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NUCLEAR REGULATORY COMMISSION

Title: Limited Appearance RE Strata Energy, Inc.

Docket Number: 40-9091-MLA

ASLBP Number: 12-915-01-MLA-BD01

Location: Sundance, Wyoming

Date: Sunday, September 28, 2014

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UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

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ATOMIC SAFETY AND LICENSING BOARD PANEL

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LIMITED APPEARANCE SESSION

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In the Matter of: : Docket No. 40-9091-MLA
STRATA ENERGY, INC. :
: ASLBP No.
(Ross In Situ Recovery : 12-915-01-MLA-BD01
Uranium Project) :

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Sunday, September 28, 2014

Crook County Courthouse
Sundance Community Room
309 Cleveland Street
Sundance, Wyoming

BEFORE:

G. PAUL BOLLWERK, III, Chairman
DR. RICHARD F. COLE, Administrative Judge*
DR. CRAIG M. WHITE, Administrative Judge

*present via teleconference

1 APPEARANCES :
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P-R-O-C-E-E-D-I-N-G-S

(3:00 p.m.)

CHAIRMAN BOLLWERK: Good afternoon. I would like to begin this afternoon by introducing ourselves. In accord with the provisions of the Atomic Energy Act, or the AEA, and the regulations of the Nuclear Regulatory Commission, we are Members of an Atomic Safety and Licensing Board.

This Board was appointed to conduct an adjudicatory hearing in connection with the application submitted by Strata Energy, Incorporated, or SEI, in January 2011 requesting issuance of a combined AEA source, I'm sorry, a combined AEA Section 11.z source and Section 11.e(2) byproduct materials license that would authorize the construction and operation of the proposed Ross In Situ Recovery, or ISR, Uranium Project in Crook County, Wyoming.

To my right is Dr. Craig White. Judge White is a geologist and a part-time member of the panel.

The second technical member of this Board is Judge Richard Cole. Judge Cole is an environmental engineer and a full-time member of the Atomic Safety and Licensing Board Panel.

Although recent health problems precluded

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1 Judge Cole from traveling to Wyoming for today's
2 session, he will be participating via teleconference.
3 And just so we know he's there, can you hear us, Judge
4 Cole?

5 JUDGE COLE: Yes, I can. Thank you.

6 CHAIRMAN BOLLWERK: All right, and Judge
7 Cole is doing yeoman duty. He's sitting in a 85-
8 degree office because there's no air conditioning back
9 in Rockville, Maryland, so it's not quite the same
10 temperature here as it is out there, so.

11 My name is Paul Bollwerk. I'm the
12 Chairman of the, I'm an attorney, rather, and a part-
13 time panel member and the Chairman of this Atomic
14 Safety and Licensing Board.

15 Each of us is an independent
16 administrative judge appointed by the five-member
17 Nuclear Regulatory Commission as members of the Atomic
18 Safety and Licensing Board Panel.

19 Members of the panel are designated by the
20 agency's chief administrative judge acting at the
21 behest of the Commission to serve on three-judge
22 licensing boards such as this one that preside over
23 hearings in agency licensing or enforcement
24 proceedings in which the AEA permits a hearing to be
25 held relative to the construction or operation of

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1 nuclear power plants, the use of nuclear materials or
2 the storage of nuclear waste.

3 The panel's administrative judges do not
4 work for or with the NRC staff relative to the staff's
5 own review of such licensing or enforcement matters.
6 Rather, we are charged with deciding in the first
7 instance what issues will be litigated in a hearing
8 and for those issues we find to be litigable making a
9 determination regarding their substantive validity in
10 terms of granting, conditioning or denying the
11 requested license or sustaining or modifying the
12 proposed enforcement action.

13 Our decisions on hearing matters generally
14 are subject to review, first by the Commission as the
15 agency's supreme court and then by the federal courts
16 including, in appropriate instances, the United States
17 Supreme Court.

18 With regard to this afternoon session, I
19 should explain that as part of our function relative
20 to the licensing proceeding for the proposed Ross ISR
21 facility, we are here to entertain oral limited
22 appearance statements from members of the public in
23 accordance with Section 2.315(a) of Title X of the
24 Code of Federal Regulations.

25 So there will be a common understanding

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1 about both what is involved in this particular
2 adjudicatory proceeding and with respect to the
3 limited appearance statement process, I'd like to take
4 a few minutes to provide some background about both.

5 In a proceeding like this one to license
6 an ISR facility such as that proposed by SEI, there
7 are generally two types of issues that can be raised,
8 those relating to safety matters under the Atomic
9 Energy Act and those regarding environmental matters
10 arising under the National Environmental Policy Act of
11 1969, or NEPA.

12 Moreover, in a licensing proceeding like
13 this one, AEA safety-related or NEPA environmental-
14 related issues referred to as contentions come before
15 an NRC hearing board as specific challenges to the
16 application and the NRC staff's associated NEPA review
17 raised by an individual, group or governmental entity
18 in a hearing petition.

19 In this proceeding, the Commission issued
20 a notice in the Federal Register back in July of 2011
21 outlining the process for becoming a party in a
22 hearing contesting the SEI application.

23 And two public interest groups, the
24 Natural Resources Defense Council and the Powder River
25 Basin Resource Council, filed a joint intervention

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1 petition challenging various aspects of the SEI
2 application and the accompanying environmental report,
3 or ER.

4 In a February 2012 decision, LBP12-3
5 reported in Volume 75 of Nuclear Regulatory Commission
6 issuances at Page 164, the Board found that Joint
7 Intervenors had established their standing or legal
8 interest in this proceeding and had proffered four
9 admissible NEPA-related environmental contentions, a
10 decision the Commission subsequently affirmed in CLI-
11 12-12 reported in Volume 75 of NRC issuances at Page
12 603.

13 Thereafter, with the issuance of the NRC
14 staff's draft and final supplemental environmental
15 impact statements concerning the Ross ISR facility in
16 March 2013 and February 2014, respectively, the focus
17 of joint intervenors admitted environmental
18 contentions moved from the SEI ER to the staff's
19 environmental documents.

20 Thereafter, with the issuance of the
21 staff's draft and final supplemental environmental
22 impact statements concerning the Ross facility, the
23 Board concluded that the focus of three of joint
24 intervenors' four admitted contentions had
25 appropriately moved from the SEI ER to the staff's

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1 environmental documents so that these previously
2 admitted challenges to the SEI ER became litigable
3 challenges to the staff's final supplemental
4 environmental impact statement, or SEIS.

