

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

Title: Waste Control Specialists Application  
EIS Public Scoping Comment Meeting

Docket Number: 72-1050

Location: Hobbs, New Mexico

Date: Monday, February 13, 2017

Work Order No.: NRC-2861

Pages 1-137

NEAL R. GROSS AND CO., INC.  
Court Reporters and Transcribers  
1323 Rhode Island Avenue, N.W.  
Washington, D.C. 20005  
(202) 234-4433

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

+ + + + +

PUBLIC SCOPING MEETING FOR THE  
ENVIRONMENTAL IMPACT STATEMENT FOR WASTE CONTROL  
SPECIALISTS LLC'S APPLICATION FOR A  
CONSOLIDATED INTERIM STORAGE FACILITY FOR SPENT  
NUCLEAR FUEL, ANDREWS COUNTY, TEXAS

+ + + + +

Monday, February 13, 2017

+ + + + +

Lea County Event Center  
5101 N. Lovington Highway  
Hobbs, New Mexico

The above-entitled meeting was conducted  
at 6:00 p.m.

FACILITATORS:

BRETT KLUKAN

CRIS BROWN

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

NRC STAFF:

JOHN MCKIRGAN

DEBRA MILLER

JOHN-CHAU NGUYEN

JAMES PARK

CINTHYA ROMAN

DIANA DIAZ-TORO

BRIAN SMITH

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

CONTENTS

<u>AGENDA ITEM</u>	<u>PAGE</u>
Opening Remarks & Introductions.....	4
Brett Klukan, NRC	
Welcome and Meeting Purpose.....	7
Brian Smith, NRC	
NRC Mission & Regulatory Role.....	11
Cinthya Román, NRC	
NRC Licensing Review/EIS.....	16
James Park, NRC	
Question-and-Answer Period.....	31
NRC Staff	
Receive Public Comments	
Officials and Representatives	
Sam Cobb.....	36
Ron Black.....	39
Matt White.....	44
Lorenzo Velasquez.....	45
Tres Hicks.....	47
Steve Vierck.....	50
Public Comments.....	53
Closing Remarks.....	136
Brett Klukan	
Adjourn.....	137

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

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

2                    MR. KLUKAN: Welcome, everyone. My name  
3 is Brett Klukan. I'm the facilitator for the meeting  
4 this evening. Cris Brown, who I think is in the  
5 foyer right now -- when Cris comes back in the room,  
6 I'll point her out.

7                    As the NRC staff empaneled here will make  
8 clear, the primary purpose of the meeting this  
9 evening, to which the vast majority of the meeting  
10 time will be devoted, is to accept public comment on  
11 what should be the scope of the NRC's environmental  
12 impact statement, otherwise known as EIS, which  
13 you're going to be hearing a lot, regarding Waste  
14 Control Specialists' application to build and operate  
15 a spent fuel consolidated interim storage facility in  
16 Andrews, Texas.

17                    So with that said, the meeting tonight is  
18 going to be broken into a couple of parts. First  
19 we'll start with an NRC presentation that will  
20 broadly cover the environmental review process.  
21 After that we'll then devote about 10 to 15 minutes  
22 in questions of the public regarding the process, how  
23 the environmental review works; you know, what are  
24 the various steps.

25                    And then after that we'll go right into the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 bulk of the meeting, which will be accepting public  
2 comments from you this evening.

3 There is on the registration table, right  
4 outside the doors of the meeting -- oh, here's Cris.  
5 Cris, raise your hand.

6 Again, right outside the room, in the  
7 entryway, is a speaker sign-up list. If you'd like  
8 to give a public comment tonight during that portion  
9 of the meeting and you haven't already signed up,  
10 please do so now. That's how I know who wants to  
11 speak this evening.

12 And now -- so if you haven't already done  
13 so, if you haven't already signed up, please step  
14 outside the room and put your name on the list. I'll  
15 be collecting that after the staff's presentation.

16 Now, just one quick ground rule. And I  
17 have no expectation this will occur tonight, but I  
18 say this at every meeting I facilitate. Let me make  
19 this very clear: Threatening gestures or statements  
20 under no circumstances will be tolerated by anyone in  
21 the audience and will be cause for immediate  
22 ejection.

23 If you feel you've been threatened in any  
24 way, let me know, let Cris know, or another NRC staff  
25 member that you see wearing a badge tonight, so that

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 we can attend to that.

2 A few very basic housekeeping matters:  
3 Bathrooms are right outside the doors. The exits are  
4 back and behind you and to the sides. While cameras  
5 are permitted tonight -- you're free to videotape  
6 this, you're free to use little cameras, I would just  
7 ask that you be judicious with flash through it all.

8 And, again, if you could all, please, for  
9 the courtesy of everyone in the audience and for the  
10 fact that we're recording this meeting tonight,  
11 please silence your cell phones if you haven't  
12 already done so.

13 All right. Now, at this point, before I  
14 turn it over to the NRC staff, I'd like to give  
15 elected officials or representatives of any state or  
16 federal agencies, or their representatives, to stand  
17 and be recognized.

18 To start I'm told that we have Ms.  
19 Bernadette Granger from Congressman Pearce's office.  
20 Thank you for attending this evening.

21 Would any other elected officials or  
22 representatives of state or federal agencies like to  
23 stand and be recognized at this time? Cris will  
24 bring a microphone.

25 MR. PULLEN: My name is Steve Pullen. I'm

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 with the New Mexico Environment Department, Ground  
2 Water Quality Bureau.

3 MS. HOLCOMB: I am Sarah Holcomb. I'm with  
4 the New Mexico Environment Department, Surface Water  
5 Quality Bureau.

6 MR. KNUXTSON: I'm Gerald Knutson, New  
7 Mexico Environment Department, Ground Water Quality  
8 Bureau.

9 MR. KLUKAN: Any other elected officials  
10 like to stand to be recognized at this time?

11 (No response.)

12 MR. KLUKAN: There will be a later portion  
13 of the meeting, before we go into public comment,  
14 where elected officials or representatives will be  
15 given an opportunity to give prepared statements, so  
16 just to make you aware of that, you will have an  
17 opportunity to do that at a later time tonight.

18 Okay. If there's no one else at this time,  
19 then I will thank you, first of all, and then I'll  
20 turn it over to Brian Smith of the NRC staff.

21 MR. SMITH: My name is Brian Smith. I'm  
22 the deputy director of the Division of Fuel Cycle  
23 Safety, Safeguards, and Environmental Review in the  
24 NRC's Office of Nuclear Material Safety and  
25 Safeguards; lot of words there.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1 My division -- we'll just call it the  
2 Division of Fuel Cycle -- is responsible for the  
3 licensing and oversight of the nuclear fuel cycle  
4 facilities here in the United States. URENCO USA is  
5 one of those, so I've been out in the past quite a  
6 few times involved in numerous public meetings and  
7 numerous trips to the site as part of inspections and  
8 meetings and such.

9 Another important responsibility of our  
10 division is performing environmental reviews. One  
11 of our branches is called the Environmental Review  
12 Branch, and we have two of the folks -- one of the  
13 senior project managers, Jim Park, is here, as well  
14 as the branch chief, Cinthya Román. They'll be  
15 making presentations a little bit later.

16 We do the environmental reviews for all of  
17 the licensing actions within the Office of Nuclear  
18 Materials Safety and Safeguards.

19 One of those other divisions is the  
20 Division of Spent Fuel Management. We have two staff  
21 from that division: John McKirgan, branch chief, and  
22 John Nguyen, who's the project manager for the safety  
23 and security review of the WCS license application  
24 that we'll be talking about tonight.

25 We traveled here to Hobbs tonight to hear

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 your comments associated with the scoping of the  
2 environmental impact statement or EIS for WCS's  
3 license application for consolidated interim storage  
4 facility for spent nuclear fuel, to be located at  
5 WCS's site in Andrews County, Texas.

6 WCS is seeking a license for 40 years to  
7 allow construction and operation of the storage  
8 facility, which could potentially store up to 40,000  
9 metric tons of uranium and spent nuclear fuel. In  
10 our presentation today we will be discussing WCS's  
11 proposal and NRC's process for reviewing WCS's  
12 request.

13 We encourage and welcome your comments  
14 tonight on the scope of the NRC EIS. I can assure  
15 you that we take each and every comment very  
16 seriously. NRC's job is to protect the public health  
17 and safety and the environment by thoroughly  
18 reviewing each license application we receive before  
19 deciding whether or not to grant an applicant's  
20 request.

21 We understand that in the audience tonight  
22 there are those who may oppose WCS's license  
23 application for the storage facility, as well as  
24 those who may support it.

25 I want to assure you that we want to hear

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 from both sides this evening. However, I want to  
2 remind you that the purpose of this meeting is to  
3 gather comments for the scoping of our EIS. We want  
4 to know what important information and issues we need  
5 to consider and analyze in our EIS.

6 We are also aware that there may be other  
7 issues that both sides want to discuss with us. We  
8 are not from this area, so if there is something  
9 specific to this area that you think is important, we  
10 want to know that as well.

11 If you have questions or issues to discuss  
12 on other matters, NRC staff will be here to speak  
13 with you after the meeting.

14 We want to try to hear from as many of you  
15 as possible about any environmental issues related to  
16 this proposed project in the time we have allotted in  
17 this room, so I would appreciate it if you could focus  
18 your comments only on matters related to the  
19 appropriate scope and content of the EIS that we are  
20 preparing. Otherwise, we may not get to everyone who  
21 wants to speak tonight.

22 We treat all the comments we receive the  
23 same, whether the comment was made by one person or  
24 by a hundred. We give each comment we receive the  
25 same careful consideration during the preparation of

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 the EIS.

2 The NRC will consider all of the oral and  
3 written comments we receive here tonight, as well as  
4 those we receive via letter, email, or through the  
5 federal rulemaking website. And comments are to be  
6 submitted by March 13.

7 The EIS, combined with the NRC's safety and  
8 security review of WCS's license application request,  
9 will result in an NRC licensing decision to either  
10 approve the license request or to disapprove it.

11 Okay. So I'm going to go over a few  
12 objectives. The first is to describe the roles and  
13 responsibility. Cinthya Román will take the lead for  
14 that. Jim Park will talk about the NRC's licensing  
15 review, which encompasses both safety, security, and  
16 environmental review, and Jim will talk about in  
17 detail the process that we'll go through in the  
18 development of our environmental impact statement.

19 Following that, as Brett mentioned, we'll  
20 do a short Q&A session, then it's your turn to provide  
21 us public comments on how we can properly scope our  
22 environmental impact statement.

23 So with that, I'll turn it over to Cinthya.

24 MS. ROMÁN: Good evening. As he  
25 mentioned, I'm Cinthya Román, chief of the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 Environmental Review Branch under the Office of  
2 Nuclear Materials Safety and Safeguards at NRC.  
3 Staff in my branch is going to be working on the  
4 environmental review for Waste Control Specialists'  
5 license application.

6 Today I'm going to talk about the NRC  
7 mission and the NRC role. So who are we? Our agency  
8 is charged by federal law to be the nation's only  
9 regulator of commercial nuclear materials,  
10 independently ensuring these materials are used,  
11 handled, and stored safely and securely.

12 Specifically the NRC mission is to license  
13 and regulate the nation's civilian use of radioactive  
14 material to protect public health and safety, promote  
15 the common defense and security, and protect the  
16 environment.

17 The NRC regulates about a hundred power  
18 reactors that generate nearly 20 percent of the  
19 electricity in the United States. These plants make  
20 up to 60 percent of the nation's carbon-free  
21 electricity. We also regulate research reactors.  
22 We also regulate nuclear materials.

23 In the United States we have about 20,000  
24 source, byproduct, and special nuclear material  
25 licenses. About a quarter of these licenses are

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 issued by NRC, while the others are issued by the  
2 states that have entered into agreements with the NRC  
3 to give them authority to license and inspect certain  
4 nuclear materials used or possessed within their  
5 borders.

6 Along with agreement states, we license  
7 hospitals, clinics, and other medical facilities. We  
8 also regulate uranium recovery facilities and fuel  
9 cycle installations. In addition, NRC is responsible  
10 for the transportation of nuclear material and  
11 decommissioning of nuclear facilities from service.

12 We regulate the storage and disposal of  
13 nuclear materials and waste. That's why we are  
14 currently reviewing the WCS license application for  
15 a consolidated interim spent fuel storage facility.  
16 In addition, we have the responsibility for physical  
17 security of nuclear material, to protect it from  
18 sabotage or attacks.

19 The NRC regulations are designed to protect  
20 both the public and occupational workers from  
21 radiation hazards. Our primary responsibility  
22 include establishing rules and regulations, issuing  
23 licenses, providing oversight through inspection  
24 enforcement and evaluation of operational experience,  
25 conducting research to provide support for regulatory

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 decisions, and responding to emergencies.

2 As part of our regulatory process, we  
3 conduct environmental reviews. Particularly my  
4 branch is involved in the environmental reviews for  
5 different facilities, such as uranium recovery,  
6 milling, enrichment, fabrication of fuel, storage of  
7 spent fuel, and nuclear facility decommissioning.

8 So what we don't do: The nuclear-related  
9 activities that do not fall under the NRC  
10 jurisdiction include promoting or building nuclear  
11 facilities; owning or operating nuclear power plants  
12 or other nuclear facilities; regulating nuclear  
13 weapons, military reactors, or space vehicle  
14 reactors; regulating naturally occurring radioactive  
15 material and radiation-producing machines, such as X-  
16 ray equipment.

17 The NRC views nuclear regulation as the  
18 public business, and as such, it believes it should  
19 be as open and transparent as possible to maintain an  
20 enhanced public confidence. Stakeholders will have  
21 many opportunities to participate in the regulatory  
22 process before issuing a license.

23 To continue its practice of communicating  
24 clearly and frequently on important issues, the NRC  
25 holds meetings with the public or other external

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 stakeholders, both in the vicinity of the nuclear  
2 facilities and its headquarters and regional offices,  
3 just like this public scoping meeting.

4 In addition, documents and correspondence  
5 related to the licensing renewals, license  
6 application, inspection findings, with the exception  
7 of certain security-related, proprietary or other  
8 sensitive information, are made publicly available in  
9 our agency website.

10 Open communication is key, and public  
11 involvement is critical in conducting the NRC's  
12 regulatory and environmental review process. You  
13 will hear more details on this in the environmental  
14 review later during this presentation.

15 The NRC engages in active communication  
16 with stakeholders to ensure meaningful stakeholder  
17 participation, mutual understanding, and timely  
18 response. We will continue to coordinate with a wide  
19 array of federal, tribal, state, and local  
20 authorities on issues related to the regulatory and  
21 licensing process.

22 So to conclude my remarks, I want to tell  
23 you why we are here. As part of our regulatory and  
24 licensing review process for projects like the WCS  
25 license application, the NRC conducts the safety and

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1 environmental reviews.

2 The NRC's environmental review are required  
3 by the National Environmental Policy Act of 1969,  
4 also known as NEPA. The environmental review for  
5 WCS' application involves the NRC staff preparing for  
6 an environmental impact statement in accordance with  
7 the NRC regulations for environmental protection and  
8 applicable NRC guidance.

9 As stated previously, the NRC licensing  
10 process is open and transparent, and we are  
11 interested in hearing from you. Your input for our  
12 environmental impact statement is vital. Your  
13 comments will be used in developing the appropriate  
14 scope and content of the environmental impact  
15 statement.

16 The NRC has just started its licensing  
17 review process for WCS, and no decision has yet been  
18 made. That is why we are here: to listen to you and  
19 for you to help us inform the licensing process, in  
20 particular the environmental impact statement, in  
21 support of this process.

22 This concludes my remarks. I'll turn the  
23 presentation over to James Park. Thank you.

24 MR. PARK: My name is James Park. I'm the  
25 lead project manager for the environmental review of

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 the application by Waste Control Specialists for the  
2 consolidated interim storage facility for spent  
3 nuclear fuel that they have submitted to the NRC.

4 I'm being assisted by Diana Diaz-Toro,  
5 who's helping with the slides tonight, as well as  
6 with staff from the Center for the Nuclear Waste  
7 Regulatory Analyses, which are located in San  
8 Antonio. They will help us in the preparation of the  
9 environmental impact statement.

10 In my presentation I'll discuss the  
11 licensing review that NRC conducts and, in detail,  
12 the environmental impact statement process. And as  
13 you'll see, there are two aspects to the licensing  
14 review. One is the safety review, which goes on in  
15 parallel with the environmental review.

16 I'd like to begin by providing a very brief  
17 summary of the application we received from Waste  
18 Control Specialists. They are proposing to construct  
19 the facility on approximately 320 acres of the site  
20 that it owns in Andrews County, Texas.

21 WCS is currently licensed by the State of  
22 Texas under an agreement with the NRC to approve the  
23 storage of certain types of radioactive materials at  
24 the site, which is currently being conducted.

25 In its application, WCS proposes to

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 construct the consolidated interim storage facility  
2 in a series of eight phases, over a period of 20  
3 years, with each phase designed for the storage of up  
4 to 5000 metric tons uranium of spent nuclear fuel.

5 They've stated their intent to store up to  
6 40,000 metric tons uranium if all eight phases were  
7 constructed. However, the initial licensing by NRC  
8 would be only for that first phase. Any subsequent  
9 expansion of the facility would need approvals by the  
10 NRC.

11 The figure that you see is a drawing of the  
12 consolidated interim storage facility after the full  
13 expansion into the eight phases and its location just  
14 north of the existing storage facilities at the site.

15 The spent fuel that WCS anticipates would  
16 be stored there would come from shut-down and  
17 decommissioned nuclear power plants that are located  
18 around the country. If future phases of the -- and  
19 that would be for the initial phase of the operations  
20 there.

21 If future phases were approved, they would  
22 take fuel from future sites that would be either  
23 decommissioned or shut down, as well as possibly from  
24 operating nuclear power plants.

25 They've requested a license for 40 years,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 and over that 40-year period, if that was approved,  
2 they would -- and the full complement of the 40,000  
3 metric tons were moved there, that would involve  
4 approximately 3000 casks to be shipped by rail to the  
5 site.

6 Once a cask would arrive at the site, it  
7 would be taken off the railcar. It would be  
8 inspected for any leaks or damage, and if found to  
9 have none, it would be stored at the site on concrete  
10 pads, either in a vertical arrangement or in  
11 horizontal storage modules.

