasonable alternatives so the agency can sharply  
19 define the issues and provide a clear basis for  
20 choice among options by the decision maker and the  
21 public.

22           The existence of a viable but unexamined  
23 alternative renders the Environmental Impact  
24 Statement inadequate. The main point of examining  
25 alternatives is to avoid environmental harm, so even

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1 if an alternative might be superior in non-  
2 environmental terms, an alternative can be reasonable  
3 if it avoids the environmental harm better than  
4 another alternative.

5           Radioactive waste in the form of spent  
6 fuel is a dangerous long-term problem. The D.C.  
7 Circuit Court decision we've been discussing here  
8 this evening described it as follows. "Even though it  
9 is no longer useful for nuclear power, spent nuclear  
10 fuel poses a dangerous long-term health and  
11 environmental risk. It will remain dangerous for time  
12 spans seemingly beyond human comprehension." The  
13 growing volume of spent nuclear fuel which may reach  
14 150,000 metric tons by the year 2050 is a serious  
15 problem. It is clear that no one really knows what to  
16 do with the waste. That's the dilemma that the NRC  
17 finds itself in, the hole that you've dug yourself  
18 in.

19           "The delay in finding a permanent  
20 repository," said the Circuit Court again, "has  
21 required plants to expand storage pools, and to pack  
22 spent nuclear fuel more densely within them. The lack  
23 of progress on a permanent repository has caused  
24 considerable uncertainty regarding the environmental  
25 effects of temporary spent nuclear fuel storage and

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1 the reasonableness of continuing to license and  
2 relicense nuclear reactors."

3 In addition, the Blue Ribbon Commission  
4 on America's Nuclear Future has said that we may  
5 already be at a point where more than one permanent  
6 repository is necessary. If we keep making more  
7 nuclear waste, how many repositories are we going to  
8 need that we'll never have a place for, and can never  
9 solve the problem.

10 The Sierra Club and others commented  
11 during the scoping process for this DGEIS that the  
12 DGEIS must consider the alternative of stopping the  
13 production of any more radioactive waste, but the  
14 DGEIS has eliminated this proposed alternative from  
15 consideration. In eliminating this alternative, the  
16 DGEIS posits three arguments in support of the  
17 decision to eliminate this alternative.

18 First, the DGEIS claims that the  
19 cessation of licensing and operation of nuclear  
20 reactors would not satisfy the stated purpose and  
21 need for the DGEIS. This argument is without merit  
22 for several reasons. First, the purpose and need as  
23 contemplated by NEPA is the purpose and need for the  
24 proposed Federal action, not the purpose and need of  
25 the EIS. The proposed Federal action in this case is

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1 the promulgation of the Waste Confidence Rule, not  
2 the issuance of the DGEIS.

3 Therefore, the purpose and need for the  
4 Federal action is to promulgate a rule that ensures  
5 that reactors are licensed so as not to be inimical  
6 to public health as the statute requires, and that  
7 there is reasonable assurance that the activities  
8 authorized by the operating license can be conducted  
9 without endangering the health and safety of the  
10 public according to your own regulations.

11 Because radioactive spent fuel is  
12 extremely dangerous and no one knows what to do with  
13 it, the purpose and need for the Waste Confidence  
14 Rule must include the alternative of making no more  
15 radioactive waste.

16 The NRC's next argument in its attempt  
17 to avoid considering the alternative of terminating  
18 licensing and reactor operation is that the Atomic  
19 Energy Act requires the NRC to license nuclear  
20 reactors unless there is a threat to public health  
21 and safety, but as presented by the NRC this is a  
22 circular argument. The NRC states that it already has  
23 regulations in place to provide reasonable assurance  
24 of public health and safety, and consideration of the  
25 environment, but the regulation allegedly providing

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1 this assurance is the Waste Confidence Rule, which is  
2 the rule that's being amended and evaluated by the  
3 DGEIS. Therefore, the NRC's argument is circular and  
4 self-serving.

5 It's important to note that the NRC has  
6 the authority to stop licensing or relicensing  
7 plants, and also to revoke the license of reactors  
8 already licensed and relicensed. 10 CFR Section 100  
9 authorizes the NRC to revoke a license for conditions  
10 which would warrant the Commission to refuse to grant  
11 a license for an original application, and that would  
12 include any reason that would make it inimical to  
13 public health or that there's no assurance that the  
14 activities authorized will not endanger the public  
15 health, safety, and the environment.

16 The third claim by the NRC to avoid  
17 examining this alternative is to say that the  
18 cessation of reactor licensing and operations would  
19 prevent the production of radioactive waste. Other  
20 environmental impacts could result from the required  
21 development of alternative power sources, or demand  
22 reductions. Significantly, however, the NRC does not  
23 even hint at what those other environmental impacts  
24 might be, that would still be there if nuclear plants  
25 are shut down. The NRC should still be considering

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1 how to mitigate the environmental impact of there  
2 being no solution to the storage of even more waste.

3 In discussing the alternative of  
4 discontinuing production of spent fuel, the EIS  
5 should consider how renewable energy can replace  
6 whatever current or future energy needs would have  
7 been supplied by nuclear power if nuclear power is  
8 discontinued as an energy source.

9 Numerous studies have shown that  
10 renewable energy sources combined with a  
11 comprehensive transmission and distribution grid will  
12 provide all the power that we need in this country if  
13 we just put our minds to it.

14 The electric utilities and energy  
15 companies assert that in order to provide baseload  
16 power, they have to use coal, natural gas, or nuclear  
17 power. But baseload as viewed by the utilities and  
18 power companies is an outdated concept. They are  
19 stuck with a narrow view of the electric power coming  
20 from power plants, but rather than referring to the  
21 term baseload we're really talking about energy and  
22 capacity. Energy is the total amount of electricity  
23 that is being supplied to consumers. Capacity is the  
24 highest level of electricity that can be supplied at  
25 any one time to meet peak demand.

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1 Renewable energy can meet the energy and  
2 capacity demands of this country if we supply a  
3 transmission grid that will allow the energy to be  
4 transferred and consumed when and where it is needed.  
5 Those steps are being taken already. Many companies  
6 and utilities are installing wind and solar, they're  
7 installing transmission lines, and that's ongoing  
8 right now sooner than any new nuclear plant could be  
9 online and at a much lower cost.

10 So, for all those reasons, we believe  
11 that the DGEIS in this case should thoroughly examine  
12 the alternative of making no more nuclear waste. And  
13 the Sierra Club will be submitting more detailed  
14 written comments before the end of the comment  
15 period. Thank you.

16 FACILITATOR JUCKETT: Thank you. Next can  
17 we go to Terry Pickens.

18 (Applause.)

19 FACILITATOR JUCKETT: Following Terry,  
20 we'll go to Lea Foushee and George Crocker.

21 MR. PICKENS: Good evening. My name is  
22 Terry Pickens. I'm Xcel Energy's Director of Nuclear  
23 Regulatory Policy. Xcel Energy would like to thank  
24 the Nuclear Regulatory Commission for holding these  
25 public meetings and for the important work it has

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1 done in the area of Waste Confidence.

2 It is important because nuclear energy  
3 plays a vital role in meeting the nation's and  
4 Minnesota's energy needs, electricity needs. With the  
5 diversity of supply providing balance, flexibility,  
6 and protection from price volatility, Xcel Energy is  
7 among the nation's leaders in delivering affordable,  
8 reliable, and clean energy to residents and  
9 businesses in Minnesota.

10 Our Prairie Island and Monticello  
11 Nuclear Plants provide a steady baseload of carbon-  
12 free energy and play an important role in our ability  
13 to meet our customer's needs.

14 In Xcel Energy's Upper Midwest Service  
15 Territory which includes customers in Minnesota,  
16 Wisconsin, North Dakota, South Dakota, and Michigan,  
17 our nuclear generating plants have safely and  
18 reliably produced clean energy for our customers for  
19 more than 40 years. In 2012, they generated nearly 30  
20 percent of the total electric energy used by our  
21 customers and produced 60 percent of the carbon-free  
22 energy that we provide our customers.

23 We believe that the United States must  
24 effectively, efficiently, and safely manage the  
25 byproducts associated with the use of nuclear energy,

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1 and the Federal action is long overdue.

2 The Federal government is required by  
3 contract and law to remove used fuel from our plant  
4 sites in Minnesota, and we are committed to working  
5 with the Prairie Island Indian Community, the cities  
6 of Red Wing and Monticello, the counties of Goodhue,  
7 Sherburne, and Wright, and our State and Federal  
8 legislators and regulators to see that this is  
9 accomplished.

10 Having confidence that the Federal  
11 government will live up to its commitment to safely  
12 manage and dispose of used nuclear fuel generated at  
13 commercial nuclear power plants is essential to our  
14 energy security.