5 Accordingly, when the Licensing Board
6 convenes an evidentiary hearing for this proceeding in
7 Gillette, Wyoming, in Energy Hall at the Cam-Plex
8 Multi-Event Facilities on Tuesday, September 29th,
9 2014, beginning at 9:30 a.m. Mountain Time, the issues
10 under consideration will be whether the NRC staff's
11 final SEIS, first, fails to characterize adequately
12 baseline or pre-mining groundwater quality and fails
13 to establish that groundwater samples were collected
14 in a scientifically defensible manner; second, fails
15 to analyze the environmental impacts if the applicant
16 is unable to restore groundwater to applicable
17 groundwater quality standards; and, third,
18 inadequately assesses the likelihood and impacts of
19 fluid migration to adjacent groundwater because of
20 unplugged exploratory bore holes and insufficient
21 information provided by SEI's six monitor well
22 clusters and 24-hour pump tests at four of those
23 clusters.

24 This, in a nutshell, describes the NRC
25 adjudicatory process relating to this proceeding and

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1 this naturally prompts the question, what then are the
2 limited appearances in which the Board has invited
3 public participation?

4 Oral limited appearance statements, which
5 will be transcribed and placed in the official agency
6 docket for this proceeding, are intended as an
7 opportunity for members of the public to express their
8 views on and may help the Board and the parties in
9 their consideration of the issues in this proceeding.

10 Indeed, as you can see, like the Board,
11 several of the parties to the proceeding, SEI and the
12 NRC staff, are here to listen to what is said this
13 afternoon. The joint intervenors were invited as well
14 to have representatives and they, unfortunately, were
15 not available.

16 And in that regard, I'd like to take a
17 second now to have the representatives of the parties
18 identify themselves for the record. Why don't we
19 begin with SEI and then the NRC staff.

20 MR. KNODE: My name is Ralph Knode. I'm
21 the Chief Executive Officer of Strata Energy, Inc.

22 MR. THOMPSON: My name is Anthony
23 Thompson. I am outside counsel to Strata from
24 Thompson and Pugsley.

25 CHAIRMAN BOLLWERK: All right, and the

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1 staff, please.

2 MR. HARPER: I'm Richard Harper. I am
3 counsel for the NRC staff. On my left is Emily
4 Monteith, also counsel for the NRC staff, and on my
5 right is John Saxton, safety project manager for the
6 Strata Ross proceeding.

7 CHAIRMAN BOLLWERK: All right, thank you
8 both.

9 Let me emphasize again that
10 notwithstanding the parties' presence here today, this
11 is an opportunity to hear from interested members of
12 the public.

13 Consequently the representatives of the
14 admitted parties will not be making statements this
15 afternoon. Rather, like the Board, they are here to
16 listen.

17 And having said that, I need to raise one
18 thing with NRC staff counsel so I'm going to sort of
19 go sideways off what I just said but I want to, since
20 we're on the record and although the intervenor
21 counsel is not here, I want to bring something to your
22 attention and perhaps there's something you can take
23 care of before Tuesday's hearing.

24 On Friday you all filed an errata to an
25 exhibit, 44R, NRC 44R. Probably that needs to have a

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1 new exhibit completely filed.

2 While there were some errata sheets that
3 were done to some of the initial presentations that
4 the parties made, those are pleadings and that's
5 certainly appropriate for those.

6 But for an exhibit, we really need the
7 entire exhibit refiled with a new number, which will
8 be R2 in this instance I think. So would there be a
9 problem doing that within, say, the next 24 hours or
10 thereabouts?

11 MS. MONTEITH: There will not be a
12 problem. We will refile that exhibit as NRC R2.

13 CHAIRMAN BOLLWERK: All right, very good.
14 Then that'll be taken care of and we can admit that
15 during the evidentiary hearing.

16 All right. Let me then talk a little bit
17 about the process that we'll go through this afternoon
18 in terms of folks coming up and speaking.

19 For anyone who did not pre-register -- Let
20 me say a final word about the procedure for making a
21 statement. Individuals who pre-registered will be
22 afforded an opportunity to speak first at this
23 session.

24 For anyone who did not pre-register but
25 wishes to make a statement, on the table in the back

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1 there is a sheet to write your name and affiliation,
2 if any. We'll collect those sheets from time to time
3 and call the speakers in order as they sign in.

4 If you did not pre-register, you must sign
5 in if you wish to speak and, again, Karen Valloch's in
6 the back. Karen, just raise your hand. She's the
7 person you need to see if you haven't signed up.

8 If you did not pre-register, you must sign
9 up if you wish to speak. I would add that if you did
10 pre-register, you do not need to sign up. We already
11 have your name.

12 Additionally if you want to provide your
13 views to the Board but don't wish to make an oral
14 statement, there are sheets on the table back where
15 Ms. Valloch is sitting that you can complete and leave
16 with her.

17 These are written limited appearance
18 statements which will be reviewed by the Board members
19 and placed in the agency's official docket for the
20 proceeding as well and, again, notwithstanding the
21 fact Judge Cole is in Rockville, he will see those as
22 well.

23 With regard to the oral statements, we
24 will keep a watch on the time each speaker is taking
25 and will advise you when you need to conclude your

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1 remarks.

2 For this session, given the number of pre-
3 registrations and the size of the audience presently,
4 we'll begin by permitting statements of up to five
5 minutes.

6 If, however, we see that the list of
7 speakers is growing, we reserve the right to shorten
8 the time allotted for each presentation to ensure that
9 everyone who wishes to speak has an opportunity to do
10 so.

11 Finally, as a matter of courtesy, it's
12 important to allow the Board and the parties to hear
13 fully the remarks of each speaker without intrusions.
14 Accordingly we would ask that you respect each
15 individual's right to address the Board by not unduly
16 interrupting with verbal comments or other sounds,
17 either supporting or opposing the viewpoint being
18 espoused.

19 Also as a matter of courtesy to the
20 speakers and the Board, all cell phones should be
21 turned off or placed on vibrate and any cell phone
22 conversations should be conducted outside of this
23 room.

24 And this is my cell phone and I have
25 turned it off and I'm sticking it in my pocket. I

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1 will not start it again until the session is over. So
2 please, again, if you have your cell phone on, please
3 put it on vibrate and, again, if you get a call,
4 please leave the room to answer if you think it's
5 necessary.