12 The figure that you see there involves the  
13 rail lines that are located near the site. The one  
14 in blue is the Texas-New Mexico Railroad that goes up  
15 from Monahans and through and into Eunice and then  
16 comes across to the WCS site, and that's the route  
17 that the fuel would take on the railcars once it gets  
18 to Monahans.

19 This slide from WCS shows a conceptual  
20 drawing of what the first phase of this consolidated  
21 interim storage facility would look like, with both  
22 the vertical casks in their storage arrangement, as  
23 well as horizontally placed into modules for their  
24 protection.

25 On the 30th of January, the NRC posted a

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 notice -- published a notice in the *Federal Register*  
2 to indicate that it had accepted the application from  
3 Waste Control Specialists, and that's known as  
4 docketing an application. We had done an initial  
5 acceptance review of the application, requested more  
6 information from WCS, and finally came to a decision  
7 in January that we could -- there was sufficient  
8 information to begin our detailed technical review.

9 In the same *Federal Register* notice, we  
10 also provide the public an opportunity to request a  
11 hearing on this particular application. That's a  
12 formal process that I'll discuss in a later slide.  
13 And the *Federal Register* notice of January 30 gives  
14 instructions of how someone might submit a petition  
15 for a formal hearing.

16 This slide schematically shows and  
17 illustrates the review process that NRC goes through.  
18 In this case we have an application from Waste Control  
19 Specialists that we received in April of last year.

20 Then it comes to the middle, where NRC had  
21 to make a decision whether to accept this application  
22 for a detailed review. We requested additional  
23 information from Waste Control Specialists in order  
24 to make that decision and came to docket the  
25 application on the 30th of January.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1           That kicked off and just began the safety  
2 review that you see that goes down the left side, for  
3 which the NRC looks at the ability of WCS to meet the  
4 regulations in Title 10 of the Code of Federal  
5 Regulations Part 72, which addressed the storage of  
6 this type of fuel at a facility, as well as in the  
7 middle the environmental review process.

8           The safety review ends with an issuance of  
9 what we call a safety evaluation report. The NRC  
10 review process will end with the issuance of a final  
11 environmental impact statement; however, before that,  
12 in that process from -- in the environmental review,  
13 we issue a draft document for public comment, and  
14 even before that, the purpose of why we're here  
15 tonight is to determine what should go into that  
16 environmental impact statement.

17           This figure also shows, on the right in  
18 blue, what's known as the adjudicatory hearing, and  
19 this refers back to the opportunity for the public to  
20 request a hearing on the application.

21           In order to get a hearing, the public  
22 individuals or organizations have to demonstrate that  
23 in some way their interests would be affected by the  
24 action and that they have a standing in this. And a  
25 board is set up by the NRC that's separate from the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 NRC staff, that involves three judges who basically  
2 take evidence on each of the different contentions  
3 that were admitted into the hearing process.

4 So at the end of the process, if a hearing  
5 goes into place, you have both the staff's safety  
6 review findings, you have the staff's environmental  
7 review findings, and you have the result of the  
8 hearing process which goes into the final decision  
9 that affects the licensing or not of -- granting of  
10 a license or not to WCS in this case.

11 The safety review process is a  
12 comprehensive analysis which, again, is documented in  
13 a safety evaluation report. The focus is on the WCS  
14 safety analysis report, or SAR, and in that we -- the  
15 staff reviews that against the requirements in 10 CFR  
16 Part 72. They can request additional information to  
17 come to their determinations regarding safety and  
18 secure storage of the fuel and then issue a public  
19 document, again known as a safety evaluation report,  
20 that documents the final findings by the staff.

21 This slide provides some of the  
22 requirements that the NRC addresses as part of its  
23 safety review to ensure that the storage facility  
24 maintains the confinement of the radioactive  
25 material, provides adequate shielding for the workers

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 who work there, as well as from the public; prevents  
2 nuclear criticality from occurring; and also  
3 maintains the retrievability of the spent fuel.

4 The applicant, in this case Waste Control  
5 Specialists, would need to demonstrate that the  
6 storage system designs that they have or have  
7 proposed would operate and meet these safety  
8 objectives under a range of conditions: normal  
9 operations and what's known as off-normal; these are  
10 unusual events that could happen there at the site,  
11 as well as from accidents; for example, earthquakes  
12 or fires or tornados or things like that. It has to  
13 demonstrate that it meets those safety regulations  
14 under all those various conditions.

15 The preliminary schedule we have for this  
16 review is as follows: We're in the midst of the EIS  
17 scoping process, which will continue through March  
18 13. This will inform the scope of the environmental  
19 impact statement, and that's why we're here tonight  
20 to accept your comments on what should be in the EIS.

21 As I indicated before, by letter to WCS on  
22 January 26, we -- the NRC notified the company that  
23 it had accepted the application for detailed review.  
24 We published a *Federal Register* notice on January 30,  
25 as I discussed.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1           A draft EIS -- currently we're looking at  
2 publishing it in the spring of next year, and again,  
3 we would be out -- when we issue a draft document, we  
4 come out to receive public comment, and there's a  
5 public comment period on that draft EIS.

6           The safety review would be completed in  
7 about 21 months, which would be in the fall of 2018.  
8 The draft would come out in the spring of next year  
9 and the final EIS somewhere around the spring of 2019,  
10 which is about 26 months from the acceptance of the  
11 application for detailed review.

12           Certainly there are many reasons why this  
13 schedule would not be met, and that can involve a  
14 hearing process, for example, or the speed and the  
15 accuracy and completeness of responses to NRC's  
16 requests for additional information from the company.  
17 And there are other reasons why that schedule -- so  
18 this is a preliminary schedule that we have for this  
19 review.

20           So what is an EIS? Basically it's a  
21 comprehensive document that decides the decision  
22 maker, which means, in this case, the NRC, which has  
23 to make a decision whether to license or not this  
24 facility, and the public, with a detailed and  
25 thorough evaluation of the significant environmental

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 impacts which may result from the proposed action by  
2 WCS.

3 It provides evidence to the NRC in support  
4 of its final record of decision, which refers to the  
5 environmental impact findings, as well as supports  
6 any final NRC licensing decision.

7 We prepare the EIS in accordance with our  
8 regulations in 10 CFR Part 51, which implement the  
9 National Environmental Policy Act, as well as  
10 guidance that the staff has developed for how we  
11 prepare environmental impact statements.

12 This flow diagram shows that process, and  
13 I'd like to point out two of the bubbles which are in  
14 blue, which is the place where the public has input  
15 into how the environmental impact statement is  
16 developed.

17 The first one is to accept scoping  
18 comments, to help determine what should be part of  
19 the analysis in the EIS. The second comes after we  
20 issue a draft EIS, and, again, we come out to seek  
21 public comment on the preliminary findings for  
22 environmental impact statements  
23 that -- environmental impacts that the staff has  
24 developed.

25 So opportunities for the public involvement

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 in our EIS process: We began the EIS scoping period  
2 in November of last year, and it extends through the  
3 13th of March of this year.

4 We are in the midst of the scoping meetings  
5 to collect comments from the public. There's the  
6 meeting here tonight in Hobbs. There'll be one on  
7 Wednesday in Andrews. And then on the 23rd we'll be  
8 holding a meeting back at NRC headquarters, which is  
9 going to be available to the whole country through  
10 the internet and a phone line, that we can accept  
11 comments to anyone who could not make meetings here  
12 or on Wednesday.

13 And as I indicated before, following the  
14 draft EIS there'll be a public comment period on the  
15 draft EIS, and we'll come back out here for meetings  
16 to collect those comments.

17 Scoping is an early process. It  
18 necessarily comes at the beginning, to help us guide  
19 where the EIS will go, and that's why we seek your  
20 input tonight. It helps us to identify the  
21 significant issues that are important to you and  
22 focuses on issues of genuine concern to the community  
23 in the evaluation of impacts to that community.

24 So in that way we meet the goals of the EIS  
25 scoping process to ensure that the important issues

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 and concerns are identified early and properly  
2 studied; that reasonable alternatives to the  
3 proposal, in this case from WCS, are examined and  
4 evaluated, but also to eliminate things that don't  
5 really matter. We want to know -- so in that way we  
6 can focus on significant issues and concerns and not  
7 focus on things that really in the end are not  
8 material to the findings that we need to make with  
9 the environmental impact statement.

10 This slide shows the basic contents of what  
11 an EIS would include. The introduction basically  
12 provides the brief description of what WCS is  
13 proposing and why they're doing that.

14 The second chapter gets into a more  
15 detailed description of the proposal and any  
16 alternatives that we're evaluating to that proposal.  
17 The affected environment is those aspects of the  
18 environment that are going to be affected by the  
19 action. I'll get into that, what does that consist  
20 of, in a slide or two from now.

21 Then we look at the environmental impacts  
22 to that environment, any mitigation to reduce the  
23 impacts either proposed by WCS or that we feel are  
24 necessary to reduce those impacts; talk about the  
25 measurement and the monitoring programs that WCS will

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 have in place to evaluate ongoing impacts to the  
2 environment.

3 We look at the costs and benefits  
4 that -- from the analysis of the proposed action, as  
5 well as we also document all the coordination that we  
6 have with local, state, and federal and tribal  
7 agencies as part of our independent evaluation.

8 Currently this is what we're looking at as  
9 a proposed action, and that would be that, as proposed  
10 to us by WCS, NRC would grant a license for a period  
11 of 40 years for the construction and operation of  
12 this consolidated interim storage facility.

13 That construction, again, would occur in  
14 eight phases over -- the construction in eight phases  
15 and over 20 years. And we look at the evaluation of  
16 the full 40,000 metric tons of uranium as requested  
17 by -- or intended by WCS to be part of our analysis.

18 We would also look at what we call a no-  
19 action. This would be that NRC does not grant this  
20 license. But it also means that whatever's happening  
21 at WCS -- for example, the storage of various wastes  
22 under its license by the State of Texas -- would  
23 continue.

24 Other alternatives to these are part of the  
25 EIS scoping process. This is where your input is

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 essential: are there other aspects and other ways  
2 that the issues that -- to what WCS is proposing could  
3 be evaluated for comparison.

4 So when I talked about what's the affected  
5 environment, one way to think about it is to break it  
6 down into various resources or aspects of that  
7 environment that could be affected. For example,  
8 change in the land use from its current usage;  
9 transportation, not only of the spent fuel by rail to  
10 the site, but also all the materials and the workers  
11 that have to be there in order to construct this  
12 facility, as well as those who might work there during  
13 that time.

14 Effects on the local geology and the soils;  
15 the water resources, both surface water and the  
16 groundwater that may be present at the site; any  
17 impacts to the ecology, both the animals and the  
18 plants that are in the region; air quality impacts;  
19 socioeconomics: jobs, money, things that come into  
20 the community, effects that those could bring; as  
21 well as the effects on the public's health and those  
22 who work there, both from the radiation that may be  
23 present at the site, as well as any non-radiological  
24 things, chemical things that could be associated with  
25 the action. Other review areas might be identified

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 as part of our EIS process.

2 And this figure is intended to kind of  
3 demonstrate the various aspects in a different way of  
4 looking at the environment and how they're not just  
5 separate; there's an integration across each of those  
6 areas.

7 You don't just look at land use and it  
8 doesn't have any effect on the animals that live  
9 there; or transportation: What does that mean that  
10 also is jobs or it means more people moving in. So  
11 these are not separate, but they're integrated, and  
12 this picture I think shows that a little more clearly.

13 So how are scoping comments by the NRC  
14 being accepted? Well, we have this meeting tonight.  
15 You can stand up and you can come to the microphones  
16 in the front and give your comments orally, or you  
17 can provide them to us in written form.

18 Brian made reference to the rulemaking  
19 site. There's an actual website where you can go:  
20 [www.regulations.gov](http://www.regulations.gov), and you put in, in a search,  
21 NRC-2016-023 -- it was the number given to  
22 this -- and there's a place where online you can  
23 submit your comments.

24 You can mail comments to us at the NRC  
25 through the regular mail. We also have an email site

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 that's set up that comments can be sent. And we are  
2 accepting comments through March 13 to ensure that  
3 they're going to be considered in our process.

4 And for additional information, on the last  
5 slide is all the different ways where you can find  
6 more about this particular project, as well as the  
7 contacts at NRC; myself being one of them, and John  
8 Nguyen at the other end of the table as the other  
9 contact on this particular project.

10 So thank you for your attention, and I'll  
11 turn it back to Brett.

12 MR. KLUKAN: Thank you.

13 All right. Before we get into the public  
14 comments -- I know that in 10 to 15 minutes we do  
15 want to get into the public comments, because that's  
16 the purpose of the meeting, but I wanted to make sure  
17 that people understood the process we just discussed.

18 So if you have any questions regarding how  
19 the environmental review works, what are the various  
20 stages, how it embraces the safety review, now's an  
21 opportunity to ask that type of question.

22 If you have associated questions, meaning  
23 like what will you consider this as part of the  
24 environmental review or environmental justice or any  
25 of these kind of -- those kind of things, I would ask

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1 that you raise those during the public comment  
2 portion.

3 Right now this is just reserved for process  
4 questions, just to make sure everyone understands the  
5 information from the presentation.

6 So if you have a question, please queue up  
7 at the aisle microphone. Come on up.

8 UNIDENTIFIED AUDIENCE MEMBER 1: Hi, is  
9 this on?

10 MR. KLUKAN: I don't think we've turned it  
11 on yet.

12 UNIDENTIFIED AUDIENCE MEMBER 1: The  
13 downside of being first.

14 MR. KLUKAN: Yeah. Here you go.

15 UNIDENTIFIED AUDIENCE MEMBER 1: Let me be  
16 the first to greet you to southeastern New Mexico  
17 officially. I was born in Artesia; I've spent a lot  
18 of time here in southeastern New Mexico. My question  
19 is -- relative to the process is the materials that  
20 you provided out in front, the two most expensive  
21 little booklets are called Safety of Spent Fuel  
22 Transportation.

23 I've been told that that disingenuous term  
24 "spent fuel" was arrived at through a focus group, so  
25 I'd like to ask you, how much money was spent to come

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 up with a term "spent fuel," rather than to call it  
2 what it is, which is high-level radioactive waste?

3 MR. KLUKAN: So, I don't think anybody here  
4 knows the answer to that question. I don't.

5 UNIDENTIFIED AUDIENCE MEMBER 1: Does  
6 anybody here know whether or not it's true that  
7 they've hired another focus group to come up with  
8 another term because so many people have criticized  
9 this for being so dishonest?

10 MR. KLUKAN: I appreciate the concern  
11 you're raising and how you feel about it, but what  
12 we're trying to get at -- and I do want to try to  
13 move through this section so we do get to this.

14 If you want this to be your comment on the  
15 record for the scoping --

16 UNIDENTIFIED AUDIENCE MEMBER 1: No. This  
17 is --

18 MR. KLUKAN: -- you're welcome to do that.

19 UNIDENTIFIED AUDIENCE MEMBER 1: This is a  
20 question about process. I'm familiar with process.  
21 I have a graduate degree in regional planning, and I  
22 have nine hours devoted to Public Citizen  
23 participation, and I'm a volunteer for Public  
24 Citizen.

25 And the process question is, are we going

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 to get honest information? Based on my questions,  
2 you don't have the answers for the questions I'm  
3 asking, but it is an important question for everybody  
4 to consider.

5 Thank you for your time.

6 MR. SMITH: I'll take this. I'm not aware  
7 of any -- of the NRC conducting any focus groups to  
8 come up with various terms. You think maybe that was  
9 the Department of Energy that may have been doing  
10 that? I mean, there are other government agencies  
11 involved in this overall program.

12 UNIDENTIFIED AUDIENCE MEMBER 1: So are you  
13 suggesting that maybe DOE came up with this  
14 terminology and you've just adopted it?

15 MR. SMITH: I've heard the term "spent  
16 fuel" for years. Was this something that you believe  
17 we conducted recently?

18 UNIDENTIFIED AUDIENCE MEMBER 1: No. I'm  
19 just asking a question based on information I was  
20 given out in the lobby, and I was just curious as to  
21 how you came up with that turn of phrase, because  
22 it's really not a very honest turn of phrase.

23 MR. SMITH: I'm sorry we can't help you.  
24 I'm not aware of any focus groups.

25 UNIDENTIFIED AUDIENCE MEMBER 1: Well,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1       okay. Thank you very much. I've been working with  
2       you guys since 1980s. I'm concerned about the  
3       nuclear power plant in my neighborhood. And we'll  
4       just keep asking those questions and keep not getting  
5       answers. Thank you.

6                   UNIDENTIFIED AUDIENCE MEMBER 2:     Good  
7       evening. Thank you for your presentations. I was  
8       disappointed to see that there was not a copy of the  
9       license application, environmental report or other  
10      parts of the application available in print form in  
11      the lobby, and I think that's a massive oversight,  
12      because not everyone has gone to the website, found  
13      these documents, and gotten through them.

14                   And the public has a right to know what  
15      we're talking about here in more detail. I know you  
16      guys have presented an overview, but that's not the  
17      same as looking at the documents.

18                   When we went to the hearings -- the scoping  
19      meeting for South Texas Project 3 and 4, they did  
20      have those materials available for the public to look  
21      at. It was a single copy, but it was provided.

22                   I would encourage you to make that material  
23      available to local libraries that are in these  
24      impacted communities and to also have one available  
25      Wednesday night in Andrews.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 Thank you.

2 MR. KLUKAN: Thank you for your comments.  
3 We'll definitely take that into consideration and see  
4 what we can do for the Wednesday meeting.

5 All right. Any other process questions at  
6 this time?

7 (No response.)

8 MR. KLUKAN: Okay. Before we begin with  
9 the public comment portion, I would also like to  
10 recognize Ms. Beverly Allen of Senator Udall's office  
11 who is here with us tonight. She's in the front row,  
12 everyone.

13 Thank you for attending.

14 Okay. Now, as I noted at the outset, I was  
15 going to give -- or planned to give elected officials  
16 or representatives of state agencies, who would like  
17 to give prepared remarks, the opportunity to do so.

18 Now is the time. So even if you are  
19 already signed up on the speaking list, if you're an  
20 elected official and want to give prepared remarks,  
21 now -- this is your chance. Please.