15 The NRC correctly concluded that it is  
16 feasible to have a mined geologic repository  
17 available within 60 years after the licensed  
18 operating life of a nuclear power plant. There are no  
19 technical obstacles to achieving this, nor are there  
20 any financial obstacles. Xcel Energy's customers have  
21 paid more than \$400 million into the Nuclear Waste  
22 Fund, and along with payments from customers of other  
23 U.S. nuclear power plants, have accrued a balance in  
24 the Nuclear Waste Fund of more than \$26 billion.

25 There is strong international scientific

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1 consensus that geologic disposal is the best solution  
2 to permanently isolate used nuclear fuel from the  
3 public and the environment. Studies by the National  
4 Academy of Sciences and the International Atomic  
5 Energy Agency have confirmed this conclusion.

6 Sweden and Finland are developing  
7 geologic disposal facilities, and are expected to  
8 begin disposal of their used fuel by the early 2020s.  
9 France has selected and characterized a geologic  
10 region and is working to identify a site. Belgium,  
11 China, and the United Kingdom plan to start geologic  
12 disposal by 2050. The United States made significant  
13 progress towards geologic disposal. The Department of  
14 Energy documented its safety case in a license  
15 application and Final Environmental Impact Statement  
16 submitted to the Nuclear Regulatory Commission in  
17 2008.

18 From 2008 to 2010, the NRC conducted an  
19 exhaustive review of these documents and sent the  
20 Department of Energy more than 600 detailed  
21 scientific and technical questions. DOE answered all  
22 these questions to the NRC's satisfaction, and the  
23 NRC was preparing its safety evaluation report when  
24 the process was stopped in 2010.

25 President Obama then appointed a Blue

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1 Ribbon Commission to examine nuclear waste management  
2 issues. The BEREC concluded that a deep geologic  
3 repository is the scientifically preferred approach,  
4 and it recommended finding two or three alternative  
5 sites using a consent-based process. Legislation is  
6 pending in the United States Senate to begin the  
7 process of selecting alternative sites.

8           Recently, the U.S. Court of Appeals  
9 ordered the NRC to resume the Yucca Mountain  
10 licensing process which will further inform our  
11 efforts towards geologic disposal. Even if  
12 development of the Yucca Mountain repository is not  
13 resumed, the NRC has directed its staff to complete  
14 the work on the safety evaluation report on the  
15 Department of Energy's construction authorization  
16 application for the proposed Yucca Mountain  
17 Repository.

18           The United States was the first country  
19 to develop commercial nuclear power plants. We have  
20 the largest nuclear program in the world, 100  
21 reactors with five more under construction. Having  
22 once been a leader in this technology, we're at risk  
23 of losing our competitive edge and our nation's  
24 credibility on commercial nuclear power issues. We  
25 have the technology to safely develop a geologic

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1 repository for used nuclear fuel and we have the  
2 money to do so. The only thing blocking the United  
3 States from building a geologic repository is the  
4 political will to move ahead.

5 The analysis contained in the Draft  
6 Waste Confidence Generic Environmental Impact  
7 Statement supports what nuclear experts have long  
8 contended, used nuclear fuel is, and can continue to  
9 be, stored on site at commercial nuclear power plants  
10 in a safe, environmentally sound manner for a long  
11 time. However, just because it can be done does not  
12 mean that it should be done. A schedule needs to be  
13 established and then adhered to leading to the  
14 removal of used nuclear fuel from commercial nuclear  
15 power plants in a reasonable period of time.

16 Until the Federal government fulfills  
17 its obligation to remove the used fuel from our plant  
18 sites, we are committed to responsibly operating used  
19 fuel storage facilities safely and to ensuring we  
20 have adequate funds to decommission our plants, and  
21 to safely maintain our storage facilities for as long  
22 as used fuel remains at our site. In the meantime,  
23 the NRC can, and should, issue its Waste Confidence  
24 Rule.

25 FACILITATOR JUCKETT: Thank you. Can we

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1 next go to Lea Foushee, followed by George Crocker.

2 MS. FOUSHEE: That's the nuclear waste  
3 confidence. I'm Lea Foushee. I'm the Environmental  
4 Justice Director for the North American Water Office.

5 I think that cost should not be the  
6 measure. When you look at site-specific detail that  
7 should be required for every facility across this  
8 country... cost. We're always worried about the money,  
9 but do we ever really think about the children; the  
10 animals; the plants; the birds; the water, sacred  
11 water without which we cannot live. If we poison the  
12 water at the head of the Mississippi River with our  
13 nuclear insanity we will, in fact, poison this  
14 continent. We will poison the continent.

15 And I have no confidence whatsoever that  
16 the Nuclear Regulatory Commission or Xcel Energy, or  
17 any of the other multiple nuclear industries in the  
18 corporate reich have any concern for the sacred water  
19 because they dump their poison in it on a routine  
20 basis every single day, every single day.

21 And we know what to do with the waste,  
22 we do it all the time. We kill people with it, our  
23 adversaries, our enemies. We put it in their bodies  
24 and we watch them die. And then we track them all  
25 over the world after we've killed them with it, so we

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1 know what to do with nuclear waste. We do it very  
2 nicely.

3 Now, to say that none of these impacts  
4 are anything but small in all of the work in this  
5 Generic Environmental Impact Draft, it's not  
6 credible, it's not credible. On the one hand you say  
7 it needs to be put into a deep geologic repository  
8 for 10,000 years or more, and then you say the impact  
9 is small. Somebody's lying. Somebody's lying, and  
10 it's not the children, and it's not the water, and  
11 it's not all the living things. I think it's the  
12 Nuclear Regulatory Commission, and I think it's the  
13 nuclear industry. Thank you for your time.

14 FACILITATOR JUCKETT: Thank you. Next can  
15 we go to George Crocker. And after George, we'll go  
16 to Kris Cummings.

17 MR. CROCKER: My name is George Crocker.  
18 I'm the Executive Director of the North American  
19 Water Office, and I think I'd like to start by  
20 thanking Mr. Johnson and the Prairie Island community  
21 for all that they've done for all of us to represent  
22 the interests that we all share, and some of us have  
23 maybe let others of us carry a little more weight  
24 towards those interests than perhaps we should. So,  
25 thank you, Mr. Johnson, thank you, counsel, for the

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1 work that you've done, and we look forward to more of  
2 that good work in the future.

3 (Applause.)

4 MR. CROCKER: I'm having a hard time  
5 trying to sort out where the farce stops and reality  
6 begins. And recognizing my quandary with that  
7 question, it's hard for me to focus on the set of  
8 assumptions that we find in the Executive Summary.

9 Now, these things have been mentioned  
10 before today, and I'm grateful to be in a situation  
11 where I'm not the first one bringing them up. But  
12 institutional controls, we have a definition of what  
13 that means provided for the record this evening from  
14 the City of Red Wing, what that means.

15 What it means at just a very superficial  
16 level, where's the money? Considering the rate at  
17 which we are eroding the ecological foundation of  
18 this society, not just with the reactors but with  
19 central station energy, in general, in 100 years, in  
20 50 years, in 200 years, by what right do we claim  
21 there will be a United States of America? By what  
22 right?

23 As seal levels rise, food sources  
24 diminish because we Fukushima-ed them, there's no  
25 more food in the Pacific. And as that circulates

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1 through the globe, what happens when there's less and  
2 less food because of climate chaos and irradiation?  
3 And what happens when there's less and less space for  
4 the people to live because the sea levels are rising,  
5 and we have the chaos in society degenerating.  
6 Institutional controls, and that's an assumption that  
7 you guys need to go forward with this. I think you  
8 need to reconsider your institutional control  
9 assumption.

10 Dry transfer systems. I remember talking  
11 about dry transfer systems during the Prairie Island  
12 nuclear waste fight in '94, in '88, in '90,  
13 throughout that whole time, first in administrative  
14 proceedings, then in the courts, then in the  
15 legislature. We talked about it, because that was  
16 clear at the time that the waste could not remain in  
17 the casks -- that something would have to happen with  
18 the waste in the casks. It would have to be  
19 transferred. How do you do that? Well, at the time  
20 they called it a dry box, and it cost about \$100  
21 million a copy, as I recall.