6 All right, with this explanation, let's
7 begin with our first speaker and in that regard to
8 ensure that things move along smoothly we're going to
9 announce several names and would ask that the
10 additional speakers who are in the on-deck circle, so
11 to speak, come up in the vicinity of the podium so
12 they can begin their remarks promptly after the
13 preceding speaker has finished.

14 And what we'll do in terms of keeping
15 time, I have my iPod here. There are only two things
16 I know how to do with this, use it as a clock, it has
17 a timer on it, and check baseball scores. I won't be
18 checking any baseball scores during this, but I will
19 be keeping time, as well as one of our law clerks, so
20 we'll let you know when you're getting around the
21 five-minute mark.

22 I think we have plenty of time today so no
23 one needs to be in a hurry, but we would like to make
24 sure that everybody gets a chance to make a
25 presentation so we'll keep things to around five

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1 minutes.

2 All right, with that being said, let's
3 begin with our first speaker, Mr. Rodney Knudson, and
4 he'll be followed, if she's here, by Gena Parkhurst
5 and then by Barbara Crawl.

6 MR. KNUDSON: Perhaps given the
7 technicalities that I'll be addressing, it might be
8 useful to have my prepared remarks.

9 CHAIRMAN BOLLWERK: Okay. We can do that.
10 We'll also provide it to the court reporter too, so.
11 Sure, he's sitting right there. If you want to give
12 him a copy, I'm sure he'd appreciate it.

13 MR. KNUDSON: My name is Rodney Knudson,
14 a former science teacher, master's degree in physics
15 and chemistry and zoology. Not a master's degree in
16 zoology but bachelor's.

17 My interest in the whole subject of the
18 nuclear industry proceeded probably from what happened
19 at Three Mile Island and then at Chernobyl and then
20 now in Fukushima. But any case, I'll begin my
21 comments here. I printed them out here. It's been
22 widely recognized that traditional uranium mining --

23 JUDGE COLE: This is Judge Cole. I'm
24 having some trouble hearing you.

25 CHAIRMAN BOLLWERK: Hold on one second,

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1 Mr. Knudson. We're going to have to make a little
2 technical adjustment here.

3 MR. KNUDSON: Speaker? Okay, sorry.

4 CHAIRMAN BOLLWERK: We want to make sure
5 Judge Cole hears what you're saying.

6 MR. KNUDSON: Yes, it's always good to be
7 heard. All right, my comments simply are that it's
8 been widely recognized that traditional uranium mining
9 practices have become obsolete because of the labor-
10 intensive nature of the process.

11 Given that the price of uranium has been
12 hovering around \$30 a pound, the in situ process has
13 been adopted worldwide over the years as a more cost-
14 effective approach to uranium recovery.

15 Unfortunately this has abrogated the
16 traditional fear of polluting groundwater aquifers
17 that the EPA had previously gone to great lengths to
18 prevent.

19 With in situ mining, all these fears have
20 been cast to the wind, and with some 680,000 deep
21 injection wells to rid the various mining operations
22 of the toxic waste they generate and to place these
23 wastes out of sight and out of mind, these kinds of
24 mining operations have been promoted with reckless
25 abandon.

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1 It is something like the financial system
2 which has gone berserk with the endless borrowing that
3 only future generations will have to deal with, my
4 children and grandchildren, no thought of the seven
5 generations to come but only looking at that
6 oppressive quarterly bottom line.

7 My reason for opposing the issuance of
8 Strata's mining permit for the Ross mining area near
9 Oshoto largely proceeds from my reading of the 2007
10 NRC publication, NUREG/CR-6870, entitled,
11 "Consideration of geochemical issues in groundwater
12 restoration in uranium in situ mining facilities."
13 The reasons are enumerated as follows.

14 Number 1, 1 through 11, "Although the
15 lixiviant solutions containing sodium carbonate,
16 bicarbonate and oxidizers such as hydrogen peroxide
17 and oxygen are relatively benign, the products that
18 are released are not. They include radioactive
19 elements, uranium, thorium, and all the daughter
20 nuclides in the decay series as well as arsenic,
21 selenium, molybdenum, vanadium and many others, and if
22 imbibed in the water supplies will cause significant
23 biological damage."

24 Number 2, "Over the period of the mining
25 process, much lixiviant is lost in the pore spaces of

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1 the rock strata in which the mined aquifer exists and
2 cannot be recovered in spite of the multiple pore
3 volume sweeps conducted after mining has ceased.

4 "The condition, coupled with upgraded
5 recharge sweep water, continues to oxidize and put
6 into solution the toxic and radioactive elements
7 listed above long after the mining operation has
8 ceased and attempts at restoration are complete."

9 Number 3, "The mining process eliminates
10 a major barrier in the migration of these substances
11 through the oxidation of the iron pyrite that has
12 formed a reducing zone behind the ore body." There's
13 about a \$300,000 study, the South Dakota School of
14 Mines, to look into this.

15 "This will allow the elements in question
16 to remain in the oxidized state in the solution longer
17 and potentially flow farther into the aquifer."

18 Number 4, "Restoration following the
19 cessation of mining subsumes an enormous amount of
20 water and, in concert with the injection of hydrogen
21 sulfide, may take five to ten years to reduce the
22 levels of the elements to the lowest level achievable,
23 often not close to baseline.

24 Examples cited by the NRC at the Smith
25 Highland Ranch near Douglas, Wyoming, and in the NUREG

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1 document cited, left arsenic of 3 times, selenium 70
2 times and uranium 70 times baseline levels 8 years
3 after the cessation of mining.

4 Number 5, "It is highly likely that more
5 than the 5,000 bore holes that are anywhere from 300
6 to 1,000 feet deep previously drilled while
7 prospecting for uranium have only been capped and not
8 plugged.

9 "A six-inch bore hole 600 feet deep," I
10 see I repeated myself, "would require 4.4 cubic yards
11 of material. Years ago an employee was observed by
12 one person dumping a single bag of bentonite into one
13 such hole. A one cubic foot bag of bentonite,
14 considering any reasonable expansion coefficient,
15 doesn't begin to fill such a hole. Others have been
16 seen to be plugged by wooden wedges, sometimes exuding
17 water from the artesian conditions that exist in the
18 area."

19 Number 6, "Therefore, abundant
20 opportunities for vertical excursions from mining
21 operations exist because these unplugged bore holes
22 from previous explorations and peculiar geologic
23 conditions.

24 "The excursions would be both vertical and
25 horizontal over time and would jeopardize the drinking

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1 water aquifers people use on a daily basis, the water
2 they feed their stock and that which they use for
3 irrigation."