22 Just state your name for the  
23 transcriptionist, and your position. Thank you.

24 MR. COBB: Good evening, members of the NRC  
25 staff, ladies and gentlemen. My name is Sam Cobb.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 I am currently serving in my second term as mayor of  
2 Hobbs, New Mexico, and I'm here tonight speaking on  
3 behalf of the majority of the residents of Hobbs and  
4 the Hobbs city commission.

5 I want to compliment the WCS organization  
6 on its current operation, its corporate partnership  
7 with our area, and the jobs it provides to some of  
8 the residents of Hobbs and Lea County.

9 However, I understand you are here tonight  
10 to gain insight into the WCS application for interim  
11 storage of spent nuclear fuel, not WCS' current  
12 operations. Furthermore, you want the facts and,  
13 appropriately, the feelings of area residents related  
14 to the WCS application.

15 As our delegation understands it, the  
16 siting of any interim storage in the United States,  
17 the substantial, perhaps overriding consideration of  
18 part of the decision-making process should be the  
19 consent of the citizens that are within the area and  
20 within the state that could be directly affected.

21 As part of my presentation, I offer an  
22 aerial map that I provided to the staff, depicting  
23 the population within 25 miles of the proposed site.  
24 As you can clearly see, the residents of Hobbs, New  
25 Mexico; Eunice, New Mexico; and Jal, New Mexico, are

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 easily the greatest population base as part of the  
2 consent-based area.

3 Due to the existing presence of the URENCO  
4 facility 18 miles south of Hobbs and the Waste  
5 Isolation Pilot Plant 35 miles west of Hobbs, our  
6 electorate in New Mexico is some of the most  
7 knowledgeable citizens in the country regarding the  
8 nuclear fuel cycle.

9 It appears to us that, given our proximity  
10 to the proposed facility and the need for consent-  
11 based approval, some consideration should be provided  
12 to our communities and the state of New Mexico.

13 As of the date of this presentation, the  
14 City of Hobbs nor Lea County has had any conversations  
15 in that regard from the WCS leadership.

16 Lea County's emergency management  
17 director, Mr. Lorenzo Velasquez, is here tonight to  
18 represent Lea County. It is clear from the map  
19 showing our proximity to the site that the police and  
20 fire departments in Hobbs, Eunice, and Jal will  
21 clearly be the first responders.

22 In addition, because of our existing  
23 nuclear facilities in the area and the memorandums of  
24 understanding that are currently in place with those  
25 entities, our organizations have the trained

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 personnel and equipment in place to respond  
2 appropriately and safely.

3 Our research indicates that there are  
4 several systems and providers in the US and the rest  
5 of the world for this type of interim storage. Our  
6 research further indicates that the particular system  
7 that WCS is proposing has some technical issues that  
8 we have concerns with, and we have some concerns with  
9 AREVA, who is providing the system.

10 Mr. Ron Black, chairman of the Lea County  
11 Commission, will be presenting some information  
12 relating to those concerns.

13 At this time I will stand for any questions  
14 the staff may have.

15 (No response.)

16 MR. COBB: Thank you very much.

17 MR. KLUKAN: Thank you.

18 MR. BLACK: I want to welcome you to Lea  
19 County, give you credit for bringing the rain from  
20 Washington with you.

21 My name is Ron Black. I am the chairman  
22 of the Lea County Commission. I'm here tonight  
23 speaking on behalf of the Lea County Board of  
24 Commissioners and vast majority of the citizens of  
25 Lea County.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1 I want to thank you for being here tonight  
2 to gain insight into the viability of the application  
3 Waste Control Specialists has filed for the  
4 establishment of an interim storage of spent nuclear  
5 fuel facility in our area.

6 Lea County has branded itself as the  
7 EnergyPlex, and we take great pride in the role we  
8 play in helping to make the United States self-  
9 sufficient in energy.

10 We are one of the most prolific producers  
11 of oil and natural gas in the nation. We're also  
12 home to the nation's largest uranium enrichment  
13 facility, and we are rapidly expanding our footprint  
14 in renewable energy, in the areas of wind energy,  
15 solar energy, and biofuels.

16 We understand and support anything that  
17 contributes to the nation's energy supply. We also  
18 understand that a safe, well planned interim storage  
19 facility would be much better than the present system  
20 of storing nuclear waste on site at the nation's power  
21 plants.

22 However, with thousands of square miles of  
23 virtually uninhabited land available in southeast New  
24 Mexico and West Texas, it was as shock to me to  
25 discover that WCS has applied for a permit for the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 interim storage of nuclear waste in a location so  
2 near a populated area.

3 I was also disappointed that I had to learn  
4 about this from the newspaper. Even though the  
5 proposed facility borders Lea County, WCS has never  
6 approached the county or offered any information  
7 about their plans to the county.

8 It is imperative that the Nuclear  
9 Regulatory Commission understands the significant  
10 number of individuals within an impact area, not just  
11 Andrews County residents but all area residents.

12 Although the proposed facility will be  
13 located in Texas, the impact will be overwhelmingly  
14 on Lea County and the State of New Mexico. According  
15 to the map that Mr. Cobb has distributed to you, 635  
16 square miles of Andrews County falls within the 25-  
17 mile zone that would be most impacted in an accident.  
18 However, only 117 people live in this area.

19 On the other hand, 950 square miles of Lea  
20 County would be impacted, with a population in the  
21 impacted area of 48,283. 95.7 percent of the people  
22 impacted would be in Lea County, and less than one-  
23 fourth of 1 percent would live in Andrews County.

24 And the reason that doesn't come up to 100  
25 percent is there's about 2000 people in Gaines

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 County, Texas, that would also be impacted.

2 The closest population center in Andrews  
3 County to the site is the city of Andrews, which is  
4 approximately 35 miles to the southeast. In Lea  
5 County, the city of Eunice is only four miles from  
6 the proposed site, while the major population center  
7 in the area, Hobbs, is only 20 miles from the proposed  
8 site.

9 From looking at the map, it's obvious that  
10 in the event of an accident, the first responders  
11 would have to come from Lea County and the cities of  
12 Eunice and Hobbs.

13 As the chair of the Lea County commission,  
14 I am concerned about the additional financial burden  
15 this would place on our county. We would have to  
16 have additional hazmat personnel, equipment, and  
17 training.

18 It seems obvious to me that all the  
19 benefits of this project would accrue to Andrews  
20 County, while at the same time Andrews County would  
21 have little of the responsibility. On the other  
22 hand, Lea County would receive no benefit but would  
23 be faced with most of the responsibility.

24 While I'm not qualified to talk about the  
25 science of the project, several concerns have been

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 raised about the technical aspects of the storage  
2 system that WCS is proposing.

3 On a project of this nature, there is no  
4 margin for error. There should be 100 percent  
5 assurance that the project will operate as  
6 advertised. The technical questions raised as to the  
7 system that WCS proposes to use have certainly  
8 created doubts in my mind as to the safety of the  
9 project as proposed.

10 Another concern I have regards the quality  
11 of construction at the site. I have recently read  
12 several newspaper articles that discussed a number of  
13 quality control issues with AREVA's equipment  
14 construction.

15 Just last Tuesday the *Wall Street Journal*  
16 had an article in which it discussed the problems  
17 that French regulators are having with AREVA. Even  
18 more disturbing, the article indicated that many of  
19 the problems have been covered up and information  
20 falsified.

21 Reuters, in a similar article, recently  
22 stated that French authorities have opened an  
23 investigation into decades of alleged forgery  
24 relating to the quality of parts produced by the  
25 company and used around the world.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 In a project of this nature, cutting  
2 corners and playing fast and loose with the facts  
3 should not be an option. With AREVA being WCS's  
4 primary partner on the project, these articles raise  
5 even more safety concerns for the citizens of Lea  
6 County.

7 I can sum up my testimony by saying that  
8 Lea County recognizes the need for an interim storage  
9 facility. However, we feel that the site that WCS  
10 is promoting is not a viable site and would put the  
11 citizens of Lea County at risk, as well as creating  
12 a financial hardship on the county for preparedness  
13 plans, equipment, and training, without any  
14 guaranteed income from the project.

15 Thank you.

16 MR. KLUKAN: Thank you very much.

17 Are there any other elected officials or  
18 representatives of elected officials or  
19 representatives of agencies who'd like to give  
20 prepared remarks?

21 MR. WHITE: Mayor Matt White from the city  
22 of Eunice. And I appreciate your being here tonight.  
23 We appreciate your work that you're doing.

24 I want to come at this from a little bit  
25 different angle. I appreciate what these gentlemen

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 have said tonight. We are four miles from the site  
2 there, and, you know, one of our major concerns is  
3 all this movement's going to be by rail, and it goes  
4 right through our city limits, so we're very  
5 concerned.

6 I did a little bit of math when you threw  
7 that up there, and it looks like there's going to be  
8 at least a railcar or two every week for the next 40  
9 years coming through there, if you just use numbers,  
10 and that's pretty concerning for us, especially  
11 whenever you're looking at a rail system that runs  
12 their cars about 15 or 20 miles an hour on a  
13 subsystem, very poor system. So we're very concerned  
14 about that.

15 The other issue that we have that was  
16 brought up by Mr. Black was our volunteer fire  
17 department is our first responders. And I say  
18 volunteers, because they work in the oilfield. We  
19 only have two full-time people there.

20 If we have an accident, the odds are that  
21 we'll get what we can, but Hobbs, which happens to be  
22 20 miles away, is going to be probably as much of a  
23 first responder as we are. So we're very concerned  
24 about that.

25 Thank you.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 MR. KLUKAN: Thank you very much.

2 Any other elected officials?

3 Please.

4 MR. VELASQUEZ: Good evening. I'm not  
5 going to go through everything here. I'm just going  
6 to get to the topics that concern me the most. Okay?

7 My name is Lorenzo Velasquez. I am the  
8 emergency management director for Lea County. I've  
9 been doing this for about over 10 years now.

10 What I'd like to bring up is of course what  
11 the mayor from Eunice brought up also, is the first  
12 responders. The majority of our first responders are  
13 volunteer, and they do have jobs. And when they do  
14 respond, you never know how long it's going to take  
15 for us to get there.

16 I know this is in Texas, Andrews County,  
17 but the closest first responder is three -- we have  
18 three identified, which is going to be Hobbs, they're  
19 full time; Eunice, they're volunteers; and Monument  
20 and Jal, they're all volunteers.

21 My deal there is whenever have an incident  
22 there, New Mexico will be responding into Texas. I'm  
23 sure we'll have mutual-aid agreements set in place.  
24 But Lea County is the one that's going to be  
25 responding; just take that under consideration.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 My other questions, too, is what type of  
2 training will our first responders -- I know we do it  
3 with URENCO, but our first responders, what type of  
4 training will we be looking at through WCS? We have  
5 two annual exercises with URENCO. What are we having  
6 with WCS?

7 Will we be compensated for the time that we  
8 go out there? Will you have a fire brigade on site  
9 in case of an incident?

10 The radio communications: Are you going  
11 to be VHF, UHF, 800? If it's a private, you're going  
12 to have be UHF, we need to make sure we have access  
13 to the radio frequency to be able to communicate when  
14 we're responding to the site.

15 These are things that need to be  
16 considered. Again, I've already covered this, but  
17 this is very important. Yearly exercise drills would  
18 affect Lea County, since we are the first responders  
19 to get there -- I hope we do. Please keep that in  
20 consideration.

21 What type of security do we have in place?  
22 And last thing is -- I've covered this once before,  
23 but I want to make sure we understand this. We need  
24 to have MOUs in place, especially since it's in Texas.  
25 Okay?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1 MR. KLUKAN: Thank you very much for your  
2 comments.

3 MR. HICKS: Good evening. Welcome to Lea  
4 County. We're glad you're here, actually.

5 My name is Tres Hicks. I serve as chair  
6 of the board of the economic development corporation  
7 of Lea County, EDC. We are a county-wide partnership  
8 of businesses, local governments and educational  
9 institutions. Our mission is to expand and diversify  
10 Lea County's economy.

11 I am also a professional engineer and  
12 surveyor with a consulting firm located here in  
13 Hobbs, where I live.

14 The EDC and our members have long embraced  
15 advanced technologies and projects involving the  
16 nuclear industry. The EDC has worked side by side  
17 with several entities seeking to site a nuclear  
18 facility -- or a nuclear industry here in Lea County.

19 Similarly, we as a business community  
20 embrace the need for an interim storage facility. We  
21 believe this geographic region is well suited for  
22 such a facility. Under the right conditions of  
23 suitability, appropriate technology, environmental  
24 monitoring and preparedness, and economic value, we  
25 welcome this industry to our region.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1           We are confident that the NRC and all the  
2 staff involved, in its study efforts, will thoroughly  
3 evaluate the proposed technology as it relates to the  
4 suitability for the intended use here and considering  
5 the term of its intended use here.

6           We are also confident you will evaluate all  
7 the possible changes in conditions and outcomes,  
8 should things not go as planned, and that you will  
9 ensure a viable plan is in place for these  
10 possibilities.

11           New Mexico residents are the primary  
12 affected population. NRC should weigh heavily the  
13 concerns of the New Mexico residents along the border  
14 of New Mexico. It is the people in Eunice, Hobbs,  
15 Lovington, Jal, and the people who work at URENCO and  
16 in the oil and gas and other energy-related  
17 industries that are most proximal to the site, and  
18 not necessarily the town of Andrews, which is 36 miles  
19 away.

20           We request the NRC consider the suitability  
21 of site conditions relative to the local New Mexico  
22 population and the risk to the same. Evaluate the  
23 burden of that risk and the response requirements  
24 that will be borne by our local governments.

25           The study should also consider the impact

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 on our physical transportation infrastructure and  
2 upgrades that may be necessary to that infrastructure  
3 to ensure safe and effective operation of the site,  
4 should it be approved.

5 These concerns extend to making sure that  
6 the laws and regulations of New Mexico regarding its  
7 environment should be held paramount, as we are the  
8 most affected by the location of this proposed site.

9 We encourage the NRC to require and ensure  
10 that New Mexico's interests are protected and  
11 provided for. This concern should also apply to the  
12 economic value received from the siting of such a  
13 facility immediately adjacent to our population.

14 New Mexico and the local communities within  
15 Lea County should not be left holding the bag for  
16 addressing these concerns while receiving no  
17 compensation for the same actions.

18 The health, safety, and welfare of the New  
19 Mexico citizens most affected by the siting of this  
20 project site is of utmost concern to us. Thank you  
21 very much for your time.

22 MR. KLUKAN: Thank you.

23 MR. VIERCK: Good evening, members of the  
24 Commission. My name is Steve Vierck, and I'm the  
25 president and CEO of the economic development

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 corporation of Lea County. You just heard testimony  
2 from Tres Hicks, who's the chairman of our board.

3 Given the importance of this subject matter  
4 to our county, we are both presenting concerns of our  
5 organization tonight, and I just have a little  
6 additional information I'd like to provide in  
7 addition to what you just heard from Tres.

8 First of all, we -- our region understands  
9 and is supportive of the need to diversify both our  
10 economy and our energy production. Our brand here  
11 is the EnergyPlex, for good reason.

12 Consistent with our understanding and  
13 support of the energy industry as a whole, we're  
14 typically supportive of the nuclear energy industry,  
15 which from the earliest beginnings, has been  
16 important to our state and area's economy and to our  
17 nation's energy independence.

18 The nuclear industry is well established in  
19 southeastern New Mexico, and our organization has  
20 played a central role in assisting URENCO in location  
21 of their uranium enrichment facility east of Eunice.  
22 I should point out that URENCO has been an excellent  
23 corporation citizen in this area.

24 We understand that an interim storage  
25 facility, if well planned, technologically sound, and

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 effectively operated, is preferable to the present  
2 system of storing the nuclear waste on sites -- on  
3 multiple sites of the nation's dispersed nuclear  
4 power plants.

5 The core of our concerns as a public-  
6 private economic development partnership serving Lea  
7 County is an overall apprehension at the proposed  
8 facility being located right on our doorstep on the  
9 Texas-New Mexico border, yet not within our county or  
10 state.

11 Much of the impact resulting from this  
12 large, complex project will be most felt within New  
13 Mexico and Lea County, yet it will not be subject to  
14 Lea County and State of New Mexico laws and  
15 restrictions, and New Mexico will receive relatively  
16 little of the positive economic impacts.

17 This is particularly true of the fiscal  
18 impact on local governments and school districts.  
19 Some of the employees will undoubtedly live in Lea  
20 County, yet the property tax revenues necessary to  
21 educate their children and to provide customized  
22 training at the junior college will not be here.

23 There will be increased traffic on our  
24 highways and county-city roads, and, as the mayor of  
25 Eunice mentioned, on the Texas-New Mexico short-line

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 railroad, which is extremely important to supplying  
2 many Lea County businesses.

3 The most proximate public safety services  
4 to the facility would be located in Lea County, as  
5 pointed out, yet the bulk of tax revenues associated  
6 with the project will accrue not to Lea County and  
7 New Mexico, but to Andrews County and the State of  
8 Texas.

9 Typically for large economic development  
10 projects, the cost of the additional public services  
11 associated with the project is more than made up by  
12 increased tax revenues related to the project. That  
13 will not be the case here.

14 My final point pertains to potential  
15 communication challenges. The proposed interim  
16 storage facility is a large and complex project.  
17 Problems may arise that require expeditious public  
18 input or governmental agency response.

19 Given WCS's peculiar site issues, if  
20 problems arise that need to be quickly addressed, Lea  
21 County residents will need to address those issues in  
22 Andrews County or Austin, Texas, or Washington, DC.

23 Given the importance and risk associated  
24 with a facility of this nature, the repercussions of  
25 such geographically removed decision making could be

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 most problematic.

2 Thank you for your consideration of our  
3 concerns.

4 MR. KLUKAN: Thank you.

5 Any other elected officials,  
6 representatives?

7 (No response.)

8 MR. KLUKAN: Okay. All right. Thank you  
9 very much, all of those who spoke.

10 So we're now going to go into the public  
11 comment portion. I'm going to call people from the  
12 sign-up list in chronological order, so one, two,  
13 three, four, five.

14 Many of those -- or I should say some of  
15 those who we just heard from are on this list, so it  
16 looks like, deducting them, we have about 20 or so  
17 people who want to speak tonight, and the meeting is  
18 scheduled to end at 10:00.