22 Well, maybe we've figured out how to  
23 mass produce those gadgets and maybe they won't cost  
24 so much, but we've also done a really remarkable job  
25 of diversifying the fuel that these reactors are

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1 burning. And when you have the higher burnup rates  
2 and the mixed oxides in the reactor fuel, and all the  
3 other stresses that happen uniquely cask by cask to  
4 say nothing about site by site, and then you assume  
5 that you're going to be actually able to transfer  
6 this waste. What happens if it disintegrates? What  
7 happens if one-half of 1 percent of the fuel  
8 assemblies at the end of 100 years, or at the end of  
9 150 years, or 200 years, or 20 years, whenever we get  
10 to the repository, if we ever get there, what happens  
11 if one-half of 1 percent of those fuel assemblies  
12 disintegrates? What happens to your assumption then?  
13 How do you manage that? What does it cost to do so?  
14 None of that's in here. There's no mention of it. We  
15 just assume we're going to do it. That's  
16 preposterous.

17 I think trying as hard as I can to be  
18 constructive to the attempt to protect society from  
19 the destruction associated with irresponsible or  
20 mismanaged irradiated fuel, in my attempt to be as  
21 respectful as I can to this process you're going  
22 through to try and make a rule to deal with the utter  
23 absurdity; well, I would encourage you to recognize  
24 that generic is out of the question. There is no  
25 generic here. There is no generic.

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1 (Applause.)

2 MR. CROCKER: Every one of these sites,  
3 every one of these casks, every one of the fuel  
4 assemblies in the casks, every single fuel rod in  
5 every single assembly is unique with a unique set of  
6 stressors that have been acting on it over whatever  
7 period of time you care to assume. And those  
8 stressors on every rod, in every cask will cause  
9 every rod in every cask potentially to act  
10 differently than the others. And you need to account  
11 for that, or your rule is bullshit.

12 FACILITATOR JUCKETT: Okay, thank you.

13 (Applause.)

14 FACILITATOR JUCKETT: And can we next go  
15 to Kris Cummings. And following Kris, we'll go to  
16 John LaForge.

17 MR. CUMMINGS: Thank you very much. First  
18 off, I'd like to thank the NRC for providing the  
19 opportunity for the public to comment during this  
20 process. My name is Kristopher Cummings. I'm a Senior  
21 Project Manager with the Nuclear Energy Institute in  
22 the Used Fuel Program. My educational background  
23 includes a Bachelor's degree in physics and  
24 mathematics from the University of Washington, and a  
25 Master's in nuclear engineering from the University

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1 of Wisconsin.

2 My technical expertise is specifically  
3 in used fuel management and criticality,  
4 radiological, and shielding analysis associated with  
5 storage and transportation casks. During my 15-year  
6 career, I spent 10 years with one of the cask vendors  
7 and recently four years with the fuel manufacturer,  
8 Westinghouse.

9 The design of fuel assemblies and  
10 storage casks have undergone significant developments  
11 over the 15 years of my career with a primary goal to  
12 improve the safety and security of managing used  
13 nuclear fuel. First has been a transition from  
14 bolted cask designs to welded canister-based systems.  
15 These welded canisters are tested with liquid  
16 penetrant exams, radiography, and ultrasonic  
17 hydrostatic and helium leakage tests. These designs  
18 are now implemented in over 1,600 of the  
19 approximately 1,900 loaded storage systems.

20 Second, there's been an evolution to  
21 larger canister-based systems, larger capacities.  
22 Canisters that were originally designed to contain 24  
23 PWR assemblies can now hold 37. There's also 40 at  
24 the Prairie Island that they can hold. Those that  
25 were designed contain 44 BWR assemblies can now hold

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1 89. Higher capacity casks result in a reduced number  
2 of handling operations, reduced dose during loading,  
3 and eventually a smaller number of shipments.

4 Third, the fuel assembly burnup has  
5 steadily increased. Higher burnups allows more energy  
6 to be extracted from a fuel assembly for the same  
7 amount of volume. This leads to a smaller amount of  
8 used fuel that needs to be managed.

9 Fourth has been the development of more  
10 sophisticated cladding materials that can perform  
11 under longer exposure times with less susceptibility  
12 to cladding breaches. Over the past 20 years, the  
13 number of fuel assemblies with leaking rods has been  
14 reduced dramatically. The industry now maintains a  
15 small fraction of a percent of fuel rods that  
16 developed leaks in the reactor.

17 There's been much discussion of the  
18 challenges associated with high-burnup fuel during  
19 this comment period. NEI has previously provided  
20 information on this issue to the NRC which can be  
21 found in ADAMS under the accession number  
22 ML13084A045. This letter identifies areas where the  
23 industry and NRC are addressing are addressing this  
24 challenge to assure the long-term safety of managing  
25 high-burnup fuel.

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1                   Recent experiments have questioned  
2 whether the drying process during storage may cause  
3 cladding to become more brittle. However, these  
4 experiments have been performed at conditions that  
5 are not representative of the majority of used fuel  
6 assemblies.

7                   First, the hydrogen content in the  
8 cladding used in these experiments is at or exceeds  
9 the NRC established limit. Second, the simulated  
10 drying conditions in these experiments are performed  
11 at or above the cladding temperature limit of 400  
12 degrees Celsius. Finally, all of these experiments  
13 have been conducted by pinching the fuel rod. In  
14 reality, the loading during transportation would be  
15 axial compression or bending of the fuel rod which is  
16 less severe.

17                   In conclusion, the recent experiments  
18 are not -- are highly conservative with respect to  
19 the fuel condition and structural loads expected  
20 during used fuel management, and are not  
21 representative of the majority of the fuel in storage  
22 or in the spent fuel pools.

23                   Moreover, there are some simple  
24 solutions that can be implemented to safely  
25 accommodate high-burnup fuel. High-burnup fuel can be

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1 placed in individual cans inside the canister.  
2 Alternatively, the allowable cladding temperature  
3 during drying can be reduced to prevent embrittlement  
4 and hydrate reorientation. Additionally, there needs  
5 to be a recognition by the NRC that a cask is never  
6 loaded with a heat load more than about 90 percent of  
7 the licensed limit, thereby reducing the cladding  
8 temperature during drying.

9 All of these conclusions are further  
10 justification why storage and transportation of used  
11 nuclear fuel continues to be conducted in a safe and  
12 reliable manner. Thank you again for the opportunity  
13 to make these comments today.

14 FACILITATOR JUCKETT: Thank you. And can  
15 we next go to John LaForge. And after John, let's go  
16 to John Biersdorf.

17 MR. LaFORGE: Thank you. My name is John  
18 LaForge. I'm a co-director of a small non-profit  
19 environmental group called NUKEWATCH in Wisconsin  
20 where I've worked since 1987 and edited the  
21 newsletter since 1992.

22 It appears that the danger of radiation  
23 from nuclear waste depends on your clothing. With  
24 NRC's representatives and representatives from  
25 industry in suits and ties, the waste is evidently

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1 quite safe, but people in lab coats know even the  
2 tiniest exposure is dangerous. Every U.S. agency that  
3 monitors radiation says this. The National Council on  
4 Radiation Protection says, "Every increment of  
5 radiation exposure produces an incremental increase  
6 in the risk of cancer." The National EPA says, "There  
7 is no firm basis for setting a safe level of exposure  
8 above background. Based on current scientific  
9 evidence, any exposure to radiation can be harmful or  
10 can increase the risk of cancer. No radiation  
11 exposure is completely risk-free. There is no level  
12 below which we can say an exposure poses no risk.  
13 Radiation is a carcinogen. It may also cause other  
14 adverse health effects, including genetic defects in  
15 children of exposed parents, or mental retardation in  
16 the children of mothers exposed during pregnancy."

17           The National Academy of Sciences in Bier  
18 7 says, "There is a relationship between exposure to  
19 ionizing radiation and the development of radiation-  
20 induced solid cancers in humans. Current evidence  
21 suggests that any exposure to radiation poses some  
22 risk; that is, there is no level below which we can  
23 say exposure poses no risk."

24           The United States Department of Energy  
25 says, "U.S. Government regulations assume that the

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1 effects of all radiation exposures are cumulative and  
2 should be limited as much as reasonably possible."  
3 Even our own Nuclear Regulatory Commission says, "Any  
4 amount of radiation may pose some risk for causing  
5 cancer and hereditary effect, and that the risk is  
6 higher for higher radiation exposures. Any increase  
7 in dose no matter how small results in an incremental  
8 increase in risk."

9           The Nuclear Regulatory Commission's  
10 Waste Confidence principles were struck down by a  
11 Federal court, as has been discussed, because there  
12 is no foreseeable solution for long-term radioactive  
13 waste storage that would meet three necessary  
14 requirements; namely, that it be scientifically  
15 sound, environmentally responsible, and publicly  
16 acceptable. Even the shorter term programs now in  
17 place for radioactive waste fail to protect the  
18 public, and fail to offer the requisite confidence  
19 that would justify continued generation of reactor  
20 waste.