4 Number 7, "Other sources of aquifer
5 pollution arise from the use of settlement ponds with
6 high-density polyethylene liners that have very
7 limited life expectancies.

8 "They're under-monitored and subject to
9 undetected leaks coupled with leaks from miles of
10 underground and near-surface piping to create plumes.
11 Venting of radon and dispersion of uranium dust is
12 another. Biological magnification is yet another."

13 "Given the reluctance of people
14 potentially affected to spend the money required to
15 perform periodic water tests detailing the elements in
16 question, the results may only be known years later in
17 the form of cancer clusters and birth abnormalities.

18 "Without potable water, land values would
19 plummet and, thus, much of the true costs of this
20 mining technique would be externalized by the mining
21 company.

22 "Corporations do not sufficiently share in
23 the risks that residents surrounding the mine do as
24 most bonds cover little more than land disturbances
25 and not threats to public health.

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1 "The latter typically manifest themselves
2 long after the bonds have been released. Oftentimes,
3 the public is left with the tab for cleaning up an
4 impossible situation or the area is simply left as a
5 sacrifice zone, only no one is informed of the
6 situation."

7 Ignorance is bliss and out of sight, out
8 of mind we go about our merry way without having
9 learned a thing, only to repeat the same disaster
10 someplace else. That's all I have to say. Thank you.

11 CHAIRMAN BOLLWERK: Thank you, Mr.
12 Knudson, for coming and speaking this afternoon.

13 JUDGE WHITE: Thank you.

14 CHAIRMAN BOLLWERK: Let me just take a
15 technical check. Judge Cole, are you okay? Did you
16 hear what Mr. Knudson had to say?

17 JUDGE COLE: Yes, that was fine. The
18 level was okay.

19 CHAIRMAN BOLLWERK: All right, very good.
20 The next speaker we have is one of our pre-registered
21 speakers, Gena Parkhurst. Is Ms. Parkhurst here?

22 MS. PARKHURST: Yes.

23 CHAIRMAN BOLLWERK: Yes, okay. Then
24 Barbara Crawl and then Florence Reynolds.

25 MS. PARKHURST: Good afternoon, Your Honor

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1 and Commissioners. My name is Gena Parkhurst. That's
2 G-E-N-A, P-A-R-K-H-U-R-S-T. I have been a homeowner
3 in Rapid City, South Dakota, for the past eight years.

4 I am the volunteer vice chair of the Black
5 Hills Chapter of Dakota Rural Action and I also
6 volunteer with South Dakota's Black Hills Clean Water
7 Alliance, hence my T-shirt.

8 I have serious concerns about the proposed
9 Strata project. The NRC's EIS does not accurately
10 assess baseline groundwater conditions. Accurately
11 assessing baseline groundwater conditions is critical
12 to determine future impacts related to ISL or ISR
13 uranium mining.

14 In the eight years that I've lived in the
15 Black Hills, I've noticed a large influx of people
16 moving here because they are attracted to its high
17 quality of life, which includes cleaner water and air.
18 A large number of stores and restaurants have opened
19 to support all the new residents. The one thing that
20 is absolutely needed to continue this growth is water.

21 Now, considering that this area only
22 receives about 12 inches of rain per year, water is a
23 precious commodity here and water will become more
24 important as the population of the Black Hills grows.

25 According to the Wyoming State Water Plan,

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1 the Lance Formation is a historical source for
2 municipal, public, domestic and stock supply. The Fox
3 Hills Sandstone is a historical source for municipal,
4 public, industrial, domestic and stock supply.

5 These aquifers lie above the Madison
6 Aquifer which supplies a large amount of water to
7 Rapid City where I live and it happens to be the
8 largest Black Hills population center for hundreds of
9 miles.

10 I have brought a chart showing the layers
11 of aquifers and I would like to submit that for the
12 record. Who would I bring that to?

13 CHAIRMAN BOLLWERK: Give it to Kathy
14 Schroeder, one of our law clerks. Yes, great. Thank
15 you.

16 MS. PARKHURST: Oh, and in looking at this
17 chart, my question is could the abandoned bore holes
18 in the project area risk contaminating the Madison
19 Aquifer?

20 About a year ago, the city council of
21 Rapid City adopted a resolution expressing grave
22 concern about a similar project proposed near
23 Edgemont, South Dakota, due to concerns about
24 potential contamination of the Madison Aquifer, which
25 is a major water source for Rapid City.

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1 My next concern relates to the NRC's EIS.
2 It is deficient because it does not fully consider
3 that the proposed project area has over 5,000
4 abandoned drill holes left over from the early days of
5 uranium exploration.

6 According to the NRC's EIS, Strata Energy
7 knows that there are at least 1,682 old exploration
8 wells in the area but the company has only located 759
9 of them and out of that number they have successfully
10 plugged only 55, so that leaves over 1,600 old wells
11 in the area and these wells could serve as conduits
12 for water contamination from Strata's project and
13 there are likely thousands more.

14 Even the NRC's EIS acknowledges that water
15 contamination could result from, quote, "improperly
16 plugged previous exploration drill holes that have not
17 yet been properly reclaimed."

18 But then the NRC illogically assumes that
19 impacts to water resources will be small. NRC needs
20 to do a better job at analyzing the risk that these
21 old drill holes, both inside and immediately adjacent
22 to Strata's project area, represent. I would urge
23 that the old bore holes be reclaimed before new ones
24 are drilled.

25 My last concern is this. Aquifer

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1 restoration has failed at previous uranium mines in
2 Wyoming, Nebraska and Texas. As of today, not a
3 single uranium project has fully restored an aquifer
4 to pre-mining water quality.

5 There is no indication that Strata's
6 operations will be any better, yet NRC ignores them in
7 its draft EIS. And note that there are similar mines
8 already operating in eastern Wyoming and we do need to
9 consider the cumulative effects of adding yet another
10 mine.

11 As a person who is suffering from birth
12 defects caused by exposure to toxic water in the womb,
13 I urge all the adults in this room to protect the
14 unborn who have no say what kind of water they are
15 exposed to in the womb.

16 And I am not alone in my concerns. Almost
17 a year ago, the South Dakota State Medical
18 Association's 78-member Council of Physicians
19 unanimously voted to support a petition opposing
20 uranium mining of any type in the Black Hills area.
21 In addition, local conservation districts have
22 recently expressed concern.