19 So one of my goals as a facilitator is I  
20 recognize each of you took time out of your daily  
21 lives to come here tonight to participate in this  
22 meeting. I think it's important that everyone who  
23 wants an opportunity to speak get an opportunity to  
24 do so.

25 So with that said, I'm going to

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 suggest -- and I'll hold up yellow and red cards to  
2 help you -- that everyone try to limit their comments  
3 to four minutes. That will give us some -- a little  
4 bit of wiggle room at the end in case we have  
5 additional people who'd like to speak who didn't  
6 register and do so.

7 Again, the way it will work is at one minute  
8 left you'll see me hold up a yellow card, and then at  
9 the very end you'll see me hold up a red card.  
10 Normally we limit it to three minutes, so just ignore  
11 the numbers.

12 Given the number of speakers signed up, I  
13 thought we can go to four minutes. Let's do that.  
14 So ignore the "3" and the "2."

15 Okay. I'm going to call up about three  
16 people at a time, just so you have a sense of where  
17 you are in the queue. Please, again, just queue up  
18 to the aisle microphone.

19 Remember that this meeting is being  
20 recorded tonight, and a transcript is being produced,  
21 so if you wouldn't mind spelling your name, because  
22 I'm sure I'm more likely than not going to  
23 mispronounce it, and then that's not also going to  
24 help our transcriptionist.

25 All right. So please state your name or

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1 any organization you're affiliated with, and also if  
2 you wouldn't mind spelling your last name, that would  
3 also be much appreciated.

4 With that said, we'll get underway. The  
5 first up is Ms. Thomason, T-H-O-M-A-S-O-N, and then  
6 following her will be Mr. Lanthrum, L-A-N-T-H-R-U-M;  
7 and then Mr. Kevin Kamps.

8 (Pause.)

9 MR. KLUKAN: Red means you're done.  
10 Yellow -- it's exactly like traffic lights.

11 MS. THOMASON: Yellow means speed up; red  
12 means stop.

13 (General laughter.)

14 MR. KLUKAN: Sorry. This should not be  
15 that complicated. It may be my fault.

16 Take it away.

17 MS. THOMASON: My name is Twilla Thomason,  
18 T-W-I-L-L-A T-H-O-M-A-S-O-N.

19 I grew up in Hobbs, and I returned to the  
20 area following my graduate work at Penn State. This  
21 is my home, and I'm proud of this part of the country,  
22 and I'm concerned about the home that my boys will  
23 have when they grow up.

24 With that being said, there are many  
25 reasons I fully support not only WCS's application

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 but also the application that's expected from the  
2 Eddy-Lea Alliance. The employees at WCS are bright,  
3 caring, and community-minded individuals, many of  
4 which live in Hobbs and Eunice.

5 Many are from the Permian Basin, including  
6 Andrews and Lea County; otherwise they've made our  
7 neck of the woods their home. They have a vested  
8 interest in making sure every aspect of their  
9 company, site, and our country are safe, not only for  
10 themselves, but their children and their  
11 grandchildren.

12 Currently this spent fuel is being housed  
13 in facilities along our nation's waterways. Some are  
14 on fault lines, and most are in densely populated  
15 areas. This is an environmental and national  
16 security issue at the forefront.

17 Two congressmen just introduced  
18 legislation so far this year -- Mike Conaway from  
19 Texas and Congressman Issa from California -- just  
20 addressing this issue, called the Consolidated  
21 Interim Storage Act, because it is an important act,  
22 an important legislation, and we need to take care of  
23 this issue for our future.

24 WCS has an almost perfect history of  
25 transporting materials for almost 19 years. They

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 have even built and maintained their own railway spur  
2 to facilitate safe and reliable transportation of  
3 material already being stored at the site.

4 We not only live in a beautiful part of  
5 this country -- and no one here can argue that we do  
6 not have the most beautiful sunsets -- we are a  
7 perfect location for the consolidated storage. No  
8 major waterways; the geological makeup is perfect for  
9 protecting our aquifers; there's low risk of  
10 earthquakes and disastrous weather occurrences.  
11 Also, we do have a sparse population in comparison to  
12 other areas of this country that currently house this  
13 material, which is one of the reasons why I love our  
14 home.

15 Also I find it comforting that WCS is  
16 wanting to be forthcoming in their application. They  
17 set up their own website: [www.wcsstorage.com](http://www.wcsstorage.com). I  
18 was looking on there today to look at the NRC  
19 application, and they're posting all the  
20 communication information back and forth with the  
21 NRC, because all of us know going on a government  
22 website, it's difficult to find what you want. So  
23 they're putting it all there so the public has easy  
24 access and can find it quickly.

25 Not all companies are so adamant about

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 being transparent, encouraging dialog, and the public  
2 learning about their facility and plans.

3 And in closing, there are many other issues  
4 in regards to WCS's application, such as an economic  
5 and environmental justice, but they're not the topic  
6 of tonight's hearing.

7 And as being educated in regional  
8 environmental economics, I could certainly go all  
9 night on those issues, but I'll wait for other public  
10 hearings on those topics, as I hope everyone does  
11 here with our limited time.

12 Thank you for your consideration.

13 MR. KLUKAN: Thank you very much.

14 Next up is Mr. Lanthrum.

15 MR. LANTHRUM: Yes. My name is Gary  
16 Lanthrum,  
17 L-A-N-T-H-R-U-M. I'm a nuclear engineer. I've been  
18 working in the field for 42 long years, and I'm here  
19 representing NAC International, who's one of the  
20 partners in the WCS proposal.

21 My specialty in the last 16 years has been  
22 transportation and storage of spent nuclear fuel, and  
23 I want to talk a little bit about that aspect of your  
24 EIS.

25 The US and internationally we've

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 got -- spent fuel has probably the most enviable  
2 safety record of any hazardous material that is  
3 transported, whether it's by rail or by truck.

4 In the US alone we've shipped more than  
5 3000 shipments of spent nuclear fuel over the past 40  
6 years. Never have we released any of the contents  
7 of a spent fuel cask. And that's an enviable safety  
8 record by any stretch of the imagination.

9 That safety record is not due to luck.  
10 It's due to the extraordinarily rigid regulatory  
11 environment that these casks are transported within.  
12 Unique to hazardous materials, spent fuel is  
13 transported in casks that are designed to withstand  
14 severe transportation accidents intact.

15 Back in the '70s Sandia National Labs ran  
16 a locomotive engine into a spent fuel cask at 80 miles  
17 an hour, and the cask was intact after that impact.  
18 That's unique for transportation of any hazardous  
19 material, and I hope that's taken into consideration  
20 as you do your EIS.

21 I would also encourage you to look at other  
22 technical analysis done for previous spent fuel  
23 transportation EISes, like the one for the Yucca  
24 Mountain EIS.

25 In 2005 the National Research Council of

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 the National Academy of Sciences released a book  
2 called *Going the Distance*. It was a study of the  
3 safety aspects of transporting spent nuclear fuel.  
4 I would encourage you to consider that as you do your  
5 analysis.

6 In that analysis they decided that the US  
7 regulations were adequate to ensure package  
8 containment effectiveness for a wide range of  
9 transport conditions, and it compared the safety of  
10 spent fuel shipments to other commonly transported  
11 hazardous materials, including methyl alcohol,  
12 propane, and chlorine.

13 And in that small spectrum, spent fuel  
14 shipments were one to 10,000 times less likely to  
15 cause fatalities than the other transports, and  
16 that's on a per-shipment basis; it's not based on the  
17 quantity of material being shipped. And, again,  
18 that's due to the robustness of the casks that are  
19 required for spent fuel shipment.

20 The lack of robustness in other hazardous  
21 materials has had, by contrast, significant problems.  
22 Recently I think we've all seen in the news  
23 significant examples of oil train derailments. In  
24 2013 there was an accident in Canada at the Lac-  
25 Megantic. It was a train accident that killed 42

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 people.

2 In 2014 there was 122 railcars derailed  
3 carrying oil outside of New Brunswick, Canada;  
4 required evacuation of 150 residents. In 2014 there  
5 was a derailment of an oil train in Lynchburg,  
6 Virginia; released 30,000 gallons of crude oil into  
7 the river.

8 In 2015 an oil train derailment in Montana spilled  
9 60,000 gallons of oil.

10 The list is long for other shipments. In  
11 2005 there was a freight train derailment in  
12 Graniteville, South Carolina, that was carrying  
13 chlorine tanker cars. A chlorine car ruptured, and  
14 it killed nine people, sent 250 people to the  
15 hospital, and required the evacuation of 5400 people.

16 And that's just in recent years for other  
17 hazardous commodities, and you've never had an  
18 incident like that with spent fuel transport; again,  
19 because of the safety of it, and largely because of  
20 the cask requirements.

21 As the NRC goes through, as you -- I would  
22 also suggest that you look at the blue-ribbon  
23 commission's report, where they suggested that for  
24 spent fuel management, nuclear waste management in  
25 general, that the nation pursue a phased and adaptive

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 approach to working our way through these issues.

2 Yucca Mountain, which was the repository  
3 that was supposed to take all of the spent fuel from  
4 the country for permanent disposal, was scheduled to  
5 have 3000 metric tons per year of spent fuel arriving,  
6 with three cask trains averaging roughly about 10  
7 tons a cask; that was about 100 trains a year.

8 By contract, the environmental report that  
9 was submitted by WCS for their shipments in phase one  
10 of the approach, the first four years, only 18 trains  
11 per year. The next two years it was only going to  
12 be two trains per year with three cask trains. So  
13 there's a significant difference in a phased  
14 approach.

15 MR. KLUKAN: Thank you. If you could wrap  
16 it up, please.

17 MR. LANTHRUM: Lastly, then when you  
18 consider the cost and benefits of the proposed  
19 action, I would encourage you to take a look at  
20 connected actions. Eventually the law of the land  
21 requires that all spent fuel will go to geologic  
22 repository for disposal.

23 All of the investment in the transportation  
24 assets -- casks and special railcars -- will  
25 ultimately be usable for those shipments as well, so

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1 it's not a sunk cost just for interim storage.

2 Thank you.

3 MR. KLUKAN: Thank you.

4 Okay. Next up we have Mr. Kevin Kamps.

5 You'll notice that you'll hear some beeps  
6 now. I actually in other meetings use audible tones,  
7 so at that one-minute mark you'll hear a beep, and  
8 then when your time is up, you'll hear another beep.  
9 And then, again, I'll be holding the signs.

10 And, again, to the extent we can -- I know  
11 that many of have come with prepared remarks, and  
12 that may not necessarily fit in four minutes. We may  
13 have some extra time at the end to go back. We'll  
14 see how things go, but I want to stick with four  
15 minutes as much as we can right now, just to make  
16 sure that everyone who wanted to speak gets an  
17 opportunity.

18 And, again, sorry for interrupting.

19 MR. KAMPS: Thank you.

20 Good evening. My name is Kevin Kamps, with  
21 Beyond Nuclear, and I'm in that category: prepared  
22 remarks that won't fit, so I'll do my best.

23 So I will be giving more comments at  
24 future, you know, meetings like this. So some of  
25 those subject areas that I'll address tonight will be

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 risks of de facto permanent parking-lot dump. Also,  
2 later in this proceeding, in the weeks to come,  
3 Mobile/Chernobyl shipping risks. Another category  
4 is why are these risks being taken? And another one  
5 is environmental justice.

6 And I'll just say quickly regarding the  
7 shipping risks, I heard the previous speaker say  
8 there's a stellar shipping record. Well, one of the  
9 partners in this project, AREVA of France, actually  
10 had quite a black mark on its record in France in  
11 years past, where 25 percent to 33 percent of the  
12 shipments going into the La Hague reprocessing  
13 facility were contaminated on the exterior  
14 significantly above permissible dose rates.

15 Many of them on average were 500 times the  
16 permissible level. One was even 3,300 times the  
17 permissible level. So there have been problems with  
18 shipping.

19 The category of why are these risks being  
20 taken: I think in a nutshell it's to transfer the  
21 liability for these forever-deadly materials onto the  
22 public. That's the main driver of what's going on  
23 here.

24 But I would like to focus now on the risks  
25 of this so-called temporary facility becoming de

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 fact permanent. And I would just like to emphasize  
2 that it was none other than US Senator Jeff Bingaman  
3 of New Mexico, who just a few years ago, when he was  
4 chairman of the Energy and Natural Resources  
5 Committee in the US Senate, warned against the  
6 de-linkage of a permanent repository and so-called  
7 centralized interim storage.

8 In fact, it's the basis of current nuclear  
9 waste law in the United States. The fear is that  
10 without an open and operating repository, as required  
11 by current law, an interim site could very easily  
12 become de facto permanent.

13 And so take for example the precursor to  
14 this proposal: Private Fuel Storage, limited  
15 liability corporation, in Utah. The plan was to send  
16 that waste to Yucca after 20 to 40 years.

17 And in fact WCS, in its maps and its  
18 materials, has that same assumption built in, that  
19 this waste is going to leave someday.

20 Well, that didn't happen at the Utah  
21 facility. Yucca was canceled. And so what was the  
22 Plan B at PFS? Plan B was to return to sender. And  
23 so the classic example is Maine Yankee atomic  
24 reactor. It would have been 50-plus train shipments,  
25 5000 miles round-trip, accomplishing absolutely

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 nothing except exposing countless millions of people  
2 along the transportation routes to these risks in  
3 numerous states.

4 So that very much could happen here as  
5 well. Another version of this story is if the  
6 permanent geologic repository -- and, again, Yucca  
7 cannot be assumed as the place, because Nevada has  
8 not consented; they are still adamantly opposed to  
9 becoming the nation's burial dump for this material.

10 So another version of that same scenario is  
11 that the permanent repository ends up being in a place  
12 like Maine or New Hampshire or Vermont, which has  
13 granite formations that were targeted in large  
14 number: seven sites in Vermont in the past; two  
15 sites in New Hampshire; two sites in Maine.

16 So what if the materials are shipped all  
17 that way, like I said, many thousands of miles across  
18 this country, only to have to be returned back to  
19 where they came from in the first place.

20 It makes no sense, and what's really  
21 driving this is as soon as the wastes leave the  
22 reactor sites -- if the current proposed legislation  
23 that was mentioned earlier passes into law, as soon  
24 as the waste leaves the reactor sites, it becomes the  
25 Department of Energy's liability and risk and cost,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 and that mean the taxpayer, and that's just not right,  
2 because the companies that generated this material  
3 and profited handsomely from its generation will be  
4 scot-free and it's not their problem anymore. And  
5 that's just not right.

6 Thank you.

7 MR. KLUKAN: Thank you very much.

8 Is there Gerry Grisak? Next up is Elicia  
9 Sanchez, and then Jeffrey Isakson.

10 So first up, again, is Mr. Grisak.

11 MR. GRISAK: Thank you. You surprised me.

12 My name is Gerry Grisak, G-R-I-S-A-K.

13 These are very short comments. My intention is just  
14 to make sure the geologic and groundwater studies  
15 that have been done at the site over the last 15 years  
16 or so have at least been presented to y'all.

17 I spent the last decade -- not the last  
18 decade -- a decade about five years -- ending five  
19 years ago studying the geology and hydrogeology of  
20 the facility. Geographically the site is on what's  
21 called the Red Bed Ridge. It's an elevated boundary  
22 of the southern high plains. It separates the  
23 surface drainage between the Colorado River on one  
24 side and the Pecos River on the other side.

25 Geologically the deposits over the ridge

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 are in fact what's called the Antlers formation, a  
2 chert gravel, sandstone, and limestone deposit around  
3 145 million years ago.

4 These deposits, they protected the elevated  
5 ridge from erosion, separated the ridge from  
6 deposition of the Ogallala formation to the northeast  
7 and what's called the Gatuña formation to the  
8 southwest, both of which were deposited a lot later,  
9 about 10 million years ago.

10 From a groundwater standpoint, the Antlers  
11 formation, which occurs on top of the Red Bed Ridge  
12 throughout the WCS facility, is largely unsaturated,  
13 which simply means that there's no available  
14 groundwater in them.

15 As you go to the northeast, the Antlers is  
16 adjacent to the Ogallala formation, and these  
17 deposits eventually become saturated as you go  
18 further northeast and lower in elevation.

19 As far as the WCS facility is concerned,  
20 the Ogallala aquifer does not occur beneath the  
21 facility, and for the most part, the adjacent  
22 formations -- the Antlers and what's called the  
23 Gatuña -- are unsaturated, with no available  
24 groundwater at the facility.

25 We've published a lot of this in the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 literature over the last 10 to 15 years. As I say,  
2 my whole purpose here is to make sure that this work  
3 has not gone unrepresented, that there's an ability  
4 to respond to comments if necessary, and I'm happy to  
5 do so.

6 Thank you for your time, and I appreciate  
7 it.

8 MR. KLUKAN: Thank you very much.

9 Next up, again, is Elicia Sanchez, followed  
10 by Jeffrey Isakson.

11 So next up is Ms. Sanchez.

12 MS. SANCHEZ: Hello. I'm Elicia Sanchez,  
13 senior vice president and general manager for WCS,  
14 and it's E-L-I-C-I-A S-A-N-C-H-E-Z.

15 I'm here to put a face to the local WCS  
16 management team and talk to you about a company and  
17 project that I believe in. I have been with WCS for  
18 almost 17 years, and I can tell you that our employees  
19 are an elite group of very skilled professionals that  
20 are dedicated to ensuring that the very critical job  
21 that we have been given is done safely and is  
22 environmentally sound.

23 Our employees take pride in the work that  
24 they do. We ensure that our employees, our  
25 environment, and our surrounding communities are

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 protected at all times. Our safety and compliance  
2 records speak for themselves.

3 I have visitors come to our site from all  
4 around the world, because they believe that we are a  
5 state-of-the-art facility and would like to mimic  
6 what we are doing in their countries.

7 We are excited about this opportunity to  
8 provide another solution for our country for the safe  
9 management of radioactive waste. Our geology,  
10 extensive experience, and our community support make  
11 this location the best location to provide interim  
12 storage of spent nuclear fuel.

13 On a separate note, as part of this  
14 process, I have heard comments that WCS selected this  
15 poor, uneducated, predominantly Hispanic community to  
16 locate this storage facility.