21           Nothing in the NRC's draft NUREG-2157  
22 changes these facts. Rather than managing a  
23 thoughtful reexamination of the NRC's radioactive  
24 waste policies and priorities which would have taken  
25 considerable time and effort, the NRC chose to

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1 hurriedly slap together a document whose only purpose  
2 is to provide a paper rationale for lifting the  
3 agency's moratorium on reactor licensing and renewal  
4 procedures.

5           The NRC is surely the only regulatory  
6 body in the world that would argue that indefinite  
7 and essentially permanent storage of highly  
8 radioactive waste in cooling pools and dry casks  
9 creates confidence that this waste will never  
10 threaten the public and the environment with  
11 radiological disasters. Neither dry casks, nor  
12 cooling pools are designed for permanent high-level  
13 radioactive waste storage. Rather than insist on a  
14 robust waste management system designed to handle  
15 conceivable accidents, whether through equipment  
16 failure, natural disasters, operator error, or other  
17 causes that could release radioactive materials to  
18 the environment, the NRC's draft document ultimately  
19 relies on the low probability of an accident to  
20 justify its position that reactor licensing and  
21 relicensing should resume.

22           Low probability is not a substitute for  
23 protection. As we all have learned from the  
24 disastrous spread of radioactive materials from  
25 reactor disasters at Windscale in England in 1957,

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1 Three Mile Island, Pennsylvania and Church Rock, New  
2 Mexico both in 1979, Russia's Chernobyl in 1986, and  
3 its 1993 waste explosion in Tomsk, and the unending  
4 radiation geyser catastrophe in Fukushima today.

5 Ending the generation of radioactive  
6 waste is the essential first step that we can take to  
7 reduce the risks of its storage. The Nuclear  
8 Regulatory Commission should revise its Waste  
9 Confidence document to insure the speediest possible  
10 end to waste production, a phase-out of nuclear  
11 reactor operations.

12 In the interim, NRC must mandate the  
13 immediate movement of high-level waste that has been  
14 sufficiently cooled out of the fuel pools to dry  
15 storage containers, and those should be hardened  
16 onsite to improve safety and security. Thank you.

17 FACILITATOR JUCKETT: Thank you. Can we  
18 next go to John Biersdorf.

19 (Applause.)

20 FACILITATOR JUCKETT: And following John,  
21 let's go to Alan Muller.

22 MR. BIERSDORF: Good evening. My name is  
23 John Biersdorf, and I would like to start by thanking  
24 the Commission for the opportunity to offer my  
25 comments here tonight.

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1 I have been a passionate supporter of  
2 nuclear power since I began researching possible  
3 career paths in high school. That passion has drove  
4 my acquisition of a nuclear engineering degree, a  
5 career in the nuclear industry, and allowed me the  
6 opportunity to speak to you today as a member of the  
7 North American Young Generation in Nuclear, or NAYGN.  
8 NAYGN is a group of over 10,000 young professionals  
9 who are passionate about assuring that the myriad  
10 benefits of safe, responsible application of nuclear  
11 science and technology are enjoyed by generations to  
12 come. And on behalf of our membership, I would like  
13 to applaud the NRC on completing a Draft Generic  
14 Environmental Impact Statement and convey our support  
15 for the proposed action of issuing a revised Waste  
16 Confidence ruling.

17 As a member of the nuclear industry, I  
18 realize the significance and impact that both the  
19 Draft GEIS and the revision of the Waste Confidence  
20 ruling will have on the growth and sustainability of  
21 this industry. As our current nuclear fleet ages and  
22 the continued need for carbon-free energy increases,  
23 it has never been more imperative that these issues  
24 are addressed.

25 Allowing for the continued storage of

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1 spent nuclear fuel onsite will allow the industry the  
2 flexibility to maintain our current supply of spent  
3 nuclear fuel in a safe and effective manner until a  
4 final repository or alternative solution can be  
5 agreed upon without the added pressure on license  
6 renewal. It will also lift a burden not only on the  
7 industry, but the country as a whole by allowing  
8 sites with proven track records to maintain their  
9 fuel on site.

10 The industry has shown that it is fully  
11 capable of maintaining spent fuel safely and  
12 effectively for over 50 years. It can and will  
13 continue to do so.

14 Allowing for the NRC to complete this  
15 study will open the doors for the industry to grow  
16 and provide new, safer, and more efficient plants to  
17 be built that would help sustain this country's need  
18 for carbon-free electricity. Nuclear is just one  
19 answer to solving humanity's need to offset our  
20 carbon emissions, albeit an important one. And any  
21 delays in the implementation of well-rounded carbon-  
22 free portfolio could hinder this country's ability to  
23 adapt to our own energy needs, or even possibly cause  
24 irreparable damage to the environment in which we  
25 live.

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1           As a member of NAYGN, I have come to  
2 understand that there is both a technical and  
3 political solution to this problem, and I, as well as  
4 all NAYGN members are passionate and willing to be a  
5 part of the conversation.

6           In short, I support the NRC's findings  
7 in both the GEIS and the Nuclear Confidence ruling.  
8 These findings will allow the industry the  
9 flexibility to deal with its own spent nuclear fuel  
10 until a finalized solution can be agreed upon, while  
11 also allowing the industry to grow and meet the  
12 demand for carbon-free electricity using proven  
13 methods for spent fuel storage in the interim. Thank  
14 you.

15           FACILITATOR JUCKETT: Thank you. Can we  
16 next go to Alan Muller, followed by Kristen Eide-  
17 Tollefson.

18           MR. MULLER: I'm Alan Muller. Most of the  
19 time I live in the City of Red Wing. Within the city  
20 limits, as most of you probably know, are two  
21 pressurized water reactors, spent fuel storage  
22 capacity, and a dry cask parking lot that is forecast  
23 to eventually contain at least 99 casks.

24           I also own a residence in Port Penn,  
25 Delaware which is within a couple of thousand meters

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1 of two pressurized water reactors and one boiling  
2 water reactor, so I've had occasion to give some  
3 thought to the issues we're discussing tonight.

4 I'm very pleased that the City of Red  
5 Wing and the Prairie Island Indian Community are  
6 actively engaged in this issue, appreciate their  
7 comments, and I endorse their comments.

8 We're here tonight in a proceeding that,  
9 to me, is a little bit muddled because we're talking  
10 about a GEIS, we're also talking a Rule. It seems to  
11 me, I have here the Executive Summary and the GEIS,  
12 that with all due respect to the folks in the room  
13 who produced it, is an exceptionally weak,  
14 inadequate, and unconvincing document.

15 I won't go on at great length about  
16 that, but I'd like to read to you at Executive  
17 Summary Section 20, the question is asked, "Are there  
18 any remaining issues to be resolved?" And the answer  
19 is, "The NRC believes there are numerous sources of  
20 the requisite technical data and information  
21 available. Therefore, there are no remaining issues  
22 that require resolution." That's a rather irrational  
23 statement, in my opinion. It's indefensible, and this  
24 and many, many other sections of this document need  
25 to be revised.

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1 I'd like to bring to your attention now  
2 one section here, Section 8.4, Survey of  
3 Environmental Impacts and the section heading is  
4 "Relationship Between Short-Term Uses of the  
5 Environment and the Maintenance and Enhancement of  
6 Long-Term Productivity." And it goes on to say, "In  
7 addition, the long-term productivity period evaluated  
8 in this chapter is the time period beyond continued  
9 storage (i.e., based on the NRC guidance in NUREG-  
10 1748, the period beyond the action under review.) As  
11 discussed in Chapter 1 in this draft GEIS, the NRC  
12 believes that the most likely outcome is that a  
13 repository will become available to accept the spent  
14 fuel generated by a reactor by the end of the short-  
15 term time frame, or 60 years after the end of the  
16 reactor's licensed life for operation."

17 And I won't continue, but I read this  
18 page several times trying to understand what, if  
19 anything, it actually meant, and I still don't know  
20 what it means. And if this was a sort of hearing  
21 where one was allowed to summon a witness and  
22 question that witness, I would like to ask somebody  
23 from the Commission staff just what this does mean,  
24 because with all due respect, I don't think it means  
25 anything.

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1           If there is one thing that we all know  
2 regardless of what side of the issue we're on,  
3 regardless of whether we think the issues are  
4 primarily technical or primarily political, we all  
5 know that we can't have any confidence in effective  
6 management of nuclear waste, particularly spent  
7 nuclear fuel rods. We all know that. So, you know, my  
8 recommendation to you would be that you extend the  
9 time line of this process, and that you go away and  
10 you involve an appropriate spectrum of stakeholders  
11 in developing a GEIS that has some meaning and some  
12 substance to it, and addresses the issue that  
13 preoccupy us in connection with the nuclear industry.