23 In closing, is the reward of a few dozen
24 short-term uranium mining jobs worth the risk of 4.5
25 billion, that's B like boy, billion years of water

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1 contamination in this drought-prone part of our
2 nation?

3 I also do not think that this proposal is
4 in the best interest of the citizens of Wyoming, nor
5 the citizens of the Black Hills or of this country.
6 Thank you for your time.

7 CHAIRMAN BOLLWERK: Thank you for coming
8 and speaking this afternoon. We appreciate it. The
9 next speaker is Barb Crawl, followed by Florence
10 Reynolds and then John Dale.

11 MS. CROWL: Good afternoon.

12 CHAIRMAN BOLLWERK: Good afternoon.

13 MS. CROWL: My name is Barbara Crawl, C-R-
14 O-W-L. I am not a legal resident of the state of
15 Wyoming or of Crook County. I live in Arizona.
16 However, I did grow up in Crook County. I grew up
17 approximately five miles from the location of the Ross
18 project.

19 The Ross project is located on lands that
20 have been in my family for over 80 years. My
21 grandfather and grandmother homesteaded there part of
22 it and the land is now owned by my niece and nephew.
23 It will be passed down to their descendants.

24 They are in favor of this project or the
25 project would have never been able to get onto their

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1 land. They trust the Strata folks. We have a great
2 deal of respect for them. They have upheld their
3 promises.

4 I have been involved in the mineral
5 negotiations. Everything they have told us has been
6 true. They are in the process of diligently locating
7 those unidentified holes that the previous speaker
8 spoke of and they will continue that effort.
9 Everything they have said, they have followed up on.

10 I think that Crook County would be remiss
11 in not allowing this project to continue. We need the
12 tax base. We need jobs. Our local people are
13 predominantly ranchers and in agriculture and to have
14 a varied scope of job availability would be a welcome
15 sight for this part of the world.

16 Strata has purchased locally their
17 vehicles, equipment and hired more than one person
18 that's in this room to work for them and I think that
19 is admirable for the company.

20 During the mid '50s and '60s, there was an
21 open pit mine, uranium mine, maybe 15/20 miles north
22 of this project. It was open pit. It wasn't going
23 into the aquifers but it was certainly going into the
24 air. I have known of no adverse circumstances from
25 that.

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1 It certainly did provide a lot of jobs.
2 In fact, during those hard times for the ranchers and
3 for the local folks, that saved many families from
4 having to move out of the county.

5 There's a fault line that is referred to
6 as the Little Missouri Fault that will block this
7 water that's been discussed by previous speakers from
8 flowing northward and I have a great deal of respect
9 for the old-timer geologists and well drillers that
10 have tried to get through that and I believe that is
11 one thing that maybe should be looked at.

12 In summary, I just feel that Strata Energy
13 is responsible, honest, considerate and I can tell you
14 that my relatives are not concerned about the water.
15 My grandparents drank the water. Yes, it was laden
16 with uranium. My grandfather lived to be 100 years
17 and 6 months old and was in good health most of that
18 time. Yes, the chemicals were not introduced into the
19 water at that time but the uranium was certainly
20 there. Thank you.

21 CHAIRMAN BOLLWERK: Thank you for coming
22 and talking this afternoon. The next speaker will be
23 Florence Reynolds and then John Dale and then Marvin
24 Kammerer.

25 MS. REYNOLDS: Hello. My name's Florence

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1 Reynolds and I live in Oshoto on a family ranch that
2 they've been ranching almost 100 years. We are right
3 there where Strata is doing all of the work.

4 I guess there's a few things I really like
5 about Strata. One is every time I go into their
6 office -- They have an open-door policy. Anything
7 that you have questions on you can go there and they
8 will answer it and you feel they're doing a very
9 excellent job and it makes you understand what it is
10 they're doing.

11 Plus this county really, we really need
12 better jobs, better-paying jobs. There's a lot of
13 kids so they have to, you know, when they graduate
14 school and college they have to move to other states.

15 My husband right now and another son work
16 in Campbell County because that's where all the good-
17 paying jobs are and it would be nice for them to be at
18 home instead of driving 80 miles one way to work so,
19 of course, we're all for Strata.

20 Our county, we have 6,000 people in it.
21 The extra taxes that Strata will bring will probably
22 be able to help with our dirt roads, our paved roads,
23 all of the little towns that are here that, you know,
24 need an extra boost of money without raising the
25 taxes, so I'm all for that.

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1 Also, since we live real close to the
2 project, we're on the other side of the fault so we're
3 not where the fault is and they test our water several
4 times a year the past few years and our water hasn't
5 changed one iota. They've been drilling exploration
6 holes and nothing has changed, so that makes us feel
7 really, really good.

8 And I guess we're just all, my whole
9 family is for Strata because it's, Crook County
10 really, well, we need more better-paying jobs.

11 And I guess the way I think about it is a
12 lot of people are against nuclear energy but I am from
13 back East. I've lived in Miami and I've been to New
14 Jersey and you see the nuclear reactors and I'm not
15 afraid of the water.

16 I mean, I actually had a Girl Scout, you
17 know, we went to a Girl Scout camp and we swam in the
18 water that was coming from Turkey Point, you know,
19 nuclear place down in Miami and I guess I'm 62 now so
20 it didn't affect me too bad. So we're not afraid of
21 the water. I think the water's just fine.

22 And just think of it, you know, I mean, to
23 me a lot of people want cleaner energy for, you know,
24 for the whole United States and the whole world.
25 Well, if you look at nuclear energy versus, you know,

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1 coal and all the other things, well, you know what,
2 it's pretty darn clean. So I guess that's all I have
3 to say and thank you for listening to me.

4 CHAIRMAN BOLLWERK: Thank you for coming
5 this afternoon. The next speaker would be John Dale
6 and then Marvin Kammerer.

7 MR. DALE: Good afternoon, everyone. My
8 name is John Dale. I live in Spearfish so I'm just
9 downwind of this project and I am a concerned citizen
10 and, in general, I oppose this project right now.

11 I'm a member of Dakota Rural Action and
12 I'm also a supporter of the Clean Water Alliance. I
13 have received some funding from the Western Mining
14 Action Network to explore mining issues in this area
15 and I run a website called TruthAboutMining.org.

16 The mining industry, in my view, runs a
17 deficit every year in damage to our living
18 environment. It's accumulated a large environmental
19 debt over the years that has been called profit. It's
20 been unfairly externalized to the health and well-
21 being of the people most notably who live near these
22 mines.