17 I am a citizen of Andrews, Texas, and have  
18 been for 20 years. I can tell you that these  
19 statements have made me very angry, as I am proud to  
20 live in the community that I live in.

21 The communities of Andrews, Eunice, Hobbs,  
22 Jal, Carlsbad, et cetera, have the benefit of  
23 working -- excuse me -- are great communities made up  
24 of very smart individuals. Citizens of these great  
25 communities have the benefit of working for good

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1 companies within the oil industry, in addition to  
2 URENCO, WCS, and many companies that pay very fair  
3 wages and produce good incomes.

4 Also, as I previously stated, my last name  
5 is Sanchez. My husband is a very smart Hispanic man  
6 and business owner. I also have many friends and  
7 family members that are well educated, successful  
8 Hispanic people.

9 To say that we and they are being taken  
10 advantage of because we are poor, Hispanic, and/or  
11 uneducated is intolerable. The citizens of Andrews  
12 and Lea County are supportive of WCS because they are  
13 educated.

14 And understand that we need treatment,  
15 storage, and disposal facilities like WCS to safely  
16 handle this material.

17 My family, including my 13-year-old  
18 daughter and my two grandchildren, live in Andrews.  
19 Whether or not any of you believe that I would not do  
20 anything to endanger the environment for you and your  
21 families, I am sure you would agree and believe I  
22 would never do anything to endanger mine. I can say  
23 that goes for all my employees that live in both  
24 Andrews and in Lea County.

25 In closing, we are proud of our facility

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 and what we do, and we love to show it off. We are  
2 happy to host tours for local citizens, so please let  
3 us know if anyone would be interested in a tour.  
4 Thank you.

5 MR. KLUKAN: Thank you very much.

6 Next up, Mr. Jeffrey Isakson, followed by  
7 Mr. David Rosen and Mr. Tom Smith.

8 VOICE: Jeff Isakson isn't here today.

9 MR. KLUKAN: He's not? Okay. Then we  
10 will have Mr. David Rosen up next.

11 MR. ROSEN: Thank you. Can I use Mr.  
12 Isakson's time as well?

13 (General laughter.)

14 MR. KLUKAN: No, I'm sorry.

15 MR. ROSEN: Okay. So I'm David Rosen, D-  
16 A-V-I-D R-O-S-E-N. I'm a geologist. I live in  
17 Midland, Texas, but I've worked throughout this area  
18 for around 40 years. And I wonder if I can ask you  
19 guys some questions as well, because it wasn't part  
20 of the scoping analysis that I've got that, but some  
21 of the things I'm not clear about.

22 I believe, Mr. Park, you were showing a map  
23 of where the railroad comes from? It would be coming  
24 from Eunice, and I wonder where it comes from east of  
25 Eunice. Does it come from Alpine? Does it come

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 through Midland? Does it come through Odessa?

2 MR. PARK: From the maps that we've seen,  
3 it's only coming up from Monahans, along the Texas-  
4 New Mexico railroad. That's going to be the main  
5 route. It's not going to come from the east.

6 MR. ROSEN: Well, okay. But where does it  
7 come from --

8 MR. PARK: I mean, around the country is  
9 where it's going to be transported over the various  
10 rail lines from the locations where it's currently  
11 placed at reactor sites, in order to get to Monahans,  
12 as we understand it.

13 MR. ROSEN: Okay. So that gives me a lot  
14 more concern, because I do have an office in Midland,  
15 two blocks from a rail line.

16 Also, is this interim site to take waste  
17 from the entire nation?

18 (No response.)

19 MR. ROSEN: Any one of you are welcome to  
20 answer the question.

21 MR. SMITH: They've identified certain  
22 sites that are shut down and decommissioned reactors  
23 as the first locations from which the spent fuel would  
24 come, and those are located around the country. It's  
25 about 12 of them.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 MR. ROSEN: Okay. Thank you.

2 And I also have a question about spent  
3 fuel. Now, is spent fuel essentially lead, or is it  
4 very radioactive material? Because when I hear the  
5 term "spent fuel," I think of something that's not  
6 dangerous, and clearly it must be.

7 I'd like some clarification about what  
8 spent fuel is and how dangerous it is.

9 MR. SMITH: Well, it's nuclear fuel that's  
10 been used in a nuclear power reactor, and it is highly  
11 radioactive, as the gentleman mentioned earlier this  
12 evening, and it stays that way for quite a while.

13 And so that's why it has to stay shielded  
14 from the public.

15 MR. ROSEN: Okay. So -- now, somebody  
16 mentioned that the transportation system here has  
17 been almost perfect. I'd like to emphasize that I  
18 didn't bring up -- I didn't say it was almost perfect.  
19 One of the previous speakers who was speaking in favor  
20 of this said it was almost perfect.

21 Well, almost isn't -- sounds like it's not  
22 good enough. I think that we should be well aware  
23 of the problem that occurred over at the WIPP site  
24 just a couple of years ago, when it was said that  
25 there wouldn't be an accident there; it'd be one in

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 hundreds of hundreds of years.

2 Well, about 15 years after the WIPP site  
3 was opened, there's a serious accident that 22 people  
4 were exposed to radiation, and it may cost as much as  
5 \$500 million to clean up that damage.

6 And I think that when we think about this  
7 as an interim site, let's be realistic. You know,  
8 virtually -- almost none of us in this room are going  
9 to be here in 40 years to hold a company's feet to  
10 the fire to get it out of here in 40 years.

11 So let's move it once from the sites where  
12 it may be needed to leave to a permanent site and not  
13 open an interim site and think, Oh, we got to move  
14 this again. I think that's quite a foolish idea,  
15 when we know that it's not prepared to stay here  
16 permanently.

17 Thank you.

18 MR. KLUKAN: Thank you very much.

19 Next up is Mr. Tom Smith, followed by Mr.  
20 Lon Burnam, and then following Mr. Burnam will be Ms.  
21 Karen Hadden.

22 MR. TOM SMITH: Good evening to the NRC and  
23 the folks in New Mexico. I'm from Austin, Texas; run  
24 a group called Public Citizen. We have about a  
25 thousand members in New Mexico, and at various times

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 we've had offices in Albuquerque and Santa Fe.

2 I'm concerned, because we think this site  
3 is far too risky, and it's a special role that you at  
4 the NRC have in determining that risk. And we urge  
5 you to be very diligent.

6 The waste is clearly far more risky than  
7 what's already out there at the site, and we don't  
8 think this is a safe site. The policy for the last  
9 30-odd years has been to bury this waste deep  
10 underground in a geologic site that can be sealed off  
11 by nature and by the forces of man, and this is not  
12 that site.

13 This is putting the waste on a cement pad  
14 out in the middle of the desert and hoping and praying  
15 that the canisters are going to be good enough to  
16 protect it.

17 Now, frankly, this is a parking lot, and  
18 it's not the place this needs to go. And there's a  
19 really large possibility that this will be its final  
20 resting place and it will never go away.

21 The NRC should study that particular option  
22 very carefully: the no-action by Congress site.  
23 About 30 years ago -- sorry -- about 50, 60 years  
24 ago, my parents moved in a house, and they put a  
25 newspaper in the bottom of their drawers, as old

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 people did, to line it.

2 When they died, I cleaned out the house and  
3 found an article that was published in 1953 that said  
4 the solution to radioactive waste is right around the  
5 corner. Let's build a bunch of reactors and stuff.

6 Well, you know what? We're not there yet,  
7 and that solution has not come, and that day has not  
8 come. And I think there's a high likelihood that  
9 Congress will never act to fund and build that long-  
10 term repository, and this is it.

11 Now, there's a number of issues that need  
12 to be looked at in that no-action option. Are these  
13 the right canisters? What happens if the canisters  
14 age, degrade, and leak? Do we have the facilities  
15 at WCS to repackage them?

16 Most -- and when you look at the record,  
17 most of the nuclear waste sites in this country have  
18 leaked and cost billions and billions of dollars to  
19 clean up, if and when Congress appropriates the  
20 money.

21 You need to look at the impact on water.  
22 In almost every one of those sites, the water has  
23 been contaminated and, as a result, people around  
24 them have had birth defects, cancers, and died early.

25 Now, the -- and there's a great likelihood

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 that this may end up being a wet site after all. The  
2 TCEQ professional staff, who looked at this, all  
3 eight of them recommended against this site because  
4 of their concern about proximity to water and the  
5 likelihood that this could be a wet site as the  
6 climate had changed, as it had over the previous  
7 100,000 years.

8 Now, you've got to look at the cumulative  
9 impact, not just to this site, but others as well;  
10 not just the WCS site, but the Eddy-Lea site, the  
11 WIPP site, and the Lotus site where they store norm  
12 waste.

13 What happened if the terrorists were to  
14 take a look on Google maps and find out that all this  
15 stuff was floating around out here? And you should  
16 look at how -- the consequences of sequential  
17 accident, where terrorists hit site after site after  
18 site and what the impact would be to this part of the  
19 Permian Basin and the United States.

20 And there's a really high level of  
21 likelihood that the terrorists won't attack a nuclear  
22 waste train here, but they'd hit in Houston or San  
23 Antonio, and thus to make a decision that this is the  
24 only area you're going to look at environmental  
25 impacts ignores the obvious; that you're going to

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1 attack in a high-value place, not in Andrews, Texas.  
2 You're going to do it where there's millions and  
3 millions of people and billions and billions of  
4 infrastructure at risk.

5 And even Donald Trump would cower at the  
6 idea of losing the strategic air command or the  
7 petrochemical complex in Houston.

8 I think ultimately one of the things that's  
9 a clear message -- and I'd like the people in the  
10 audience who agree with me to stand up and show  
11 it -- the people in Texas and the people in New Mexico  
12 don't want it. Simply put, we don't want it here.

13 So if there are people in this room who  
14 agree with me, please stand up. Thank you very much.

15 MR. KLUKAN: Thank you for your comments.

16 Next up is Mr. Burnam, and then followed by  
17 Ms. Hadden and then Ms. Diane D'Arrigo. And, again,  
18 I apologize to all if I'm mispronouncing your name.

19 Again, next up is Lon Burnam.

20 MR. BURNAM: Good evening again. My name  
21 is Lon Burnam, B-U-R-N-A-M. I was born in Artesia,  
22 but I spent most of my life in Fort Worth, and I was  
23 a state representative for 18 years, so I was there  
24 back in 2003 when the Texas legislature first passed  
25 legislation opting into the compact commission and

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 the compact agreements.

2 I warned people then, as I warn people now,  
3 that we were going to see mission creep. We all know  
4 the original intent of the compact legislation is  
5 that no state would unfairly bear the burden of the  
6 corporate socialism that we're looking at right now;  
7 no state would bear the health and safety issues  
8 exclusively.

9 But what has happened since 2003 every  
10 legislative session since that time, except for last  
11 session, WCS has carried the legislation or they're  
12 had someone carry legislation that has opened the  
13 door wider and wider and made what is inherently an  
14 unsafe site more and more unsafe.

15 Nobody's mentioned here tonight that three  
16 whistleblowers at the TCEQ quit over the siting of  
17 this location, because no matter how you redirect the  
18 maps, it is over aquifers, and it should not be there.

19 So since 2003 I've been watching this  
20 process, I've been participating in this process. I  
21 have four decades of experience, most of it bad, in  
22 addressing the NRC because of your intent on  
23 licensing regardless of the consequences or what is  
24 well known.

25 And so I'm here today to say that I'm not

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 going to pretend that I'm representing all 165,000  
2 people that I represented for 18 years, but my  
3 district straddles both the interstate and the rail  
4 lines that most of this junk would be coming through  
5 our community, and most of those 165,000 people -- I  
6 would never pretend to say that I represent everybody  
7 just because I'm from the geographic area -- most of  
8 these 165,000 people, when you talk to them, they  
9 don't want it coming through our community.

10 My experience in Andrews, Texas, is all you  
11 have to do is go to the site and talk to the blue-  
12 collar workers who are going out to the fields. They  
13 don't want this in their community.

14 Time and time again you have people that  
15 are more interested in the all-mighty dollar than the  
16 public health and safety saying, well, our community  
17 is for this. They haven't really bothered to ask  
18 that community.

19 Let's get out there on the streets, let's  
20 make these public meetings more public and more  
21 available and more accessible. You know, I  
22 appreciate the opportunity to come to these meetings  
23 and talk about the corporate socialism.

24 We know what's driving this. The  
25 corporations that made the mess in the first place

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 want to transfer responsibility for managing this  
2 stuff to government.

3 I appreciate the opportunity to visit with  
4 you even under these limited circumstances. I don't  
5 think we've adequately talked about this just is  
6 going to be a parking lot, and unfortunately, there  
7 will be no economic incentive in 40 years to do it  
8 the right way if you let them get away with doing it  
9 the wrong way.

10 It's your responsibility to make sure, if  
11 you go ahead and do the license -- which I've never  
12 heard of you denying anybody a license to do anything,  
13 so I assume you're going to have the license.

14 It's your responsibility to make sure that  
15 this is not a terrorist parking lot, because that's  
16 what we're looking at. They're storing this crap  
17 aboveground, and anybody that wanted to be a  
18 terrorist could be a terrorist.

19 The EMS people here, where it's primarily  
20 volunteer, have no way of dealing with this. Let me  
21 tell you, the emergency services between Fort Worth  
22 and Eunice, Texas, are primarily volunteer; they have  
23 no way of dealing with the problem that you're going  
24 to present to them.

25 Thank you for your three minutes.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 MR. KLUKAN: Next, please. And again, I  
2 want to recognize that it may seem that we're going  
3 fairly quickly. We are, so there will likely be some  
4 time at the end for people who didn't get to give all  
5 their remarks. We'll go through a second round.

6 So, again, I just want to stick to the four  
7 minutes at this point, just to make sure we get to  
8 everyone.

9 So, again, thank you for the comments  
10 expressed so far. Next up is Ms. Hadden, followed  
11 by Ms. D'Arrigo, and then Mr. Rod Baltzer.

12 MS. HADDEN: Good evening. My name is  
13 Karen Hadden. I'm the director of a statewide  
14 organization, the SEED Coalition, which is  
15 Sustainable Energy and Economic Development  
16 Coalition.

17 And I want to make real clear that I am  
18 among the many citizens, people in this region and  
19 throughout Texas who do not want it. Our sign here  
20 says, We do not want it. I think that message is  
21 very clear, and I'd like to submit this as part of my  
22 testimony.

23 I'd like to point out the deep injustice  
24 that's going on, and I stand by the statements we've  
25 made that this is environmental injustice, and it is

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 not just little. This is extreme environmental  
2 injustice.

3 What we're looking at is potentially  
4 reactors from around the whole country eventually  
5 could be able to ship their high-level radioactive  
6 waste to Texas. An expert that we consult with said  
7 each train car would have roughly contained in it the  
8 amount of plutonium that was in the bomb dropped on  
9 Nagasaki.

10 We're not saying it's in explosive form,  
11 but that's a lot of plutonium. That's a lot of risk.  
12 And why is it that small communities in West Texas  
13 and New Mexico should somehow be singled out to bear  
14 the burden for the nation? And that could happen for  
15 New Mexico as well.

16 Why? What did they do wrong? Did they  
17 benefit from the power that was generated, from the  
18 profits to the utilities? Not one cent. And yet  
19 somehow they're supposed to be the ones who have to  
20 suffer with having this in their backyard.

21 Most communities fight like hell when a  
22 nuclear reactor gets proposed, and they have for  
23 decades. And yet this is the equivalent of putting  
24 multiple, tens and who knows how many nuclear  
25 reactors in the backyards of people in this region.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1           Okay. Why? So they come, mostly from the  
2 US, or -- I'm sorry -- from the East Coast of the US;  
3 there's some 90 reactors on the East Coast and a few  
4 on the West Coast that would come through.

5           So tell me why? They want it out of their  
6 backyards. Tell me why? Because this stuff is  
7 dangerous, it's deadly, the health impacts are  
8 incredibly extreme if someone gets exposed.

9           Maybe the data is right. Maybe we'll never  
10 have an accident. Maybe we'll never have problems.  
11 There have been accidents already, but maybe we  
12 won't.

13           What happens to the people along the  
14 transport routes? What happens to the people here?  
15 What happens if the water gets contaminated? There's  
16 not much you can do, is there? We can spend billions  
17 of dollars on remediation like they have in other  
18 parts of the country, but do we ever get it cleaned  
19 up?

20           What about the impacts on the local  
21 businesses that are already here? This is not a good  
22 economic development plan. The industries coming in  
23 should be clean and safe, to promote the life-giving  
24 qualities of this community.

25           Throughout this process this has been an

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 outrage. Your federal agency partner, the Department  
2 of Energy, held hearings last year all around the  
3 country. This is where they went; it makes a big  
4 arch around the country.

5 And at these hearings the DOE expressed how  
6 deeply they cared about the community and how they  
7 wanted all stakeholders to have a voice. There is a  
8 huge gap on that map of where they did not come, and  
9 it's Texas-New Mexico.

10 Why did they not come? If they cared about  
11 who would be impacted -- we had to have people fly to  
12 Phoenix and stay in hotel rooms, and still they  
13 came -- and still they went and testified. Why, if  
14 they care about the people most impacted, did they  
15 not come?

16 Now when you guys host these public  
17 meetings, these should be held in areas where there  
18 are transport routes through Dallas-Fort Worth,  
19 Houston, San Antonio, not just here, which is a  
20 smaller community.

21 This is great, and this is important, but  
22 these meetings should be held in all of the major  
23 impacted areas. This is incredibly inadequate.

24 We have many more comments. I'll add one  
25 thing before I finish up. The testing for these

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1 accidents, to my understanding, has been for a train  
2 wreck at 60 miles per hour. The Panhandle has  
3 already had, last year, a train wreck -- two trains,  
4 head on, 65 miles per hour.

5 The environmental impact statement needs to  
6 up what is being looked at in those types of examples.  
7 The casks from California have been rated to  
8 withstand 101 degrees, and the desert at the WCS site  
9 gets to 110.

10 These things need to be looked at, and the  
11 casks need to be made -- and canisters need to be  
12 more robust.

13 Thank you.

14 MR. KLUKAN: Thank you for your comments.

15 Okay. Next up is Ms. D'Arrigo, and then  
16 followed by Mr. Ron Baltzer, and then Rose Gardner.

17 MS. D'ARRIGO: I'm Diane D'Arrigo with  
18 Nuclear Information and Resource Service; D-  
19 apostrophe-capital A-R-R-I-G-O.