14           Just a couple of more thoughts. It's  
15 been stated, it's stated in the PowerPoint that you  
16 presented earlier that this GEIS is what it is, and  
17 we're not going to have environmental assessment,  
18 environmental review of individual storage  
19 facilities. That's an absurd position, and absurd  
20 conclusion because as various people have already  
21 pointed out, these facilities vary greatly one from  
22 another.

23           The city in its comments has pointed out  
24 that the Red Wing nuclear parking lot is at such a  
25 level that it's likely at some point in the future to

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1 be inundated by the Mississippi River. Now, I don't  
2 know whether the design basis of those casks makes  
3 provision for them to be flooded without significant  
4 harm occurring, but that's certainly something that  
5 would need to be looked at. A desert facility might  
6 have other issues, such as the degradation of  
7 elastomeric parts due to high heat. So, this is --  
8 you need, in my opinion, to abandon the claim that  
9 any GEIS can be sufficiently adequate to give us  
10 comfort with regard to individual nuclear waste  
11 storage facilities.

12 I don't think that this document  
13 addresses the reality of global climate change, and  
14 the high probability that our society is going to be  
15 severely disrupted by it, that we're going to see  
16 great increases in, for example, the frequency of  
17 flooding and social disruption and discontinuity of  
18 business and security programs and so on. And all of  
19 this needs to be taken seriously when we consider the  
20 likely trajectory of nuclear waste management  
21 problems.

22 I think I will close with that. There's  
23 a lot more that could be said. There are probably  
24 others waiting to talk, but I do have a procedural  
25 question. You've identified December 20<sup>th</sup> as the end

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1 of the public comment period. Could we have some  
2 assurance the transcript of this meeting will be  
3 available, say a week before that deadline, so that  
4 use could be made of it in preparing supplemental  
5 comments?

6 FACILITATOR JUCKETT: Yes, the  
7 transcripts are being made available as soon as  
8 available, which is usually about a week after the  
9 meetings.

10 MR. MULLER: Okay. All right. I think I'm  
11 done for the moment. Thank you for listening to my  
12 comments.

13 FACILITATOR JUCKETT: Thank you. Can we  
14 next go to Kristen.

15 (Applause.)

16 FACILITATOR JUCKETT: And after Kristen  
17 we'll go to Sam Wagner, and Carol Overland.

18 MS. EIDE-TOLLEFSON: Thank you. My name  
19 is Kristen Eide-Tollefson, and I'm appreciative of  
20 the opportunity, and how broadly the opportunity to  
21 comment has been presented by the NRC, but my real  
22 gratitude goes to those whose efforts made this  
23 necessary, and particularly to the Prairie Island  
24 Indian Community and Red Wing, and all of the  
25 partners in that process.

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1 I am a resident of a small township just  
2 south of the Prairie Island plant, and one of the  
3 original members of CURE which is Communities United  
4 For Responsible Energy, whose pretty much sole focus  
5 for almost 20 years now has been responsible nuclear  
6 waste management. And we followed very closely, as  
7 closely as we can, all of these proceedings and the  
8 different iterations in the legislation.

9 I think this is a historic document. In  
10 so far as it -- it finally carries the claims of  
11 nuclear waste confidence to its ultimate conclusions,  
12 which are somewhat absurd. I think that's well  
13 recognized and documented. I mean, we're no longer  
14 playing a game of what short-term, long-term, and  
15 indeterminate storage means. That's laid out in the  
16 charts there, and I'm really grateful for that,  
17 because we've been sort of working with that bean  
18 game for a long time. So, I think what I really  
19 appreciate about this document is that it lays out  
20 the reality of the situation we're in.

21 And what I'm deeply concerned about  
22 about the document is that with my focus on  
23 responsible nuclear waste management as a citizen and  
24 as a township planning commissioner, all of the  
25 necessary ingredients for responsible long-term

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1 storage are essentially scoped out of this document  
2 by the assumptions that it makes.

3 Now, it's taken me many years to try to  
4 wrap my head around the way that NRC thinks about  
5 these things. And the -- my major -- and the  
6 assumption that we make that nothing will go wrong  
7 until it does is a really disabling assumption. And I  
8 think it disables not only NRC, but disables the  
9 utilities, and the communities, and everyone else who  
10 really cares. And I know that the utilities care, I  
11 know the NRC cares, and I know that the communities  
12 all care about responsible nuclear waste storage.  
13 But, unfortunately, the approach that is taken here  
14 undermines our ability to actually grapple with those  
15 very specific steps that would, in fact, come as  
16 close as we can as human beings in this time frame to  
17 ensure responsible nuclear waste management.

18 The -- my notes are really quite complex  
19 here. I think that the -- there is a positive  
20 strategy. I'm going to address first very  
21 specifically two things that you've asked us to  
22 address. I am speaking almost exclusively to the  
23 third point that was made by the court of the need to  
24 evaluate the environmental effects of failing to  
25 secure permanent disposal. I'm very specifically

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1 addressing that. And I have an opinion about the  
2 alternatives, whether or not that the GEIS would be  
3 useful in creating a framework for scoping, and for  
4 addressing site-specific long-term storage issues.

5 I'm confused about the fact that the  
6 GEIS-only alternative appears to do this but is named  
7 GEIS-only alternative. I have an enormous number of  
8 questions about this, but I think that a positive use  
9 of the GEIS process would be to begin to scope and  
10 establish some very essential parameters for  
11 addressing -- for responsible waste storage.

12 So, instead of saying that we assume, we  
13 will assume that institutional controls will remain  
14 in place, what this document -- what I, as a citizen  
15 of the United States need this document to do is to  
16 lay out guidance for institutional controls for each  
17 of those storage periods. What I need as a citizen is  
18 for the GEIS to create some minimum standards and  
19 criterion for long-range at-reactor and indeterminate  
20 reactor site storage. I need this GEIS to create a  
21 foundation to support the utilities and not avoiding  
22 long-range planning, but to do long range planning  
23 specifying what technologies, what casks, what  
24 facility design, what funding will be in place to  
25 insure responsible nuclear waste management; to

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1 direct -- to facilitate the ability to support  
2 utilities in creating long-term storage fund  
3 assurance.

4 The premise in the GEIS that the costs  
5 that need to be considered are the regulatory costs  
6 of environmental review is not the kind of costs that  
7 the GEIS should be addressing. The GEIS should be  
8 addressing what are the costs of long-term nuclear  
9 waste storage, and how do we support the utilities in  
10 determining what those guidance, what those costs  
11 might be, and how to assure long-term funding for  
12 storage. So, I think that there are some really  
13 critical functions that this GEIS needs to -- can  
14 address if it were not assuming that all of the  
15 things that are necessary for responsible nuclear  
16 waste management are already taken care of, because  
17 they're not. They're not taken care of, and we don't  
18 have those frameworks, and we don't have those pieces  
19 in place that we very much need.

20 So, that is my sort of -- my  
21 constructive request for how the GEIS might actually  
22 gain a sense of purpose, and a sense of direction,  
23 and a sense that the NRC is actually connecting this  
24 GEIS process to the mandates that it has to protect  
25 the public health and safety, and the environment.

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1 I would have a very specific  
2 recommendation that I've made a very long time ago,  
3 and have continued to make, and that is that in 2002  
4 and 2004, the NEPA Task Force Council on  
5 Environmental Quality created a report about  
6 modernizing NEPA implementation. And one of the  
7 things that it highly recommended was to incorporate  
8 adaptive management and monitoring strategies into  
9 these kinds of challenges, long-term challenges that  
10 we face.

11 In Canada, their council there is using  
12 adaptive management and monitoring for their  
13 permanent storage facility, and I think that at the  
14 very barest minimum the NEPA recommendations on  
15 adaptive management and monitoring should be  
16 seriously considered by the NRC in addressing -- in  
17 this GEIS in evaluating the GEIS, and that adaptive  
18 management and monitoring guidance should be applied  
19 to precisely the timeframes that the GEIS address,  
20 which is short, long-term, and indeterminate storage.

21 I believe that is the extent of my  
22 comments. Thank you very much.

23 FACILITATOR JUCKETT: Thank you. Thank  
24 you very much. Can we next go to Sam Wagner. Sam, and  
25 then to Carol.

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1 MR. WAGNER: Good evening, everyone. Can  
2 everyone hear me all right? I'm here affiliated with  
3 this planet. I'm representing this planet,  
4 representing a young generation that's future is  
5 seemingly being thrown away in the pursuit of profit.  
6 I'd like to be able to discuss briefly a series of  
7 documents that was released by the NRC in response to  
8 a Freedom of Information Act request, and were  
9 subsequently certified by a court reporter in  
10 Washington, D.C.