23 So in my view, before we allow any further
24 exploration we need to properly assess this debt, then
25 we need to set up some sort of payment plan to get the

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1 industry back on track, in short, clean up the messes
2 we've made before we make another one.

3 In particular, in the very least, there
4 are quite a few holes around here that need to be
5 plugged before making any more moves. And that's all
6 I have to say. Thank you. Have a great day.

7 CHAIRMAN BOLLWERK: Thank you, Mr. Dale,
8 for coming. Thank you. The next speaker is Marvin
9 Kammerer.

10 MR. KAMMERER: Good afternoon. It's a
11 pleasure to see some of you again. I have driven 150
12 miles to speak here. I was refused the right to speak
13 in Hot Springs, South Dakota, because there was kind
14 of a mix-up. I was to be a witness later on at the
15 hearings in Rapid City.

16 I am from an immigrant family. My
17 granddad and brothers came in here in about 1880
18 before there was a railroad. They worked with a
19 freight outfit coming from Fort Pierre, South Dakota,
20 to Rapid City. They squatted out there until the
21 Homestead Act opened up in '86. We're still there.
22 Five of my kids live on ranches in South Dakota.

23 A year ago last January we were still in
24 the severe repercussions of a drought. Dams were all
25 dry. We had one left with about that much ice on it

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1 and about that much water left in it.

2 And the boy was getting ready to calve a
3 bunch of registered heifers. You can't calve and not
4 have water at your corrals. It don't work. He had
5 one choice left because there was no place to go with
6 them and then that was to a sale barn and not much
7 chance getting back in it because there was no feed to
8 be available if you could find a place that had water.

9 So we went to the government to see if we
10 could get some help in digging a well and it'd all
11 been spent on these little ranchette people, so we dug
12 into the sock.

13 My wife had been a dialysis nurse for
14 years, just retired. We'd saved and scrimped and used
15 old stuff again and again. My kids all rode horseback
16 to school as I did until in high school. We learned
17 the hard ways of living on the prairie.

18 And I hope when you people got here that
19 you came early enough to see the buffalo roundup in
20 South Dakota. It's a wonderful thing. I hope you got
21 time to spend a little time in this oasis and the
22 plains, and that you travel safely back.

23 We went and dug into the sock and we had
24 to go 2,260 feet deep to get the water we needed in
25 the Inyan Kara. Now, that takes a hell of a hole out

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1 of a sock of people that have raised seven kids on a
2 land that has had its series of droughts and has a
3 history.

4 This was Native American land, still is by
5 treaty. We're merely here for a time and in that time
6 we must preserve the good things that Mother Nature,
7 or if you believe in the creator, that has been
8 provided to us.

9 Do not waste it. Do not take it for
10 granted and, for God's sake, don't mess up things that
11 are down there out of sight. We don't know what's
12 going on under this ball called earth. We don't know
13 where these fissures are, where these leakages are.
14 We can guess. Sometimes we pay a hell of a price.

15 And if you watch what's going on in this
16 country and in other parts of the world, water is
17 becoming a very precious commodity. Some places
18 they're getting a hell of a lot more than they need
19 but it's whoosh, it's gone.

20 I come from the high desert country of
21 Utah to memorial of a friend who lived in a high
22 desert ranch there where they get five inches of rain,
23 moisture for the year. It's the bottom of an old sea
24 bed and they're drawing from there to keep the alfalfa
25 in the fields going. Vegas, with the help of U.S.

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1 senator and their mayor trying to steal all that
2 water.

3 We got this water with this well and it
4 helped save a ranch. It helped save a generation. It
5 helped save for South Dakota a family that has always
6 worked honestly and hard and paid its dues.

7 We must always think of the generations
8 not yet born. The Native Americans, I mention that
9 quite a bit, we ought to pay more attention. I've got
10 three great-grandkids now, and in our search for
11 developing economies, we have a tendency to forget a
12 tomorrow and the day beyond that and the years beyond
13 that are our responsibility.

14 This yellowcake that they want to mine, if
15 it's like what's in -- They bought the mine in South
16 Dakota. It's owned by a Chinese company. South
17 Dakota gave their water away free to a foreign company
18 of all things. Ridiculous. Gave it away. That's my
19 water, by God. This is my community. This is my land
20 and I'm simply a caretaker for generations not yet
21 born.

22 And those same companies that are going to
23 get this yellowcake will send it right down the
24 pipeline to China where they'll build nuclear-powered
25 submarines and weapons. They've done a lot of that

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1 already.

2 I thank you for being here. I've got a
3 lot more to say and I was denied that opportunity in
4 Hot Springs and I hope you'll bear with me in being a
5 little over time here.

6 I've paid my dues here. My family's paid
7 their dues here. And you people are supported and
8 appointed to protect the Constitution and look out for
9 the rights of people. It's not easy but I sure hope
10 you can do it. Thank you.

11 CHAIRMAN BOLLWERK: Thank you, sir, for
12 coming and talking this afternoon. All right, let me
13 check. Ms. Valloch, you have any others signed up
14 right now?

15 MS. VALLOCH: Not registered, no.

16 CHAIRMAN BOLLWERK: Okay. At this point
17 we've gone through all the speakers that have
18 registered. We've also been going about 45 minutes so
19 why don't we take about a 15-minute break. We'll see
20 if anyone else comes in to register in the interim.

21 If you know anybody that wants to speak,
22 they certainly should come and do that. You might
23 want to let them know.

24 While the session could last as long as 6
25 o'clock, we noted in the Federal Register that if we

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1 didn't have any additional speakers, the Board sort of
2 could convene the session or recess it, rather, at any
3 point.

4 So we will stick around a little bit
5 longer obviously, but I'm hoping we have some other
6 speakers that might come this afternoon. So let's go
7 ahead and take a 15-minute break till about 4 o'clock
8 at this point. Thank you.

9 (Whereupon, the above-entitled matter went
10 off the record at 3:47 p.m. and resumed at 4:02 p.m.)

11 CHAIRMAN BOLLWERK: All right, it's a
12 little after 4 o'clock. We've taken a 15-minute break
13 to see if anybody else wanted to speak and, in fact,
14 there was someone so I have one additional sign-up.

15 I should mention or make note of the fact
16 that we had a chance to look at the area and I should
17 mention that yesterday afternoon we went actually on
18 a site tour of the facility.

19 The Board had requested that Strata set
20 one up for us, our law clerks and counsel for the NRC
21 staff and for Strata and for the Powder River Resource
22 Council which is one of the intervenor groups and part
23 of the joint intervenors went with us as well.