20 I've been tracking the nuclear waste issue  
21 since the 1970s, and part of what I really wanted to  
22 warn this area is that temporary or interim could  
23 last forever.

24 The company that's here now is  
25 probably -- possibly going to be taken over by Energy

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 Solutions, so we've got -- how long will Waste  
2 Control Specialists and Energy Solutions be here to  
3 take care of this deadly waste that they would be  
4 bringing in?

5 And the Nuclear Regulatory Commission is  
6 only giving a license, if they give it, for 40 years.  
7 What happens after 40 years? What happens if the  
8 company decides to leave, which they can do?

9 The waste, as was mentioned by an earlier  
10 speaker -- the title to the waste, when it leaves the  
11 reactors, will be shifted to the US taxpayer, to the  
12 federal government, to the Department of Energy.

13 So what you'll have here then is Department  
14 of Energy waste, and you may or may not have a company  
15 here that's taking care of it. Maybe in 80 years  
16 they will leave. But the waste is literally  
17 dangerous into the millions of years.

18 So at that point you're going to be like we  
19 are at the West Valley Nuclear Site, like we are  
20 today, where high-level waste was brought in and  
21 centralized, groveling every single year for money  
22 from the federal government to help us keep the site  
23 from eroding and getting worse and to maintain the  
24 wastes so that they don't leak out, so that they don't  
25 get into the air, the environment.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1                   And hopefully someday, maybe -- well, they  
2 haven't decided yet whether they're going to actually  
3 excavate it or leave it there forever.

4                   So a parallel is that the waste is high-  
5 level radioactive waste, irradiated fuel from the  
6 core of nuclear power reactors. So -- and this waste  
7 is the hottest, most radioactive part of the whole  
8 nuclear power and weapons fuel chain.

9                   When the waste is in the irradiated fuel  
10 form, it's somewhat solid with those zirconium  
11 cladding. It's not going to last forever, and the  
12 waste will eventually crumble.

13                   The containers are not going to last as  
14 long as the radioactivity will last. So what  
15 happened at West Valley and what could happen at any  
16 place where the waste is centralized is reprocessing.

17                   They took that fuel, they chopped it up,  
18 dissolved it in chemicals, and extracted some of the  
19 radioactivity, and the rest of the radioactivity was  
20 there in a liquid form.

21                   It took us years of fighting to get the  
22 federal government to come in and solidify it,  
23 because the private company left. And so we had to  
24 fight for the government to come in and help pay to  
25 clean it up, to solidify it into a solid, and now

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 it's sitting there.

2 We have canisters of high-level radioactive  
3 waste -- solidified, reprocessed irradiated  
4 fuel -- sitting at that site with nowhere to go. And  
5 every year we have to go and beg the government to  
6 give us money to take care of it.

7 Do you want to be in that situation here?  
8 Whether or not reprocessing follows, you'll have  
9 high-level waste here. Or, maybe as a previous  
10 speaker mentioned, it'll be shipped back to where it  
11 came or to a permanent site, if one is ever developed,  
12 or it may stay.

13 So my main point is that getting into this  
14 now, we're not seeing the end. It may be a 40-year  
15 license, but the waste is hazardous into the millions  
16 of years, and it's -- wherever it ends up, whether it  
17 stays as fuel, whether it's reprocessed, you're still  
18 going to have to manage it.

19 And this community, the people who live  
20 here, will have to deal with it, and I don't know if  
21 WCS and Energy Solutions or whoever takes it over is  
22 going to be here as long as that waste.

23 The West Valley site, we're now being told  
24 the projection is in the range of \$10 billion to clean  
25 up that waste, and it was from six years of

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 reprocessing, and it was a very small amount of  
2 irradiated fuel relative to what would come here that  
3 was brought there.

4 So it's a bit of a lesson from the past,  
5 and what got me motivated to track the nuclear issue  
6 is the situation at West Valley with its high-level  
7 waste and its low-level waste, its irradiated fuel  
8 reprocessing and the solids and liquids that result.

9 And the situation that we're in where we're  
10 having to continue to grovel the government to clean  
11 it up, and that's not a situation that a community  
12 should voluntarily enter into.

13 MR. KLUKAN: Thank you very much.

14 Right now we're going to continue, but Cris  
15 Brown, who recently graduated our facilitation  
16 program at the NRC, is going to take over right now.

17 So you've been very courteous to me, even  
18 though you've expressed very passionate views, and I  
19 would like it very much if you extended the same  
20 courtesy to her. This is one of her first public  
21 meetings.

22 I'll still be running the clock, but she'll  
23 be calling names, so we'll continue.

24 MS. BROWN: All right. Next up we have  
25 Rod Baltzer, followed by Rose Gardner.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 MR. BALTZER: Hi. My name is Rod Baltzer,  
2 B-A-L-T-Z-E-R. I'm the president and CEO of WCS.  
3 I'm glad to see some of the support for WCS today,  
4 and I hope I hear more from the evening as we go  
5 through.

6 WCS has been a proud part of this community  
7 since 1995, when we started construction of our  
8 facility right on the Texas-New Mexico border near  
9 Eunice. We began hazardous operations in 1997,  
10 radioactive storage and treatment in 1999, and  
11 radioactive waste disposal in 2012.

12 We have approximately 170 employees at our  
13 facility, half of which live in New Mexico, and half  
14 of which live in Texas. WCS employees participate  
15 in both communities, and WCS sponsors scholarships  
16 and support for organizations on both sides of the  
17 border.

18 We heard a lot of comments today about the  
19 economics being skewed in favor of Texas. I do -- I  
20 get that, that the New Mexican delegation would  
21 prefer a New Mexican project. I was encouraged that  
22 they also believe that the environment is safe and  
23 that WCS is actively doing safe operations at this  
24 time.

25 I was disappointed that the leadership has

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 forgotten that WCS did meet with the Eddy-Lea County  
2 Alliance and the elected officials part of that  
3 before we filed our letter of intent in 2015.

4 We will reach out and try to do a better  
5 job. We have been very actively trying to make sure  
6 that the Hobbs News-Sun and other media understand  
7 our story and where we're at with this.

8 This region has been found environmentally  
9 suitable for other nuclear facilities in addition to  
10 WCS, including URENCO and WIPP. Now, URENCO was  
11 licensed by the NRC. The geology, the site  
12 characteristics, arid environment, and other factors  
13 at WCS are ideal for the storage of spent nuclear  
14 fuel.

15 WCS is not sited over any drinking water  
16 source, and it's 10 miles south of and not connected  
17 to the Ogallala aquifer, as confirmed by the Texas  
18 State Water Development Board. The Board updated  
19 their maps based on oil and gas drilling in the area,  
20 which is pervasive.

21 WCS is one of the most regulated businesses  
22 in the area, with licenses, permits, and  
23 authorizations from the Texas Commission on  
24 Environmental Quality, the Nuclear Regulatory  
25 Commission, the Environmental Protection Agency, and

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 numerous customer and contractual commitments.

2 We have a great safety and environmental  
3 track record. We have over 600 borings; 400  
4 monitoring wells, 121 of which are sampled; 26 air  
5 monitoring stations, which is more than either WIPP  
6 or URENCO; numerous soil, flora, and fauna samples,  
7 all showing zero environmental impact from our  
8 operations. We hope this track record and the  
9 programs that we have in place would streamline the  
10 environmental review and be taken into consideration  
11 during that review.

12 Now, WCS anticipates that all the fuel will  
13 arrive by rail in highly tested, extremely safe  
14 transport casks. Our partners AREVA and NAC are  
15 local leaders in spent fuel transportation. AREVA  
16 alone made more than 5000 shipments of spent nuclear  
17 fuel without any radiological releases.

18 I will note that I went to their France  
19 facility near La Hague, where they transfer from the  
20 rail to a truck to send it to La Hague the last few  
21 miles. Those casks are under cover.

22 We were there with no clothing -- special  
23 clothing or other needs. That crew touched those  
24 containers and loosened the bolts and things by hand.  
25 Their dose for the year was less than a third of what

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1 you get just normally as a citizen walking around on  
2 the face of the earth. It is a safe operation. It  
3 is very low dose. The industry knows how to handle  
4 spent nuclear fuel and how to ship that very safely.

5 Assuming a license is issued in 2019, we  
6 could construct the facility in approximately one  
7 year and start operations in 2021. This will help  
8 WCS diversify our business and more fully utilize the  
9 entire facility.

10 A healthy company like WCS that is not oil  
11 and gas dependent is beneficial to diversify the  
12 local economies and provide higher-paying  
13 professional jobs for our children.

14 I noted one person asked for the people who  
15 are opposed to stand up. I encourage those in the  
16 audience who are in support of such a project to stand  
17 up and show their support at this time as well.

18 Thank you.

19 MS. BROWN: Thank you for your comments.

20 Next up we have Rose Gardner, followed by  
21 Amanda Gideon.

22 MS. GARDNER: Good evening. I'm Rose  
23 Gardner,  
24 R-O-S-E G-A-R-D-N-E-R. I'm a native of Eunice, New  
25 Mexico; I was born and raised there. I've lived

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 there all my life except for four years, when I served  
2 in the US Air Force.

3 I oppose vehemently the storage and  
4 transportation and storage of high-level waste in New  
5 Mexico and Texas. I'm concerned about the impact of  
6 any type of nuclear waste transportation, low level  
7 or high level.

8 The blue ribbon commission came through in  
9 Carlsbad a few years ago and decided they needed to  
10 get a job, I guess. And the DOE had this meeting  
11 around the country that avoided this area, this  
12 targeted area.

13 I asked them in Arizona, when I went to  
14 their meeting, why they didn't come here. They had  
15 no answer. It wasn't on their agenda.

16 I believe that there is a high risk of  
17 terrorist activity in and around areas that would  
18 store that, the high-level waste, so I am -- in my  
19 hometown of Eunice I believe that no one has given a  
20 consent, and that's what that DOE meeting was  
21 about -- right? -- to give consent.

22 They told me that no community would  
23 be -- would have to store the waste if they didn't  
24 give their consent. Our community's only five miles  
25 from the site. There's already tons and tons of low-

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 level waste and PCBs and other hazardous waste. The  
2 idea that spent nuclear fuel would travel through  
3 Eunice, Jal, and the other Texas towns to get to the  
4 site seems very unfair.

5 We'd get all the waste from the East and  
6 the West Coast for over 20 years. How is that going  
7 to affect our young people and babies? Why are you  
8 and this company working so hard to force this into  
9 our lives? What did we do to piss you off? I'm sick  
10 and tired of being targeted for all of this polluting  
11 and hazardous industries that are making millions off  
12 our backs.

13 Eunice does not use electricity generated  
14 by nuclear power. Eunice is a community comprised  
15 of about 50 percent Hispanics, and I feel this is a  
16 racial discrimination and an environmental justice  
17 issue. My community did not generate the waste, we  
18 don't use its electricity.

19 My understanding is that by processing this  
20 application, you are basically going against the  
21 National Waste Policy Act, which states that private  
22 companies can't take commercial waste.

23 Why are we fast-tracking this? According  
24 to Senator Heinrich who I spoke to their office today,  
25 you're putting the cart before the horse. We need a

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 permanent repository for the waste, not some  
2 checkerboard game with waste criss-crossing the  
3 nation.

4 A recent article in the Odessa American  
5 said that, I believe, Mr. McDonald indicated that  
6 after all these six years of moving low-level waste,  
7 they haven't made any profits. Sounds like someone  
8 has some grandiose ideas that did not make it. Why  
9 should they expect this to be better?

10 I question the transportation methods being  
11 used. Truck and rail in this area isn't so safe.  
12 Just in 2014 there was a derailment between Eunice  
13 and Jal, the same track that's going to be used.  
14 There were cars laid over on their side.

15 I question the integrity of the containers.  
16 Are they robust enough to be sitting there for years  
17 and years and possibly forever? I question the  
18 integrity of the materials used in the foundation of  
19 the storage area. How can it be impenetrable as far  
20 as not cracking, earthquakes, possible fracking in  
21 the area? We're booming.

22 I question the logistics of placing  
23 radiation and materials that radiate high-level  
24 radiation so close to my home, since it could be up  
25 to 40,000 metric tons forever. This is not

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 acceptable.

2 I believe that this operation could  
3 endanger my family. My grandchildren deserve better  
4 than this.

5 Eunice has a volunteer fire department, and  
6 I question its ability to respond safely to a possible  
7 fire at the facility. I ran across a report dated  
8 December 9, where WCS had a fire.

9 MS. BROWN: I need you to wrap up your  
10 comments.

11 MS. GARDNER: Okay. Thank you.

12 The reason I'm here is to impress upon all  
13 parties involved that we matter. All lives matter,  
14 and our lives and the lives of our babies and young  
15 people in Eunice are no less valuable than yours.

16 We count. We want to be living in peace.  
17 We want to know that our air, water, and land is clean  
18 and doesn't get contaminated. I believe in the  
19 Golden Rule: Do unto others as you would have done  
20 unto you. And I would never do this to you.

21 Thank you.

22 MS. BROWN: Next we have Amanda Gideon  
23 followed by Alfredo Dominguez and then Sheila Parker.

24 MS. GIDEON: My name is Amanda Gideon, G-  
25 I-D-E-O-N. I am a local business owner and an

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 educated, concerned member of Lea County.

2 As a business owner, my concerns are mainly  
3 economic, so my comments on the environmental aspects  
4 will be brief.

5 After listening to comments and reading  
6 provided materials this evening, I believe that the  
7 transport of spent fuel concerns that I originally  
8 had have been satisfied, and while I have other  
9 concerns regarding the safety of storage and long-  
10 term environmental impact, I have confidence in both  
11 the NRC's process that was described to us earlier  
12 and the social and environmental responsibility of  
13 the very open and honest WCS organization to take  
14 into consideration our health and well-being on both  
15 sides of the state line.

16 In closing, we should realize that the  
17 burden of this spent fuel that already exists must be  
18 dealt with. It is my personal opinion that our  
19 geology is very unique and would provide one of the  
20 safest locations for storage of just such waste.

21 I have an eight-year-old daughter that I  
22 intend to raise here, and I plan to call Lea County  
23 my home for the rest of my life. And I support the  
24 approval of this application.

25 Whether or not Lea County stands to profit

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 from the approval of the application should not be a  
2 deciding factor. I believe our whole concern should  
3 be the safety of our community, and I see no reason  
4 that the NRC will not sufficiently address those  
5 issues during their process to approve or deny the  
6 application.

7 Thank you for your time.

8 MS. BROWN: Thank you for your comments.

9 Alfredo Dominguez and then Sheila Parker.

10 MR. ALFREDO DOMINGUEZ: My name is Alfredo  
11 Dominguez, A-L-F-R-E-D-O D-O-M-I-N-G-U-E-Z. I live  
12 in Roswell, New Mexico. I would ask this council to  
13 consider the following and that even though I heard  
14 testimony that the site is not under an  
15 aquifer -- over an aquifer, rather, there is  
16 groundwater there, and that groundwater doesn't stay  
17 on that site.

18 The radiation and wind and air will move  
19 anything across that state line and across the  
20 boundaries of the site.

21 The other thing I would ask you to consider  
22 is what geologists here use to determine the karst  
23 formations there, where the aquifers actually are;  
24 the impact of the playas in the area, and these  
25 concerns have not been addressed as far as in that

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 there's been no studies about how the playas recharge  
2 that area, that aquifer.

3 And the other concern I have is while they  
4 gave -- the *Federal Register* give notice of public  
5 hearings, I didn't see any notice of public hearings.  
6 Granted I'm in Roswell, New Mexico, but I didn't see  
7 anything in the media or anywhere else about this  
8 meeting here.

9 And it wasn't till after I started looking  
10 on the internet that I found media reports of the  
11 thing in Andrews, Texas. But people outside this  
12 area are affected, too. The people in El Paso -- if  
13 the railcars go through there, they're going to be  
14 affected. But there's no meeting scheduled for over  
15 there; the same with the major population centers in  
16 Texas.

17 And this is a concern, because as testimony  
18 here said, rail transport has accidents. There's  
19 been a big push to eliminate rail transport of oil  
20 and use pipelines because railcars are dangerous.

21 This high-level radioactive waste could be  
22 involved in an accident, and the community that it  
23 would be an accident doesn't have any statements,  
24 there's no public hearings in those areas to address  
25 this concern.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1           And the other thing that I think has not  
2           been concerned is you're creating a huge terrorist  
3           opportunity, not just at Eunice, but they would hit  
4           the trains at major population centers, where it  
5           would do the most damage. And that has not been  
6           concerned, and you're creating a security nightmare  
7           here for some temporary storage of this high-level  
8           waste.

9           And even if you get it all to the high-  
10          level area, you got to move it right back out again,  
11          and there are many people here intent on doing us  
12          harm, and they have all years to plan attack on this  
13          and create an environmental nightmare.

14          Thank you.

15          MS. BROWN: Thank you for your comments.

16          Sheila Parker and then Noel Marquez.

17          MS. PARKER: Sheila Parker, S-H-E-I-L-A  
18          P-A-R-K-E-R. I want to first thank NRC for coming  
19          to Lea County to do this EIS and sharing this  
20          beautiful weather.

21          My name is Sheila Parker, and I have been  
22          a resident of Hobbs for over 40 years. I have been  
23          employed with WCS for the last 16 years. I'm an  
24          environmental director. I can attest that the  
25          rumors, reports of potable groundwater beneath the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 site is not true.

2 I have been present for numerous projects  
3 and millions of dollars used to characterize the  
4 geology of the site. This is the most robust site  
5 for disposal needs of the nation. The geology, lack  
6 of water, and arid climate makes this the right place  
7 to store this waste.

8 I'm very passionate about what I do, and I  
9 hear the rumors and inaccurate information that  
10 informed people spread to the media really is  
11 heartbreaking.

12 The false reports of groundwater, the  
13 accidents that may happen, none of these apply to  
14 WCS. All I can say is check for yourself and educate  
15 yourself on the WCS facility. If you talk to any of  
16 the old-timers in the area, they are the first to  
17 tell you there is no water out there, and we knew  
18 that before WCS even decided to go out there.