11 There are a number of transcripts  
12 included showing dialogue between individuals making  
13 decisions on behalf of the NRC and corresponding with  
14 TEPCO, the Tokyo Electric Power Company in Japan  
15 immediately following the earthquake and subsequent  
16 tsunami that struck the Fukushima Daiichi power plant  
17 on the coast of Japan in March 2011.

18 Up until now, TEPCO, the NRC, and a  
19 number of notable news outlets have been reporting  
20 that the unit fuel pool at Reactor 4 escaped the  
21 brunt of the storm relatively intact, and that fuel  
22 rod removal was to begin in the third week of  
23 November of 2013. Inside the transcripts contain  
24 statements, "I know we're under a belief that Unit 4,  
25 the wall had been blown out, but regardless of that,

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1 someone would have to tell us of Units 1, 2, and 3."  
2 That quote was by a man named John Monninger. It's on  
3 page 390 of the FOIA documents that were released.

4 Later on, a man named Chuck Casto, on  
5 page 403 said, "We need to probably let Bill and the  
6 Chairman of the NRC know that on yesterday we're  
7 going by what we thought, that with the explosion  
8 there was structural damage to the Unit 4 fuel pool.  
9 We don't really know if there's any integrity in that  
10 pool or not."

11 And then one of the more damning  
12 documents enclosed shows that as of March 18<sup>th</sup>, 2011,  
13 a document titled, "Fukushima Reactor and Water Pool  
14 Release Considerations," shows that "adding to the  
15 uncertain situation cooling has been lost in the fuel  
16 storage pools in Units 1-4. The NRC believes that  
17 water from the Unit 4 storage pool completely drained  
18 and a violent zirconium and water reaction occurred  
19 resulting in the significant release of radioactivity  
20 to the atmosphere."

21 Now, I'm going to pose a question that I  
22 know probably won't be answered, but it's one that I  
23 think that the employees of the NRC should consider.  
24 Using deductive reasoning, one could assume that the  
25 knowledge the NRC had since March 18<sup>th</sup>, 2011 has and

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1 was spun for public consumption. I want to know, and  
2 I know that others would like to know why have the  
3 actions of the individuals with -- inside the NRC and  
4 TEPCO been contradictory to the information known in  
5 March of 2011?

6 The majority of the planet still thinks  
7 that there's a fuel rod removal going on, and it's  
8 not. It's a complete sham. I'm pissed off about this.  
9 I don't know about you guys. I think that these  
10 documents released by the NRC completely -- this  
11 Commission right here is completely illegitimate.

12 (Applause.)

13 MR. WAGNER: It's responding or  
14 submitting comments to the President that aren't  
15 factual in many cases. The lying needs to stop. These  
16 nuclear power plants need to be decommissioned. I  
17 don't see any safe nuclear alternative from my  
18 perspective, which admittedly is very limited. So, as  
19 much as I would like to say thank you to the NRC for  
20 having this public comment period, I think that  
21 creating this, what is it called, the Environmental  
22 Impact Statement, it's a sham. And I'm going to  
23 continue to fight and speak out against this.

24 I'd like to just direct people for  
25 reference that if they want to know more about these

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1 documents that I'm referring to, to Google the word  
2 "Plume-Gate." It's arguably the largest active  
3 coverup taking place on this planet. Thank you for  
4 listening.

5 (Applause.)

6 FACILITATOR JUCKETT: Thank you. And can  
7 we next go to Carol, Carol Overland. And after Carol,  
8 let's go to Ben Gerber.

9 MS. OVERLAND: I'm terrified of heights.  
10 Anyway, my name is Carol Overland. I'm an attorney  
11 from Red Wing. I live in Red Wing. I have standing --  
12 closer to the microphone. I have standing. And,  
13 also, living in Port Penn right across the river from  
14 the Salem Plant, have standing there, too.

15 I did -- I'm an attorney and I've  
16 represented Florence Township when NSP then wanted to  
17 put nuclear waste in Florence Township. I am here,  
18 though, very clearly speaking as an individual, not  
19 in the course of representing anyone. I am greatly  
20 appreciative to the City of Red Wing, my city, for  
21 its shift in position regarding nuclear issues, and  
22 I'm really glad to see Red Wing standing up,  
23 appreciate that. And I'm very grateful for the work  
24 of the Prairie Island Indian Community to protect  
25 their community, and by extension, to protect us who

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1 live near the plant.

2 I'm concerned about a number of things.  
3 We have this additional issues for public comment  
4 where there are four issues laid out, and this is, as  
5 others have said, this is very circular. And if you  
6 look at issue 1, and issue 2, or issue 3, the NRC has  
7 prepared an Environmental Impact Statement to support  
8 the Rule. Well, that's not, like, how you prepare an  
9 environmental impact statement. You don't prepare it  
10 to support the rule. No. You do the environmental  
11 impact statement, you know, and see what it says, see  
12 what issues are raised, not to support the rule.  
13 You're going about this backwards. It's not going to  
14 work, it's backwards engineered.

15 I grew up playing with a Geiger counter.  
16 My father designed part of the Elk River  
17 Demonstration Plant. It's not there anymore, it's a  
18 garbage burner now, go from one bad to another bad.  
19 But he also designed the solar for the zoo, so  
20 there's hope there. But we didn't agree on much, but  
21 one thing that me and dear old dad did agree on was  
22 they really had no plan for what to do with nuclear  
23 waste. And he recognized back in the early '60s that  
24 they hadn't a clue. Well, still don't have a clue,  
25 you don't know what to do. And there are only so many

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1 ways, people have done it very eloquently, but there  
2 really are so many ways to say that this is bullshit.  
3 It's what it is. It's backwards engineered.

4 And I have a few things, though, that I  
5 do want to introduce. Are you in charge of the  
6 record, or do I give them to you? Okay, a couple of  
7 documents. First, there were some comments earlier, I  
8 believe it was Mr. Mahowald talking about  
9 degradation. So, I've got this cute little report  
10 that I found called, "Premature Degradation of Spent  
11 Fuel Storage Cask Structures and Components from  
12 Environmental Moisture." And this is specifically  
13 dealing with TN casks, which is what we have at  
14 Prairie Island, so I want to put that in.

15 And then another one, and I will have  
16 more detailed comments. I haven't had any time to  
17 really look at this, so I'll have written comments by  
18 the 20<sup>th</sup>. Another one, "Spent Fuel Integrity During  
19 Dry Storage," and it talks about things like leaks.  
20 And this is about krypton levels, so that can tell if  
21 the casks are leaking or not. And they're talking  
22 about the work that they've done to determine whether  
23 or not casks are leaking. And it says, "Before this  
24 test," this is like this one test, "four cask  
25 performance tests of similar duration and scope had

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1 been performed. Only two indications of release were  
2 observed," two out of four. Well, don't we have a  
3 problem there? I want to introduce that. And that's a  
4 study by M.A. McKinnon. McKinnon has done a lot of  
5 these studies.

6 And then I also want to introduce this -  
7 - it's hilarious. It's the Keystone Cops, and I'm  
8 sure some of you are familiar with this. I got this  
9 in a brown envelope when I was representing Florence  
10 Township. INEL did a study where they tried -- well,  
11 not a study, an attempt to unload a cask, and it's  
12 Keystone Cops. It's -- they tried to pull -- it had  
13 been in storage for not that long. They tried to pull  
14 it out, and it got stuck. They tried to pull it in,  
15 they couldn't get the thing back in. And they tried  
16 to pull -- and it sat there for a while until they  
17 finally figured out what to do, and they rammed it  
18 back in and shut it up, and put it away.

19 As far as I know, no casks have actually  
20 been unloaded. Is that -- like have any of the TN-40s  
21 on Prairie Island been unloaded since '95? I don't  
22 think so. Have any TN-40s anywhere been unloaded or  
23 29s? It's a problem. So, I want to introduce this.

24 Another problem, do you all remember the  
25 exploding cask at Point Beach? This is where they

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1 took the cask, filled it up, picked it up, let it sit  
2 there. Well, the cask had a zinc basket in it, and it  
3 had boric acid sitting in it, and the shift went  
4 home. And like 8 hours, 12 hours later the shift --  
5 another shift comes in and they go to load it up,  
6 and so you've got fire and zinc and boron which is --  
7 you end up with hydrogen, kaboom. And a big old what,  
8 I don't know how many tons it was, 9-inch-thick cover  
9 bent up, the shims that were in holding the basket in  
10 flew up, landed on the floor. I'm sorry, I don't have  
11 confidence in nuclear waste storage if this is the  
12 kind of thing that happens.