24 We did get a chance to see the site. We
25 found it very useful and we appreciate the folks from

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1 Strata setting that up. It really gave us a good
2 sense of I think what the site looks like, what's
3 going on there.

4 Anything you want to say about that, Judge
5 White?

6 JUDGE WHITE: We saw some of the area
7 around it. We drove through Hulett where one of the
8 persons who spoke today lives so we have seen that.

9 CHAIRMAN BOLLWERK: I've been here for
10 about four or five days so we are trying to get a
11 sense of the area, very beautiful area, very
12 impressive.

13 When I was in high school, I lived in the
14 Texas panhandle and that's not the same thing as here
15 obviously, pretty flat, pretty dry. Dry yes, but you
16 have a lot more rolling hills and things to see than
17 looking 40 miles out toward Amarillo.

18 So but it really is a nice area. We're
19 glad we were able to make it up here to do the limited
20 appearances and also hold the hearing in Gillette on
21 Monday and, Tuesday, excuse me.

22 Those of you who are available, we hope
23 you'll come over on Tuesday to see the hearing. We'll
24 be there, I'm sure, at least a couple days. We have
25 it scheduled for three. I'm sure it's going to take

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1 at least two.

2 So please do come over to the Cam-Plex
3 starting 9:30 on Tuesday morning if you're available
4 and we're looking forward to the hearing. I think
5 there's a lot of interesting things, important things
6 we're going to be hearing at that point, so.

7 Let me go ahead and have our next speaker
8 then. We have Carla Marshall.

9 MS. MARSHALL: Good afternoon. Thank you
10 for allowing me to speak here today. My name is Carla
11 Marshall. I am a member of the Cheyenne River Sioux
12 Tribe which would be north of here, northeast. We are
13 right along the Missouri River and then also the
14 Cheyenne River. I am not a tribal employee. I am not
15 representing any tribal agency or anything. I am a
16 concerned member, concerned citizen.

17 I live in Rapid City. I have lived out in
18 the hills for a number of years since the late '70s
19 and been involved with protecting our water, stopping
20 uranium mining throughout the years.

21 And, you know, water is life. If we don't
22 have clean drinking water, if we don't have clean
23 water for livestock, if we don't have clean water to
24 grow our food, what is there, you know? Life will
25 end.

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1 I want to recite a, give you a little
2 example of -- There's a book called, "Warriors of the
3 Rainbow," and it was written in 1960. This woman went
4 around in Canada and she gathered stories from native
5 people up there.

6 One of the ladies, the women that she had
7 gathered the story from, she was Assiniboine, a Sun
8 Dance leader. So in the '60s, if she was a Sun Dance
9 leader back then, she was, you know, probably up there
10 in age I guess I'd say.

11 But she had this dream. You're back in
12 the '60s. Her dream may have been, like, in the '30s
13 or something but this dream she had was that she was
14 walking and she seen that her people needed water.
15 They had clothes, they had housing, they had food but
16 they had no clean water. You know, there was no clean
17 water for them to drink.

18 So in this dream, as she's walking along
19 she's finding little puddles of water but it wasn't
20 clean to drink.

21 Finally she said she comes into this
22 forest and she's walking through it and all of a
23 sudden she said this, like, door opens up and she said
24 she seen all these people there that were all just,
25 all different races, colors, creeds, you know, she

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1 said and they were happy because the water there was
2 so crystal clear and she knew that she finally found
3 the water.

4 That takes me back to what's happening in
5 the tar sands right now. At that time there was no
6 tar sands. The boreal forest was still pure.

7 But all the years down the road, you know,
8 the people up there, they may have jobs so they have
9 housing, they have food, they have clothes, but that
10 water is gone. The wildlife is being contaminated.
11 The people are, you know, they're just, it's been a
12 major contamination.

13 And, you know, where you're trying to mine
14 at, that's only 13 miles from Mato Tipila. That's a
15 sacred site for the Lakota, the Cheyenne, the northern
16 Cheyenne, the Arapaho. That's our sacred site.

17 And if this land here that is, it is under
18 treaty, 1868. 1851 it started. It's 1868 treaty that
19 we are under and if that land is on the BLM or, you
20 know, it should have tribal consultation.

21 Was there adequate and efficient tribal
22 consultation made by Strata? If it wasn't, then I
23 believe that's mandated. So, you know, that's another
24 issue that needs to be addressed.

25 The water that's going to be coming,

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1 flowing out of these aquifers, which way are they
2 going? You know, they could flow right into the Belle
3 Fourche. They're going to flow into the tributaries,
4 the creeks.

5 That feeds livestock. Is the livestock
6 going to start having cancerous sores? They probably
7 already do because the Cheyenne River has been
8 contaminated from Homestake gold mine from the
9 Edgemont area way back in the, you know, in the '30s
10 and '40s.

11 So I think it's a big issue there, that we
12 have to put a stop to uranium mining, to any type of
13 mining that's going to pollute our water.

14 You know, with the story that I just told
15 you about the Assiniboine grandma from way back when,
16 she dreamt about these people coming all together.
17 Last Sunday a week ago there was 400,000 marching on
18 New York at the U.N. calling for climate change and
19 making sure that people knew about this. We have to
20 protect our water for the future generations.

21 And like Mr. Kammerer said, you know, we
22 don't know what's going on down underneath. We don't
23 know what's going on down there and soon as you start
24 opening it up -- My knowledge of uranium mining or in
25 situ mining is you stick a syringe into pollution, you

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1 push it down into Mother Earth, you push that poison
2 down into those aquifers and life is over.

3 So and, you know, we don't know what
4 Strata, the Australian company or, you know, where's
5 that yellowcake going? Who are they going to sell it
6 to? It might go to Australia but then who's going to
7 buy it from there? Is it going to be China?

8 So, you know, remember George Bush was
9 looking for weapons of mass destruction? Who's
10 selling the stuff to make the weapons of mass
11 destruction? After it leaves here, it's gone. We
12 don't know where it's going.

13 So I just want to thank you for your time
14 and I hope you'll say no, this project is not, neither
15 this project, Powertech or any other uranium project
16 is in the best interest of the public, so thank you
17 very much.