19 The environmental department is  
20 responsible for taking samples around the site,  
21 whether it's air stations -- we have 26 around the  
22 site -- soil, vegetation, fauna, we've spent millions  
23 of dollars to prove that there are no contamination,  
24 and we continue that on monthly or quarterly basis.

25 And that's all public record. We send it

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 in to the TCEQ, and it's being monitored. There's  
2 at least four facilities in the area that all have  
3 been permitted because of the unique geology of the  
4 area and the lack of water.

5 Look for yourself. Don't trust anybody  
6 else. Go to Lea County landfill. You know, they  
7 have their pit drawn. There's not water pouring out  
8 of that. We've got four of the landfills; there's  
9 no water when you dig the holes.

10 Sundance is over there, the same way. They  
11 dispose of oilfield waste. There's not water running  
12 out of their pits, you know. And URENCO's out there,  
13 and that is a good area.

14 Just please educate yourself and read the  
15 scientific documents before you make up your mind,  
16 and know that my family is my life. I have children,  
17 grandchildren, a 81-year-old mother, and a 94-year-  
18 old father-in-law and numerous family and friends in  
19 Lea County and Andrews, Texas.

20 I would not be part of anything that would  
21 hurt them or my future grandchildren. I ask for you  
22 to please do your research and know WCS takes safety  
23 and protection of the environment very serious.

24 As a final note, in all the years I have  
25 worked for this company, WCS has never failed to

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 provide my department with any of the necessary  
2 resources that I have asked for to monitor and protect  
3 the environment. Thank you.

4 MS. BROWN: Thank you for your comments.

5 Noel Marquez, Karen Howard-Winters, and  
6 then, last but not least, Jay Britten.

7 MR. MARQUEZ: My name is Noel Marquez, M-  
8 A-R-Q-U-E-Z. I am a member of Communities for  
9 Environmental Justice, a grassroots group based in  
10 southern New Mexico.

11 The corporate world of profit and jobs is  
12 constantly being promoted with its megaphone and  
13 high-dollar public relations budget by the nuclear  
14 industry and their funded elected officials,  
15 resulting in our bad federal government in power  
16 today.

17 I am your typically underrepresented  
18 community citizen, a Chicano who lives in Eddy  
19 County, Artesia, New Mexico. I am but a small  
20 citizen of this giant corporate world called the USA.

21 We are here to exercise our  
22 responsibilities of community service and earth  
23 justice on behalf of the great people and land of  
24 this southeast corner of New Mexico and West Texas.

25 A majority of our people have no idea of

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 the ticking time bombs of the lethal radioactive  
2 waste industries that are being enlarged and planned  
3 for our area.

4 Of major concern to us is the world we are  
5 leaving behind for the future unborn generations of  
6 this country, who will bear the burden of this  
7 contamination which is not temporary or short-lived.  
8 We are not being considered in the boardrooms of  
9 powerful corporate officials intent on dumping their  
10 radioactive waste in our corner of the state.

11 We favor alternative forms of energy  
12 production such as solar and wind versus a dependence  
13 only on black gold and weapons of mass destruction  
14 created from the weapons industry, nuclear energy and  
15 uranium mining. All are connected to the war  
16 economy, leading to the death and ill effects on poor  
17 and vulnerable communities here and abroad, as well  
18 as destruction and contaminations of land, air, and  
19 water.

20 Our people in New Mexico are suffering from  
21 a worsening public education system, poverty, the  
22 effects of the draining international wars and  
23 divisive party politics, and now we are being asked  
24 to be the dumping ground wasteland for the nuclear  
25 industry.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 Hazardous jobs are promised, at the expense  
2 of the unborn, who will inherit this wasteland. We  
3 can do better for our families and our future  
4 generations if we only exercise our responsibilities  
5 to speak truth to the beast that doesn't consider  
6 people first before the power of the corporate nation  
7 profit system.

8 WIPP is just one example of their many  
9 failed, leaking experiments at the expense of our  
10 communities. A very few will always profit, and many  
11 more will pay the ultimate price.

12 My community will never consent to this  
13 cancer-spreading industry in our state, if they were  
14 given the power of the vote on this issue, in spite  
15 of the local commissioners, congressmen, governor  
16 having sacrificed us as the designated radioactive  
17 waste corridor of southeast New Mexico.

18 The beast of nuclear contamination is  
19 intent on doing the opposite of our wishes to live in  
20 peace and respect for the environment, as the nuclear  
21 industry and DOE attempt to turn our land into a major  
22 national dump, in exchange for a few hazardous jobs  
23 and very large profits for the conglomerates.

24 We are here to ask for a public hearing in  
25 order to be more inclusive of the wishes of the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 residents of southern New Mexico, who will all be  
2 affected by your plans.

3 There should be teleconferencing available  
4 in these meetings for those who cannot attend due to  
5 distance, time, travel, or health. Weekday evenings  
6 are not good for working people or the general public.

7 There should be public service  
8 announcements and news articles in Chaves, Eddy, Lea,  
9 Roosevelt, Otero, Doña Ana, Grant, Hidalgo, and  
10 Sierra Counties about the hearing because of the  
11 major transportation issues for both highway and rail  
12 risk.

13 An informed public will always make a  
14 better choice. Keep the waste where it was  
15 generated. We call it being responsible for your  
16 choices and your elected representatives who helped  
17 create the spreading menace in the world.

18 MS. BROWN: Next we have Karen Howard-  
19 Winters and then Jay Britten.

20 MS. HOWARD-WINTERS: Good evening. Thank  
21 you for allowing me to speak. My name is Karen  
22 Howard-Winters, K-A-R-E-N H-O-W-A-R-D-hyphen-W-I-N-  
23 T-E-R-S.

24 I'm a resident of Odessa, Texas, and I've  
25 come all this way for the auspicious ability to be

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 able to speak my mind this evening, and I thank you  
2 for that opportunity.

3 Follow the money. That's what it's all  
4 about. Follow the money. I read in the paper where  
5 WCS has not been so profitable as they thought they  
6 would be. So they're taking on high-level radiation  
7 from the brilliant plan from Conaway and Darrell Issa  
8 to bring this to Andrews, Texas, my backyard.

9 I'm aghast, because Conaway never told me  
10 anything about this. They never asked us, his  
11 constituents, anything about whether or not I wanted  
12 to have high-level radioactive waste in my backyard.  
13 They never asked me about it, him and Darrell Issa.

14 But Darrell Issa sure doesn't want it in  
15 California, so Conaway and Perry -- well, I guess  
16 they decided -- well, Perry -- and he was a big  
17 proponent to have Waste Control Specialists come down  
18 here in the first place. So there you are. That's  
19 how they got here in the first place.

20 So I guess it's just a hop, skip, and a  
21 jump to more high-level radioactive waste getting  
22 here now, but there's, you know, no regard for the  
23 land, planet, the animals, the agriculture in my  
24 backyard, it appears to me.

25 And anyway, Issa and Conaway resurrected

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1 House -- HR 3641, and now it's HR 474, to change the  
2 laws in transportation of this -- the spent fuel  
3 rods, if you will, from East Coast and all the other  
4 areas on the East Coast to bring it to Texas by rail.  
5 We've already gone through all that.

6 And listening to this young lady from WCS  
7 and for all these folks here from WCS, I understand,  
8 you know. You all have jobs. I understand that, you  
9 know. I had a job. I understand; you're fighting  
10 for your lives.

11 But many of the Hispanic people that live  
12 in these small communities don't vote. They don't  
13 have your jobs. They have -- they can't say anything  
14 because they'll lose their jobs if they do, because  
15 they can't talk against y'all; they can't. You know,  
16 they got small voices. They can't fight against you  
17 big guys. So I'm here to talk for you.

18 No one can plan for the unexpected when  
19 you're talking about these big railcars. Nobody  
20 figured out that there was going to be two planes  
21 that were going to hit the Twin Towers. Nobody  
22 expected that, but it happened, you know. And what  
23 about fracking? There's a whole lot of fracking  
24 going on in this area of the country, whole lot of  
25 fracking.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1           And I'll just finish up by saying that in  
2 Oklahoma they went from about, oh, I think it was  
3 three earthquakes a year or a month -- I can't  
4 remember what the time period was -- to like 680 when  
5 the fracking started. What about earthquakes? You  
6 know, there's just too many ifs.

7           All the water wells drilled in Odessa and  
8 Midland come from the Ogallala aquifer. This just  
9 doesn't make any sense. Please don't do this. It  
10 just doesn't make any sense.

11           Thank you so much for your time.

12           MS. BROWN: Thanks for your comments.

13           MR. BRITTEN: Hello. My name is Jay  
14 Britten, J-A-Y B-R-I-T-T-E-N, and I'm the vice  
15 president of operations for Waste Control  
16 Specialists, and I'm also the incident commander, so  
17 I'm here to address the emergency response concerns  
18 that we heard earlier.

19           I want to clarify that we do have  
20 memorandums of understanding with Andrews County  
21 Sheriff's Department and Andrews County Fire and  
22 Rescue, Permian Regional Medical Center, Eunice  
23 Police Department, Eunice Fire and Rescue, Lea  
24 Regional Medical Center, and Carlsbad Medical Center.

25           Like our neighbors URENCO, WCS is required

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 to conduct emergency drills in which Lea County and  
2 Andrews County are invited to attend, and  
3 participation is always appreciated. I know that  
4 they have busy schedules.

5 Eunice PD and Fire and Rescue have  
6 participated on multiple occasions in our emergency  
7 drills, and unfortunately we have had some non-  
8 industrial medical issues that they have always been  
9 there for us in our time of need, and that is  
10 appreciated.

11 In December of last year WCS hosted  
12 officials from Andrews County and Lea County for a  
13 site visit for -- and a tour of the facility for  
14 various reasons. The meeting was well attended and  
15 included members from Andrews, the county sheriff,  
16 Rusty Stewart; from Eunice, Jimmy Jones; and Lea  
17 County, Tom Dunford. And we look forward to working  
18 with the new sheriff, Byron Webster, in the future.

19 As far as the WCS qualifications, we have  
20 qualified EMTs on staff. We have qualified  
21 firefighters that are on staff. We also have a  
22 highly trained radiation safety technician group on  
23 staff that is trained in emergency response.

24 I do not want to underestimate the value of  
25 a volunteer emergency fire and rescue or any type of

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 volunteer fire and rescue entity in either county.  
2 They are highly trained; they're highly qualified,  
3 and they know what they're doing, and they've been  
4 there and helped us in many occasions.

5 And last, in closing remarks, just make  
6 sure that we understand that the relationship does  
7 exist, but I will reach out to Lea County again and  
8 make sure that they are aware of the drills and  
9 exercises that we're having and if they are able to  
10 participate with their schedules -- and I know  
11 they've got busy schedules -- we would love to have  
12 them on our site and also have them for a tour as  
13 well.

14 Thank you.

15 MR. KLUKAN: Thank you. We have one more  
16 on the sign-in sheet, Mr. Michael Ford.

17 MR. FORD: Michael Ford, F-O-R-D, like the  
18 car. I'm the vice president of licensing and  
19 corporate compliance for Waste Control Specialists.

20 I wanted to clear up two issues that were  
21 raised earlier, one, the contamination of the casks,  
22 specifically at La Hague for COGEMA, that happened 19  
23 years ago. When that was discovered by the  
24 authorities in France, the shipments were stopped for  
25 18 months until the issue was fixed. That has not

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 resurfaced since then.

2 Also, the definition -- for those who were  
3 in the audience, the definition of high-level waste  
4 is actually in the Nuclear Waste Policy Act. High-  
5 level waste is defined as the waste resulting from  
6 the reprocessing of spent nuclear fuel.

7 So it is not, by definition, high-level  
8 waste; it's spent nuclear fuel. Spent nuclear fuel  
9 has a separate definition in the Nuclear Waste Policy  
10 Act, and that's available online if you wanted to  
11 search for that.

12 Finally, there were some issues or concerns  
13 raised about the cask systems for AREVA. These are  
14 licensed cask systems. They're stored -- the  
15 contents are storage -- the storage contents are  
16 licensed by the NRC as they sit in storage now.

17 There have not been any issues raised from  
18 a safety standpoint in terms of any technical  
19 concerns by the agency or anyone that's overseeing  
20 these processes, so I'm not exactly sure in terms of  
21 technical issues raised for AREVA what that means,  
22 but I can assure the folks sitting here tonight that  
23 these are licensed and approved systems. They're  
24 licensed by the Nuclear Regulatory Commission.

25 Thank you.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 MR. KLUKAN: Thank you.

2 Next up, one more signed the sheet. Mr.  
3 Scott Lafave.

4 MR. LAFAVE: Thank you, members of the NRC.  
5 My name is Scott Lafave. Last name is L-A-F, as in  
6 Frank-A-V, as Victor-E.

7 Before I started actually working at WCS,  
8 I had three and a half years as the track foreman of  
9 the TNMR Railroad, same railroad that is actually  
10 delivering the casks to WCS site. From that time I  
11 was on there, I actually had more shocking  
12 experiences on the actual railroad than I have  
13 working at the WCS site.

14 I actually turn around and encourage  
15 everyone here to actually really turn around and  
16 actually think about what you actually have rolling  
17 by your house every day when the railroad actually  
18 goes through.

19 I've had more experiences of actual  
20 chemical and industrial hazards than I've experienced  
21 at WCS, and I come forward to you today as a citizen  
22 of Hobbs, New Mexico, where I own a house, I have a  
23 family, have a -- my wife who's expecting, as well.

24 So I plan on being here for many years to  
25 come, and I fully support this company, I come forward

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 as well, having full, utter faith in it.

2 I understand that Lea County wants to turn  
3 around and have a high-level waste facility as well,  
4 and I support that one as well, but at the same time  
5 it should be turned around and come together as  
6 supporting each other inside the community, not turn  
7 around and pointing fingers, saying which one is the  
8 more environmental hazard between one facility or  
9 another facility or one industry to another industry,  
10 or one part of infrastructure to another part.

11 It should all be in one working  
12 collaboration as an entirety as a community. So I  
13 do thank you on that.

14 We did have a concern -- or I heard a  
15 concern earlier about saying there was a derailment  
16 between Jal and Eunice three years ago,  
17 approximately. And the time that I was on there, I  
18 have no recollection of ever going or responding to  
19 a derailment on that one, and at the time I was the  
20 only track foreman, which was my responsibility,  
21 keeping the trains on the tracks. So on that one I  
22 can say that that one was false.

23 I do thank everyone for coming out tonight  
24 and voicing their opinions, whether it is  
25 for -- against or for. And I do thank you on that,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 and it is not anything about member of creed or  
2 religion as well on that one.

3 We've heard a lot of that tonight of  
4 members of Hispanic community or the white community  
5 or any of that. It shouldn't be any part of that.  
6 We're all citizens of the same area, of the same  
7 community; shouldn't be anything of one set of  
8 really -- of ethnic group to another.

9 And I think that we've really started  
10 falling apart from where we're wanting to originally  
11 go on this. So I thank you guys for your time tonight  
12 and for listening to our opinions. Thank you.

13 MR. KLUKAN: Thank you very much.

14 So I've exhausted my list, so first I'm  
15 going to ask, is there anyone who has not previously  
16 had an opportunity to speak who would like to do so  
17 now?

18 If not, then we'll go into -- okay, please.

19 MR. WOHLWEND: Good evening. My name is  
20 Kelly Wohlwend, W-O-H-L-W-E-N-D; Kelly, common  
21 spelling.

22 I want to thank you for coming. I really  
23 appreciate the time. I want to speak as a WCS  
24 employee of only four months. I have law enforcement  
25 experience in my background, construction, many

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1 things, and I want to attest to what WCS does on a  
2 day-to-day basis and what they believe in and what I  
3 believe in, is the solution and not a problem for our  
4 nuclear industry.

5 And I have never worked for a company that  
6 is so safety conscientious, environmentally  
7 conscientious, and employee and community focused.  
8 And to me that speaks a lot to something that I want  
9 to be a part of.

10 This whole licensing issue with the spent  
11 nuclear fuel is something I hope gets approved and  
12 that I want to be a part of, because I want to be the  
13 solution, what we can do in the future of this  
14 country.

15 With that said, I believe WCS is the right  
16 place. I believe this is the right community. I  
17 believe that their safety precautions, their track  
18 record, everything that we've done thus far is an  
19 attestation to what they can do in the future.

20 And so I just really appreciate you guys  
21 even considering this, even coming and talking to us  
22 about this. And I just want to thank you. Have a  
23 good night.

24 MR. KLUKAN: Anyone else who has not  
25 previously had -- okay.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 MR. TIMOTHY DOMINGUEZ: My name is Timothy  
2 Dominguez, T-I-M-O-T-H-Y D-O-M-I-N-G-U-E-Z. I am  
3 from Roswell, New Mexico.

4 I hear a lot of contradictions about how  
5 safe it is, but yet we must move it away from  
6 populated areas, because it's dangerous to have it in  
7 these populated areas.

8 Why are our lives any less valuable than  
9 those in New York, in California? I live in  
10 southeast New Mexico; Roswell's my home. I moved  
11 away for a year; that's about as long as I could stay  
12 away from New Mexico.

13 I came back. I can't live anywhere else. I tried.  
14 It's my home.

15 I will be facing more burdens tax-wise. I  
16 heard similar promises on how safe it was with low-  
17 level radiation with WIPP. They're currently in a  
18 \$2 billion cleanup right now, and the assurance is  
19 that the Chevron -- that was underground, and they  
20 said that nothing would ever escape underground, but  
21 yet a pillar of smoke came out from an eighth a mile  
22 underground.

23 So I have trouble believing that this is so  
24 safe, but yet we can't leave it where it's at? These  
25 storage containers are so impermeable and safe for

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 transport, but why can't we leave them where they  
2 stay?

3 Why do we have to take the garbage from the  
4 nation? We -- New Mexico's a unique and beautiful  
5 place with its own culture and history. We are more  
6 than just the dumping ground for the United States.  
7 We don't benefit from any of the energy produced by  
8 these nuclear companies.

9 You employ 170 people in this area. That's  
10 great. I hope those people have good-paying jobs.  
11 But how much money are you going to be spending that  
12 could be spent on other projects? And then you're  
13 going to need taxpayer money to subsidize your own  
14 private corporations.