13           How many of you remember all the failed  
14 welds that have been addressed over the years? So, we  
15 should have confidence because someone takes an x-ray  
16 of it? No, the welds fail, it happens. So, I have no  
17 confidence. Or something even simpler, when  
18 Monticello's rotor was going down the railroad, going  
19 back to somewhere in Illinois, probably where it was  
20 made, they low bridged it in downtown Minneapolis.  
21 Did you even hear about it? This is about 1997. I  
22 mean, something that simple. I'm sorry, you know, I  
23 don't have confidence in this industry.

24           So, let's see. Oh, this was a good one.  
25 Okay. My involvement with nuclear, other than playing

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1 with the Geiger counter, started in 1994, in  
2 December, so we're looking at now almost 19 years.  
3 And that was just kind of scary concept for me. And  
4 before that, actually at that very time I was still  
5 being a truck driver trying to raise money to open up  
6 my office, and so this is December '94, and we're  
7 having this little meeting sponsored by Northern  
8 States Power, and we're trying to figure out where to  
9 put the nuclear waste. And, Kristen, remember this?  
10 And so we're sitting there trying to figure out, this  
11 is an NSP-sponsored committee, and they were  
12 describing the casks. And, you know, I'm a truck  
13 driver, and they were talking about the seals on the  
14 casks.

15 Well, so I was like excuse me, don't you  
16 have to change the seals? Like eh-h-h, didn't know what  
17 to say. It's like yes, those seals have to be  
18 changed. They have to be changed every 20 years.  
19 Okay. First cask was loaded 1995, and now here we  
20 are, we're coming up on 10 years, 20 years isn't that  
21 far away, no cask has been unloaded. How many seals  
22 have been changed? What's the process for doing that?  
23 Does anybody know? So, you think it can be safely  
24 stored there for 100 years? Right. So, I have no  
25 confidence, and we know what this is, we've called it

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1 what it is, and we hope you do go back and do it  
2 over, because it doesn't cut it. So, on that happy  
3 note I'll leave you with some documents. Thank you.

4 FACILITATOR JUCKETT: Thank you. I  
5 believe Ben Gerber left.

6 (Applause.)

7 FACILITATOR JUCKETT: I think Ben Gerber  
8 left so is Davis Leslie here?

9 MS. OVERLAND: Leslie Davis.

10 FACILITATOR JUCKETT: Oh, Leslie Davis,  
11 sorry. It's on the sheet backwards.

12 MR. DAVIS: Good evening. My name is  
13 Leslie Davis, and I'm here to represent the Earth  
14 Protector Environmental Group, which is the smallest  
15 environmental group in America because we don't have  
16 members, because I don't like to write everybody and  
17 ask them for money every month. But, you know, I've  
18 always been afraid of radiation and nuclear power.

19 I remember as a child during the second  
20 World War, I was in elementary school, and one of the  
21 things that I was allowed to do was help paint the  
22 lines in the halls that we would run to in the event  
23 of an air raid and sit between the wall on those  
24 particular lines. And I carried that concern with me  
25 all my life.

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1           So, lo and behold, they bombed the  
2 Japanese in 1945 when I was still in elementary  
3 school, and we read the horror stories about the  
4 radiation and all that. And then it became part of my  
5 makeup, and the years went along, and I raised a  
6 family. And around 1978 and `79, I read an article in  
7 the paper about nuclear waste storage. So, it  
8 confused me a little bit, so I called Northern States  
9 Power Company and I asked them about that. And they  
10 had guy named Dr. Max DeLong, a professor guy, called  
11 me and counseled me on the phone that they know what  
12 to do with that stuff. They wouldn't be producing it  
13 if they didn't. We're going to fuse it in glass, or  
14 bond it together in some way, and render it inert,  
15 and haul it down to I think it was New Mexico in the  
16 salt caves and entomb it there, and that'll be the  
17 end of the radioactive waste problem. So, I was  
18 satisfied with that until I ran into Dr. Charles  
19 Hoover, who is a former tenured professor and he knew  
20 a lot about this, and after he got done laughing at  
21 my telling him the story, he told me the truth about  
22 nuclear waste.

23           So, I formed together with Dr. Charles  
24 Hoover and Steve Chapman, and Patrick Reagan, and  
25 Steve Gadler, and I'm the only survivor. We formed

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1 together in 1979 and 1980 to fight certain  
2 environmental issues, and expose this whole nuclear  
3 power thing, and then you'd think people would rise  
4 up if they knew what was going on about it.

5 So, I survived them and go on today, and  
6 I say well, let's see what we can do about this  
7 radioactive waste problem, this nuclear problem,  
8 because they talk about we want to be carbon-free,  
9 but they don't talk about conservation and efficiency  
10 that can automatically reduce your carbon footprint  
11 by 30 or 40 percent cost-effectively. That's probably  
12 a better way to reduce the carbon footprint than  
13 mining, milling, transporting, enriching, processing  
14 uranium and winding up with this problem today.

15 But I know that nothing is going to be  
16 done about it because we have a society that is so  
17 stupid that they would even pay the phosphate  
18 fertilizer manufacturing industry for their waste so  
19 they could put it into the public water supply in  
20 order to help the black children's teeth improve.  
21 That's basically the plan behind the dumping of  
22 phosphate fertilizer hydrofluoric salicylic acid into  
23 public water supplies. Now, it doesn't get any more  
24 insane or stupid than that, so I've been looking into  
25 that. And you call people, you know, like I did about

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1 radioactive waste, and they say oh, no, we're the  
2 American Dental Association, or we're the University  
3 of Minnesota, and all these folks line up behind that  
4 stuff. So, I don't think there's really any hope for  
5 us as we immerse more and more as the wave of  
6 problems from Fukushima, Japan comes over.

7           It wasn't enough of a lesson for  
8 Chernobyl, or Three Mile Island, and now Fukushima is  
9 not enough because you're talking about licensing  
10 more nuclear plants. But, on a lighter note in my  
11 closing, I went when I was campaigning a little bit  
12 with a couple of folks to try to prevent the Yucca  
13 Mountain thing. I don't think the Yucca Mountain deal  
14 is a good thing, because water leaks in there, and  
15 you don't want to have water around leaking in when  
16 you have radioactive waste. So, I'd go with my sign  
17 to a small college in Minneapolis, and one kid comes  
18 over to me and he says what are nukies? I said well,  
19 I said nukies are something we all probably need a  
20 little more of. But these are not nukies, these are  
21 nukes, and nobody needs any of them. And if you  
22 continue licensing them, and permitting them, and  
23 giving them a chance to get out of it, you're dooming  
24 the society. This is an unfair, unconstitutional,  
25 outrageous hearing, but I do appreciate the chance to

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1 be here and give my testimony. Have a good night.

2 (Applause.)

3 FACILITATOR JUCKETT: Thank you. And can  
4 we next go to Colleen Bonniwell, followed by Michael  
5 Cavlan.

6 MS. BONNIWELL: Good evening. I'm really  
7 out of my element here. I have to consider the  
8 effects of nuclear power and fossil fuels on our  
9 governance, the governance where the people get to  
10 choose. Here I see the NRC, I'm not just addressing  
11 you, NRC. I'm addressing the President, I'm  
12 addressing the Senate, and I'm addressing the whole  
13 Congress.

14 I'd like to support the move to amend  
15 that gives the right of corporations the rights of  
16 individuals. That's why we're here today. 1876,  
17 that's when the government of the people, by the  
18 people, for the people was destroyed. There is no  
19 conscience in these industries. These industries are  
20 going to have to be forfeited by the greedy ones who  
21 have encouraged this and allowed this to occur to all  
22 life, allowed this to occur to our water. That's the  
23 greatest thing they've done. The greatest thing  
24 they've done is they forget where everything they  
25 ever had, have, or will have comes from, and they're

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1 destroying it. The pipelines, the fracking.

2 Right now there's two leaks, oil leaks  
3 that they can't -- scientists can't turn off. All of  
4 industry can't turn it off. Fukushima, these are  
5 human beings. You are defying human rights. You are  
6 in default against all of nature. You've heard it  
7 before. Tesla told you ones who want to want to fix  
8 it, you ones who think you can do something about  
9 this, I would encourage you, I would encourage you at  
10 this late hour.

11 All directions, all the elements, sacred  
12 elements, plutonium is the first manmade element, and  
13 it's changed the whole course of humanity through  
14 time forever. And all life waits, waits for the human  
15 beings to come forward in the best of their nature to  
16 fulfill their purpose here, to protect all life, to  
17 participate with all life.

18 I don't know how to recover it for the  
19 human beings, for the people. I've heard you. I heard  
20 you say that society is sick, granted the society is  
21 sick, we're all human beings here. What are we going  
22 to do with the best of our nature? How are we going  
23 to turn this around? What are we going to do? Why  
24 aren't we helping Fukushima? Why aren't we helping?  
25 Russia went. They offered it. There's nothing they

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1 can do. And we can sit here and act like the profits  
2 are going to continue? There is no profit. True cost  
3 has never been considered because true cost means all  
4 life, all the future.