18 CHAIRMAN BOLLWERK: Thank you for coming
19 this afternoon and addressing this. Appreciate it.

20 JUDGE WHITE: Thank you.

21 CHAIRMAN BOLLWERK: All right. Karen, do
22 we have anybody additional at this point?

23 MS. VALLOCH: No, we don't.

24 CHAIRMAN BOLLWERK: All right let me then,
25 again, if there's anyone here that is interested in

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1 speaking, we're here at this point. If you know of,
2 does anyone know of anyone that was coming this
3 afternoon, that might be coming in the next 45 minutes
4 or half an hour today?

5 (No audible response)

6 CHAIRMAN BOLLWERK: All right well, again,
7 if you're here and you'd like, you didn't want to, you
8 don't necessarily want to address us but you want to
9 leave a written statement, Ms. Valloch has got a sheet
10 back there that you can certainly fill out and leave
11 with her and we will make sure it gets into the
12 record, make sure Judge Cole sees it as well.

13 At this point we're going to go ahead and
14 we'll take another break till about 4:30 and see if
15 anyone else wants to speak.

16 Again, if you know of anybody that would
17 like to come, you know, get on your cell phone, if you
18 will, and give them a buzz and tell them to get on
19 over here because we're here and we're willing to
20 listen if they would like to come over. So let's go
21 ahead and take another break until about 4:30. Thank
22 you.

23 (Whereupon, the above-entitled matter went
24 off the record at 4:12 p.m. and resumed at 4:31 p.m.)

25 CHAIRMAN BOLLWERK: Well, my iPod tells me

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1 it's about 4:30 and, Ms. Valloch, anyone else has
2 signed up?

3 MS. VALLOCH: No.

4 CHAIRMAN BOLLWERK: No, all right. Well,
5 as I mentioned before, we did put in the Federal
6 Register notice that we reserve the right if we'd gone
7 through all the speakers that were there to adjourn
8 the session early and I think at this point we are
9 going to go ahead and do that.

10 Again, if anybody, no one here seems to
11 know of anybody else that's coming and there's no one
12 else here that is interested in making a statement at
13 this point so I think we will go ahead and recess the
14 limited appearance session at this point.

15 Obviously from what we've heard, very
16 heartfelt feelings on both sides in terms of opposing
17 or in supporting the facility, something we will keep
18 in our minds as we listen to the evidence on Tuesday.

19 Is there anything you wanted to say, Judge
20 White?

21 JUDGE WHITE: No, other than to thank the
22 people that spoke today.

23 CHAIRMAN BOLLWERK: Judge Cole, anything
24 from you?

25 JUDGE COLE: No, just thank the people

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1 that did come came.

2 CHAIRMAN BOLLWERK: I would echo their
3 statements. We do very much appreciate you all taking
4 the time. Compared to the last couple days, the
5 weather today wasn't great but you did come out and we
6 really do appreciate you coming by and presenting your
7 views to us. It was important that we hear what you
8 had to say.

9 And, again, I will mention that we are
10 going to be in the Cam-Plex, the Energy Hall at the
11 Cam-Plex facility at 9:30 a.m. on Tuesday morning to
12 begin hearing evidence on the issues that I mentioned
13 in my opening statement about the Strata facility.

14 I would urge you, if you have time, to
15 come by, and if you can't spend the whole several days
16 with us, certainly come by at any time you're
17 available.

18 One of the Commission's policies is that
19 we, the Boards, to the degree we can, go out near the
20 sites where the facility or the materials that we're
21 dealing with in the proceeding are located.

22 It's something that's important to us, to
23 try to get out and allow the members of the public to
24 come and see what the Nuclear Regulatory Commission's
25 Atomic Safety and Licensing Boards are doing and this

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1 is an opportunity for those of you in this area to see
2 what we're about with respect to the Strata facility
3 so --

4 JUDGE COLE: You're fading away, Judge
5 Bollwerk.

6 CHAIRMAN BOLLWERK: Okay, sorry. I need
7 to get closer. So, again, I would hope that anyone
8 who's available will come out, you know, on Tuesday
9 morning and attend the hearing.

10 As with any process like this or any
11 session like this, there are a lot of people that are
12 involved. I want to thank a number of them.

13 Kathleen Schroeder and Alana Wase are law
14 clerks who are here to kind of support the Board, keep
15 us on track.

16 Karen Valloch, our administrative
17 assistant, who did a lot of the organizational work
18 for this, that set this session up today as well as,
19 obviously, the hearing we're going to be holding on
20 Tuesday.

21 Joe Deucher, our panel IT specialist, who
22 made sure all the IT work -- We got a little curve
23 ball yesterday with a phone line and he was able to
24 make sure that Judge Cole -- I think you can still
25 hear us can't you, Judge Cole?

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1 JUDGE COLE: I'm still there, yes.

2 CHAIRMAN BOLLWERK: At least if I speak
3 into the microphone, right, so --

4 JUDGE COLE: Better now.

5 CHAIRMAN BOLLWERK: Bring in Judge Cole
6 from our Rockville headquarters, and although, as I
7 mentioned before, he was unable to make it out here
8 because of some health issues, he will be
9 participating in the hearing on Tuesday as well as a
10 member of the Board.

11 Also our NRC security officers, Gary
12 Simpler and Dennis Brady, for providing us the
13 security that we're always glad to have. This was a
14 very calm session I'd say, some of the ones I've done.
15 But it's always good to know the NRC security is there
16 as well as the local police and the sheriff's
17 department in this case.

18 The Crook County Sheriff's Office provided
19 us security support. Sheriff Steve Stahla, if I'm
20 pronouncing that correctly, scheduled it and we are
21 very glad to have Officers Tom Adams and the Sheriff-
22 Elect actually, Jeff Hodge, who's here with us today.
23 Appreciate both of them helping us as well.

24 And understand Sheriff-Elect Hodge starts
25 in January, is that right, so appreciate you taking

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1 the time this afternoon to come and help us out. Very
2 much appreciate both your efforts.

3 And finally the staff here at the Crook
4 County Courthouse, in particular Brian Sebade, the
5 northeast Wyoming extension educator for the
6 University of Wyoming Extension who administers the
7 use of this meeting room and was very kind to let us
8 use it and to help us get in here and hold this
9 proceeding which we think, I think went very well.

10 And, again, we very much appreciate the
11 efforts of all of you to come out this afternoon and
12 speak with us. It was important that we hear what you
13 had to say and we're listening and we will certainly
14 take it into account.

15 At this point if there's nothing else, no
16 one else wants to say anything, again, then we're
17 going to recess this session. Thank you, again, for
18 coming this afternoon.

19 (Whereupon, the above-entitled matter went
20 off the record at 4:35 p.m.)

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