15 And then what if in a few years you get  
16 bought out by another energy company, and they say,  
17 Oh, we don't have to honor those previous agreements,  
18 because that was with a company that no longer exists.

19 Or you go bankrupt, sell off the assets,  
20 and then we're left holding the bag. I've seen this  
21 happen with other companies. What assurances do you  
22 provide that you won't just say, Bye, after 40 years,  
23 or 10 years, or say the company's folding and give  
24 your executives golden parachutes and leave the  
25 company in ruins. And then you have the ability to

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 leave the area. The people who you leave behind  
2 don't.

3 That's all I have to say. Thank you very  
4 much.

5 MR. KLUKAN: Thank you for your comments.

6 One final call for those who have not yet  
7 had an opportunity to speak.

8 (No response.)

9 MR. KLUKAN: Okay. So we're now at 9:35.  
10 I'd like to start wrapping up at 9:55, so that gives  
11 us about 20 minutes.

12 So by a show of hands, how many people would  
13 like to have a second round of comments?

14 (A show of hands.)

15 MR. KLUKAN: We've got four, so four  
16 minutes each. All right. Whoever would like to go  
17 first.

18 MS. GARDNER: Thanks for letting me come  
19 back up here again. That accident, the train  
20 derailment, I have pictures of it. I have proof it  
21 did happen, and it is that rail line between Eunice  
22 and Jal.

23 It was there for a couple of months,  
24 waiting on the side. I have pictures if you would  
25 like to see.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 MR. KLUKAN: Okay. Thank you.

2 MR. ALFREDO DOMINGUEZ: Again, Alfredo  
3 Dominguez from Roswell, New Mexico.

4 I'd like to state again that there is  
5 groundwater under that site. That was confirmed by  
6 a company called Terra Dynamics in 1992. And also  
7 the Texas Commission on Environmental Quality also  
8 said there's groundwater under the site.

9 And there was a remark that this was a  
10 geologically stable area. In the last 100 years  
11 there's been two 6 Richter scale earthquakes in this  
12 area, and in 1994 there was a 4.9 earthquake epicenter  
13 very near to where the site in question.

14 Thank you.

15 MR. KLUKAN: Thank you very much.

16 MR. BURNAM: Hi, I'm Lon Burnam, the last  
17 name spelled B-U-R-N-A-M, and I'm not going to  
18 revisit any of the other old issues.

19 But I want to tell you, I had a really great  
20 time this afternoon on the New Mexico Junior College  
21 campus, and I met one of your scholars, and she was  
22 kind of slow to warm to me, because I was passing out  
23 flyers talking about why I thought it was important  
24 that more students get involved in the process.

25 And then she finally said, I really don't

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 like speaking out against the NRC [sic], because they  
2 were providing me my scholarship. They provided me  
3 my scholarship to start my academic career at New  
4 Mexico Junior College.

5 A single mom, working her way through  
6 school, I happened to catch her in her student job at  
7 the university. She says, But you know, my research  
8 project last fall was entirely about waste management  
9 issues. And I looked into it very closely, and I'm  
10 changing my career path, because it can't be done  
11 safely.

12 She's not here tonight. She's a single  
13 mom. She's working her way through school. But she  
14 honestly said, I cannot support this. I don't want  
15 this for my community. It cannot be done safely.

16 And the design that you guys are looking at  
17 is particularly dangerous, because it basically is an  
18 exposed parking lot that's supposed to be temporary,  
19 but we know the economic realities.

20 So I'm not going to say that I'm speaking  
21 for all 165,000 people that I represented for 18  
22 years, and I'm not going to say that I'm speaking for  
23 all residents of Hobbs, but this was a very revealing  
24 conversation.

25 She's changing her academic career path

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 because she learned enough in the program that you  
2 funded that it's the wrong way to go.

3 MS. BROWN: Thank you very much.

4 MS. HADDEN: Hello. I'm Karen Hadden,  
5 director of SEED Coalition.

6 I'd like to add to my prior comments about  
7 the water at the site. We heard testimony earlier  
8 that the site is completely dry. Well, that is just  
9 absolutely false. WCS's own geologists have said  
10 that the OAG and the Dockum aquifer are beneath the  
11 site.

12 They maintain that the Ogallala aquifer is  
13 10 miles to the north. However, they are having to  
14 pump on an ongoing basis from two different places:  
15 one in the federal waste facility that exists there,  
16 and one in the compact facility.

17 When that originally started, they were  
18 pumping waste and said, Oh, it will probably take 18  
19 months and we'll get all the water out. Well, that  
20 didn't happen. They continue to pump water and have  
21 to on an ongoing basis.

22 There used to be something called the dry  
23 line. Well, it was supposed to be dry from there on  
24 into the pits, and yet they had to go to the state  
25 legislature, WCS, and get changes. And they went to

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 the TCEQ, and they were able to get where they are  
2 now allowed to bury waste in a pit at their existing  
3 site. As long as they're not setting it in water,  
4 there can be water nearby.

5 So this site has water. The history is  
6 this, that the entire Radioactive Materials Division  
7 at TCEQ recommended denying the license even for low-  
8 level radioactive waste. And they did so because of  
9 concerns of groundwater contamination.

10 Now, three individuals at that agency  
11 actually resigned because of those concerns. The  
12 memo that was written about this concern said they  
13 thought there was water with as little as 14 feet  
14 from where waste would be buried at the low-level  
15 site. So the concerns about water are very real. If  
16 things leak, who knows what can happen.

17 I would urge you to consider cumulative  
18 impacts of all of the facilities in the region that  
19 handle radioactive materials, but also materials at  
20 the site, because at the site there's already a  
21 hazardous waste facility, a RCRA facility, with  
22 corrosive, toxic chemicals stored.

23 There are also approximately 100 barrels of  
24 potentially exploding WIPP site waste that apparently  
25 can't be moved back. You know, they were only

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1 supposed to say for a while, and they're still there.

2 There are other materials potentially  
3 coming in: depleted uranium; I don't know if the  
4 mercury's every going to come. So it strikes me as  
5 a huge science experiment to put all these things  
6 together.

7 It's never been done. Nobody knows fully  
8 what will happen. And I would urge you to be  
9 extremely thorough in the environmental impact  
10 statement to look at all of these very real possible  
11 cumulative impacts and the worst possible scenarios,  
12 because as people mentioned earlier tonight, it's not  
13 the things we thought could happen that are a real  
14 problem; it's the ones we never dreamed possible that  
15 come up and bite us with some huge, unexpected  
16 disaster. We do not need a national disaster.

17 Thank you.

18 MR. KLUKAN: Thank you very much.

19 MR. D'ARRIGO: Diane D'Arrigo with Nuclear  
20 Information Resource Service.

21 I wanted to clarify what Mr. Ford said.  
22 You know, you sort of gave the impression that this  
23 isn't high-level waste that's coming here, but under  
24 federal definition, high-level waste includes both  
25 irradiated fuel and the liquid and sludge from

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 reprocessing.

2 I'm sure you know that. I just thought  
3 from what I was hearing that you were saying that  
4 this wasn't high-level waste. I'm just sharing to  
5 the people that are here, since people might not know  
6 these things, that this is high-level radioactive  
7 waste, and it is -- it contains elements that would  
8 be dangerous into the millions of years, as does some  
9 of the low-level waste.

10 But I wanted to just clarify that this is  
11 high-level waste; it's not the liquid and sludge from  
12 reprocessing, although that eventually -- I don't  
13 know if that potentially -- but it's greater-than-C  
14 low-level waste and irradiated fuel, spent fuel, used  
15 fuel -- these are the terms used for the fuel rods  
16 from the core of the reactor that come out millions  
17 of times more radioactive than when they go in.

18 So I think we're in agreement on it. Just  
19 I was getting -- sounded to me like you were saying  
20 this wasn't high-level waste. That's what I wanted  
21 to clarify.

22 MR. KLUKAN: We got time. Why not?

23 MR. FORD: Mike Ford again. I apologize  
24 for the confusion. I was trying to amplify what  
25 Mr. Burnam had requested in terms of a definition of

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 high-level waste, and there appeared to be some sort  
2 of myth about the fact that there was a focus group  
3 who determined the definition of high-level waste,  
4 and I was merely pointing out the fact that both the  
5 definition of high-level waste and spent nuclear fuel  
6 are in the Nuclear Waste Policy Act. That was the  
7 whole purpose of that.

8 MS. D'ARRIGO: Okay.

9 MR. FORD: Thank you.

10 MR. KLUKAN: All right. Thanks very much.

11 MR. KAMPS: My name is Kevin Kamps, with  
12 Beyond Nuclear, and I also had something I wanted to  
13 clarify after Mr. Ford spoke.

14 So he spoke about the situation in France  
15 with AREVA and the external contamination of shipping  
16 containers. And, yes, it did happen in the late  
17 1990s but had gone on for several years, and I was  
18 left with the impression that AREVA somehow  
19 discovered this and then corrected the situation.

20 Well, the discovery, the revelation was  
21 made by investigative reporters and environmental  
22 watchdogs, one of whom is named Mycle Schneider, who  
23 currently publishes a report every year called the  
24 World Nuclear Industry Status Report. So I just  
25 wanted to correct that record.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1           And certainly AREVA had a lot of egg on its  
2           face. I had the opportunity to attend a packaging  
3           and transportation of radioactive materials  
4           conference in Chicago in 2001, just days before the  
5           9/11 attacks, as it turned out, and AREVA did an  
6           entire workshop session on the mistakes that it made  
7           that led to these contamination incidents, and I gave  
8           those figures previously about the violation of  
9           emissions coming off of these external surfaces; an  
10          average of 500 times the permissible dose, all the  
11          way up to 3,300 times the permissible dose.

12           And it was not only workers -- and I guess  
13          that's a bit of a, you know, pushback on something  
14          that Mr. Baltzer said with the workers working in  
15          close proximity.

16           Yes, indeed, the workers were exposed to  
17          those impermissible doses at very close range, but it  
18          was innocent passers-by, people who live in the area,  
19          who work in the area, who are also exposed to these  
20          hazards unknowingly for years on end. And as I said,  
21          it was 25 percent to 33 percent of the shipments going  
22          into La Hague, amounting to many hundreds of  
23          shipments.

24           And I also wanted to correct the impression  
25          that was left by a couple of the WCS speakers about

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 the certification by the NRC that these are safe  
2 containers, and I wanted to mention a couple names:  
3 Oscar Shirani, a whistleblower from Commonwealth  
4 Edison Exelon based in Chicago; and also Dr. Ross  
5 Landsman, retired NRC dry cask storage inspector for  
6 the Midwest Region, and also a whistleblower, who  
7 revealed the quality assurance violations that are  
8 rampant in the Nuclear Regulatory Commission,  
9 specifically regarding these shipping and storage  
10 containers.

11 And their specific revelations were on the  
12 Holtec casks, which are the basis for the Eddy-Lea  
13 Counties centralized interim storage site that's  
14 proposed in New Mexico, but it also revealed that  
15 NRC's overview, their regulation of quality  
16 assurance, is completely out of control, again, on  
17 shipping and storage containers.

18 And there are many examples of this. The  
19 way I got involved in these issues back in the early  
20 1990s was that the nuclear plant near me in Michigan  
21 had dry cask storage onsite containers that violated  
22 quality assurance.

23 And in fact, those containers are so bad,  
24 the Sierra Nevada VSC-24s, that they went out of  
25 production by the late 1990s, but there are many of

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1       them still loaded in this country, next to major  
2       drinking-water supplies.

3               Those are just a couple of examples of cask  
4       models. The NAC casks themselves, which are the  
5       basis -- a big part of the basis for this WCS  
6       proposal, have had serious problems, documented by  
7       Dr. Marvin Resnikoff in his book in 1987, *The Next*  
8       *Nuclear Gamble*.

9               Shipping containers with major problems,  
10       and very recently, just late last year, 2016, an NAC  
11       piece of equipment in Canada called a caddy, which is  
12       for transferring irradiated nuclear fuel within the  
13       storage pool into a shipping container, for shipment  
14       all the way to South Carolina, the welds were so bad  
15       on this caddy that the bottom literally fell out, and  
16       the irradiated nuclear fuel hit the floor of the  
17       storage pool, which you don't really want to have  
18       happen.

19               And it raises questions about the  
20       structural integrity of the shipping containers that  
21       NAC also has welds on. And so this is across the  
22       board with storage and shipping containers.

23               NRC has failed in its regulation of this  
24       vital safety matter.

25               MR. KLUKAN: Thank you very much.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1                   Okay.

2                   MS. HOWARD-WINTERS:     Okay.     I'm back,  
3     Karen Howard-Winters.     Thank you again.

4                   This brings to mind -- you know, I'm sure  
5     there's folks in here that are going to think that  
6     I'm off the rails, and that's fine; you can think  
7     that.

8                   But what brings -- this brings to mind what  
9     happened over in Russia, Chernobyl.     Okay?     They  
10    can't -- the town is completely decimated.     They  
11    can't use it.     You know, and what happened to all of  
12    those folks there, and then there's a study that's  
13    being done in New Mexico, Trinity, I believe it is,  
14    that's being done:     the effects of radiation that  
15    were done on innocent New Mexicans in 1945 with the  
16    atomic bomb, for innocent folks that were living  
17    around the nuclear blast.

18                  I think that's being done by the Tularosa  
19    group here, being done by the cumulative effects of  
20    nuclear radiation exposure.

21                  We don't need that.     When you're talking  
22    about high-level radiation, spent rods, you know,  
23    it's -- there is no need to bring that all the way  
24    from the East Coast over to here.

25                  I just don't see any reason to do that.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 And it's kind of like a tube of toothpaste. When you  
2 squeeze it, it's out; you can't get it back in. It's  
3 done.

4 We don't need that. Thank you.

5 MR. KLUKAN: If I could just have one more  
6 show of hands of who else would like to speak.

7 (A show of hands.)

8 MR. KLUKAN: All right. So these last two,  
9 and then we'll wrap up.

10 MR. GRISAK: I know you're trying to wrap  
11 up.

12 Gerry Grisak, G-R-I-S-A-K. Just three  
13 quick points: One, there was a mention of the lack  
14 of evaluation of the playas having been done on the  
15 site. I just wanted to make the individual aware  
16 that there is a fairly lengthy discussion on playas,  
17 their role in the environment, and their role in  
18 recharging in the area in the original WCS  
19 application.

20 Second, for folks who feel  
21 like -- differently, that there is the Ogallala  
22 Aquifer in the vicinity of the site, which there is  
23 not, I'd be happy to provide the references, the  
24 geologic references, the hydrogeologic references,  
25 the publications that have been done on that.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1           So anybody that wants to contact me to get  
2 those references, I'd be happy to in fact provide  
3 them.

4           And finally a reference to 14 feet from the  
5 landfill.       That indeed was something that  
6 started -- that particular statement started years  
7 ago, and that was made by a geotechnical engineer who  
8 should know better, and the 14 feet is a pressure  
9 elevation. It has nothing to do with a water level,  
10 nor the proximity of water to the landfill.

11           Thank you.

12           VOICE:   What's a pressure elevation?

13           MR. GRISAK:   It's the elevation to which  
14 water could rise if a well were installed at a  
15 particular depth.   So similar to the fact that the  
16 oil and gas in the Permian Basin has remained in the  
17 Permian Basin until wells were installed to allow it  
18 to rise to surface.   The same sort of thing; that's  
19 a pressure elevation of material in the subsurface  
20 which, if it were allowed to rise to surface, it would  
21 get to within 14 feet of the bottom of the landfill.

22           There's no such ability for that to occur,  
23 and there's no such pathway for that to occur.

24           MR. KLUKAN:   That was the answer to the  
25 question, what is pressure elevation.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 All right. Our last speaker, please.

2 MR. MARQUEZ: My name is Noel Marquez. I  
3 have a question from Janet Greenwall that's a good  
4 friend from northern New Mexico and wanted to be here  
5 but, because of bad health, couldn't make it, so I  
6 wanted to ask this question for her.

7 And it regards -- she says, I have been  
8 talking with New Mexico Environment Department  
9 Surface Water Bureau, and they have begun to  
10 reconsider the water discharge permit for the WCS  
11 discharge into New Mexico.

12 They started to work on the permit a year  
13 and a half ago, and WCS withdrew its permit request,  
14 which threw the permit process into the legal realm  
15 for a while, but the Bureau finished it out and is  
16 working it out now.

17 I'm hoping that the contamination seeping  
18 into New Mexico from WCS prompts the state to make  
19 comments in the NRC scoping comment period.

20 Can anybody -- do they have -- can anybody  
21 comment on the discharge from WCS into New Mexico?

22 MR. PARK: Not at this time. If  
23 information about that is submitted to us, certainly  
24 we'll take it into consideration.

25 MR. MARQUEZ: Does that mean there is no

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 water discharge from WCS into New Mexico?

2 MR. PARK: No, that's not saying -- it's  
3 neither confirming or denying. It's simply saying I  
4 don't have any information to respond to that  
5 question.

6 MR. MARQUEZ: Okay.

7 MR. KLUKAN: Okay. Thank you for your  
8 comment and question. In closing tonight, I know a  
9 lot of people argue that we live in a time where, you  
10 know, public dialog is a dying day, civil discourse  
11 is going away.

12 But tonight, while many of you have very  
13 passionate beliefs on both sides of the fence, you  
14 were very courteous to each other, and so I would  
15 like to end the meeting with a round of applause for  
16 you, the audience, and the courtesy you displayed to  
17 one another even as you expressed different views on  
18 one side or the other. So thank you very much.

19 (Applause.)

20 MR. KLUKAN: Now, I'll turn to Brian Smith  
21 to close this out.

22 MR. SMITH: All right. I'd just like to  
23 thank everyone for coming out tonight. We really  
24 appreciate all the comments that you've provided.

25 So as you leave here, if you have further

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 comments that you thought of later on, please take  
2 advantage of our other ways of providing comments.  
3 We have a meeting on Wednesday; there's various other  
4 methods, online, through the mail. They're available  
5 in our presentation.

6 There's also a public meeting feedback form  
7 that we had on the table. We'd appreciate you to  
8 please fill that out and provide us some feedback on  
9 how we conducted the meeting tonight.

10 So thank you again very much.

11 (Whereupon, at 10:00 p.m., the public  
12 meeting was concluded.)

13

14

15

16

17

18

19

20

21

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701