5 So, I would propose, NRC, you make this  
6 a military issue. I would propose that you  
7 nationalize this issue. I would propose that you  
8 recommend that the United States acknowledge the fact  
9 that poison is the enemy of all people. It's spewed  
10 from the hearts of the human beings who aren't any  
11 more because you can't be human and let this happen.  
12 And everybody that's not here, look at this, this is  
13 what we come up with. This is how many people we come  
14 up with to try to understand and remedy something.

15 Everybody that's not here, and all of  
16 Minneapolis, and all of Minnesota, and all of the  
17 United States, and all around the world, everybody  
18 that is not here has a right to be represented.

19 I would also propose that the NRC begin  
20 to adjust to the concept of an international uranium  
21 mining moratorium, and an international nuclear waste  
22 moratorium.

23 Colonial oppression, colonial domination  
24 by corporation Fukushima, the today people with the  
25 mining, the mining that's gone on in Northern

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1 Saskatchewan, and the nuclear waste dumping threat in  
2 Minnesota, Wisconsin, Michigan, Ontario, and  
3 Manitoba. As we speak, they're planning to put a nuke  
4 dump right on Lake Huron. The Pacific Ocean, is it  
5 going to support life, questionable, very  
6 questionable. And then the two oil spills, the Gulf  
7 is dead.

8 I came here tonight to make a plea for  
9 Lake Superior, to make a plea for the children, to  
10 make a plea for the future. That's why I kept going  
11 through the whole way down here through the blizzard  
12 because the blizzard is nothing compared to what  
13 threatens. And I would come here to you today and say  
14 kill me now because your politics behind this  
15 industry is so corrupted, and so vile. And I would  
16 say kill me now and spare the future. But guess what,  
17 where's our future? Where are we going?

18 The water is sacred. NRC focus on the  
19 water, the children, and the future. You know, I was  
20 going to come up here and say I'm going to have a  
21 three-minute meditation and have everybody just  
22 meditate on the children, the children that are here,  
23 the children that are coming, just meditate on them.  
24 What do you want to do about this situation for them?  
25 Brainstorm, pray, whatever you can do to come up with

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1 a solution to the hopelessness that they're going to  
2 feel when people wake up and realize what has  
3 happened.

4 No more nukes, no more nukes in Siberia,  
5 no more nukes anywhere. Our people around the world  
6 are human -- the whole human family, the NRC,  
7 Confidence Rule, denies them confidence -- denies  
8 the confidence in the people around the world, in the  
9 scientists around the world. It denies the confidence  
10 of the people to create something better, and I'm  
11 asking you please use your conscience and do the  
12 right thing at every turn.

13 You can't have a generic code or  
14 whatever. And, too, you know, my own self, I feel  
15 like, you know, this prior free informed consent  
16 governance that so many people have sacrificed so  
17 much to hold on to, we're slaves to poison. We're  
18 slaves to poison that's spewing from the hearts of  
19 men, men who forgot where everything they ever had,  
20 have, or will have comes from.

21 And I want to thank our children for  
22 their forgiveness because all they have to hope for  
23 is us, all they have. And this, this is what we have,  
24 a nuclear police state. That's what we get, that's  
25 what they inherit unless we get real, every one of

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1 us. There is no profit in nuclear power. There is  
2 absolutely no profit, but if you can come up with a  
3 way to deal with it in a compassionate -- with a  
4 compassionate understanding toward life, do it. I  
5 challenge you to do that. I will pray for that  
6 myself. I haven't seen a way to shut down Fukushima.  
7 It's like little bitty suns burning themselves  
8 through the earth, and you might live in some kind of  
9 bubble, but people out there know, they know what  
10 they're facing. And my suggestion would be to focus  
11 on an economy that is sustainable, with sustainable  
12 agriculture, with sustainable health care, and that  
13 would work. That would work.

14 All this time we could have had  
15 vegetable cellulose. We didn't need petrol, but they  
16 cut it off. They cut it off. Ford tried in the  
17 automobile, they cut him off. The fossil fuel  
18 industry, the nuclear power industry, those  
19 industries move to amend, take their right to do this  
20 to the people away from them and give the people the  
21 confidence they need to deal with their future in a  
22 compassionate, kind, responsible way.

23 FACILITATOR JUCKETT: Thank you, Colleen.

24 MS. BONNIWELL: Thank you.

25 FACILITATOR JUCKETT: Thank you.

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1 (Applause.)

2 FACILITATOR JUCKETT: And can we go to  
3 Michael Cavlan.

4 MR. CAVLAN: Karen Silkwood. Karen  
5 Silkwood knew just exactly how evil, and corrupt, and  
6 gangster-like is the nuclear power industry. The  
7 environmental movement knows exactly how evil, and  
8 corrupt, and gangster-like is the nuclear power  
9 industry. And we now have the United States Nuclear  
10 Regulation Commission working with the nuclear power  
11 industry.

12 Somebody killed Karen Silkwood. A lot of  
13 us environmentalists in this room know exactly who  
14 that was. We know which power brokers and which power  
15 industries killed Karen Silkwood.

16 My name is Michael Cavlan, and I'm  
17 speaking as a member of Occupy Minnesota, as well as  
18 a very broad non-indigenous ally of the Idle No More  
19 Movement.

20 You know, we're here right now in  
21 Minnetonka. That makes complete sense. Minnetonka is  
22 the area of the monied wealthy elite of the State of  
23 Minnesota, and it's that very self -- same monied  
24 elite that owns our government. Actually, it's not  
25 our government, it's your government, their

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1 government.

2 To even be talking about this issue of  
3 nuclear power given what's going on in Fukushima  
4 right now as we speak, is beyond insanity. It's  
5 beyond insanity. And let's all remember, folks, that  
6 the Monticello Nuclear Power Plant is the exact same  
7 model, the exact same type as the Fukushima plant.

8 I have a question, actually, for many of  
9 the people here in this group, here in this room. How  
10 many of us here have any faith at all in this  
11 process, that process being where we come here, come  
12 to a little public forum and we pretend that you hear  
13 us, governmental officials, and you get to pretend  
14 that you're listening to us.

15 This is much like, for example, the  
16 Public Utility Commission's hearings going on in St.  
17 Paul on the Enbridge XL Tar Sands Pipeline, Clipper  
18 number 67 going through Norton, Minnesota, or in  
19 Dade, Governor Dayton's little environmental  
20 roundtable discussions, which was going on about six,  
21 seven months ago. All of this, all of this is a sham.  
22 It is a complete sham. We know you don't give a shit  
23 what we say. We know that you don't care what our  
24 views are.

25 The Occupy Wall Street movement came

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1 into existence precisely because of the failure of  
2 the current political structures. That's why Occupy  
3 Wall Street hit the streets in Zuccotti Park, and it  
4 spread all throughout this country. And even though  
5 we were beaten off the streets in an obvious  
6 coordinated campaign by the money that owns the  
7 political establishment in this country, we're still  
8 there. We're still there, and we're still building,  
9 we are still organizing.

10 You know, in this moment, I think one of  
11 my favorite quotes has become to quote George Orwell  
12 from 1984. "Telling the truth in a time of universal  
13 deceit is a revolutionary act." Long live Occupy, and  
14 long live Idle No More. Thank you.

15 (Applause.)

16 FACILITATOR JUCKETT: Thank you. I don't  
17 have anyone else on the list that had signed up, but  
18 I do have a few names from our pre-registrant's list,  
19 Sheryl Senkiw, Somenath Dasgupta, Peggy Rehder, Lisa  
20 Pritchard, or Geri Eikaas.

21 Okay. There's going to be some closing  
22 remarks by Keith. I just wanted to real quickly thank  
23 all of you again for coming out, and I really  
24 appreciate how polite all of you were to all the  
25 speakers, especially when people had differing

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1 viewpoints. You guys are an exceptional audience in  
2 that regard, and I appreciate that. And I'll turn it  
3 over to Keith for some closing remarks.

4 MR. McCONNELL: Well, thank you for  
5 coming. What we're going to do is pause the meeting  
6 because we feel it's our obligation to stay until  
7 10:00, but we do encourage you, those of you that had  
8 questions and suggested you wanted some answers,  
9 again, to talk to the technical staff that are out in  
10 the foyer, because they can help you, I believe, in  
11 terms of at least understanding the positions that we  
12 took in the Draft GEIS. And we want your comments, we  
13 do want your concerns, so we appreciate you being  
14 here tonight. Thank you.

15 (Whereupon, the proceedings went off the  
16 record at 9:23:56 p.m.)  
17  
18  
19  
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