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EIS Public Scoping Comment Meeting

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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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

+ + + + +

Wednesday, February 15, 2017

+ + + + +

James Roberts Center

855 E. Broadway

Andrews, Texas

+ + + + +

6:00 p.m.

FACILITATORS:

BRETT KLUKAN

CRIS BROWN

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NRC STAFF PRESENT:

JOHN MCKIRGAN

DEBRA MILLER

JOHN-CHAU NGUYEN

JAMES PARK

CINTHYA ROMAN

DIANA DIAZ-TORO

BRIAN SMITH

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P R O C E E D I N G S

(6:00 p.m.)

1
2
3 MR. KLUKAN: Hello and welcome tonight.
4 My name is Brett Klukan. My day job for the NRC is
5 regional counsel for Region I, which is the Northeast
6 and Mid-Atlantic States, but I'm the facilitator for
7 the meeting this evening. Cris Brown -- Cris is over
8 there; she'll be helping me out this evening.

9 We received a request this afternoon to
10 offer Spanish-language services. Unfortunately, I
11 don't speak any Spanish. All the Spanish I know was
12 from 1980s Sesame Street, so unless you just need me
13 to count to 10 or name colors, that's about the limit
14 of what I can do, or we can have the meeting in
15 Russian.

16 We're going to turn it over at various
17 point to essentially translate what I am saying into
18 Spanish. We're also going to offer assistance to
19 those who want to ask questions or offer comments in
20 Spanish, to translate them into English and then
21 translate back the answers into Spanish.

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

24 MS. ROMÁN: (Translating.)

25 MR. KLUKAN: Thank you. So as the NRC

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1 staff empaneled here will make clear this evening,
2 the primary purpose of the meeting tonight, to which
3 the vast majority of the meeting time will be devoted,
4 is to accept public comments on what should be the
5 scope of the NRC's environmental impact statement,
6 otherwise known as EIS, regarding Waste Control
7 Specialists' application to build and operate a spent
8 nuclear fuel consolidated interim storage facility in
9 Andrews, Texas.

10 So with that said, the meeting is going
11 to be broken into a couple of parts. We're going to
12 begin tonight with a presentation by the NRC staff
13 intended to broadly cover the environmental review
14 process.

15 When that concludes, we'll then reserve
16 about 10 to 15 minutes for questions, process and
17 procedure questions, related to the environmental
18 review process.

19 And then after that, the rest of the
20 meeting will be devoted to hearing comments from
21 members of the public.

22 There is on the registration table a
23 sign-up list for those who would like to offer
24 comments this evening for the public comment portion.
25 If you have not already done so, please go to the

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1 back of the room and put your name on that list so
2 that I -- that's the only way I know who to call
3 during the public comment session.

4 Just some basic ground rules. And I have
5 no expectation that this is occurring tonight, but I
6 say this at every meeting I facilitate. Threatening
7 gestures or statements made by anyone will not, under
8 any circumstances, be tolerated and will be cause for
9 immediate ejection from the meeting tonight.

10 If you feel you've been threatened or
11 harassed in any way, please let me know, or please
12 tell one of the NRC staff members you see here, so
13 that we can address the issue.

14 Now, just a few minor housekeeping
15 issues: The bathrooms are in the back on the side
16 here. The exits are right behind you. And while
17 cameras are permitted, please do not obstruct the
18 view of others with tripods, and try to use flash
19 judiciously. And be so kind as to silence your cell
20 phones, too.

21 Now, before I turn it over to the NRC
22 staff, I'd like to give elected officials an
23 opportunity to stand and be recognized, or
24 representatives of elected officials.

25 There will be a later time for elected

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1 officials or their representatives to make prepared
2 remarks. This is to allow you at the outset to
3 introduce yourselves.

4 So with that said, please stand, and if
5 you'd like to be recognized, go to the microphone.

6 MR. DOLGENER: Thanks. Richard
7 Dolgener, Andrews County Judge, and I just welcome
8 you all. I hope the facilities help you here, and
9 hopefully have a good turnout and comments and
10 knowing what we're doing. The microphones will
11 hopefully get better.

12 MR. KLUKAN: Thank you.

13 MS. BRALEY: Welcome, to the NRC. We're
14 glad you're here, and I would like to welcome all of
15 you that are out there, all that made the time to
16 come down here.

17 VOICE: The mic went off.

18 MS. BRALEY: Can you hear me?

19 VOICES: Yes.

20 MS. BRALEY: I just welcome everybody.
21 Welcome to Andrews. We appreciate your time and your
22 efforts here. I'm Mayor Flora Braley, and I'm glad
23 you're here.

24 (Pause to adjust microphones.)

25 MS. BRALEY: Welcome to Andrews. I'm

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1 Mayor Flora Braley. I'm glad that all you all are
2 here. I want to welcome the NRC. As mayor, I'm here
3 to listen to the community. I'm glad you're here.

4 MR. KLUKAN: We tested these for like an
5 hour. All right. We will do our best here. You'll
6 notice there are other microphones. We are recording
7 the meeting, and --

8 VOICE: It's cutting out.

9 MR. KLUKAN: Okay. Well, let's keep
10 going. Are there any other elected officials who'd
11 like to be recognized?

12 MS. APOLINARIO: I'm Gloria Apolinario.
13 I represent Congressman Mike Conaway. Thank you.

14 MR. KLUKAN: Thank you very much.

15 Any other elected officials? I'm not
16 trying to be rude, but this is breaking up; I'm kind
17 of yelling.

18 Yes?

19 (Inaudible comment from audience.)

20 MR. KLUKAN: Thank you very much.

21 Okay. Just one more check, because that
22 was a little screwy. Any other elected officials?

23 (No response.)

24 MR. KLUKAN: Okay. With that said,
25 we're going to turn it over to Brian Smith of the NRC

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1 for his presentation.

2 MR. SMITH: Good evening, everyone. I
3 had the microphone issues on Monday night.

4 My name is Brian Smith. I am the deputy
5 director of the Division of Fuel Cycle Safety,
6 Safeguards, and Environmental Review in the NRC's
7 Office of Nuclear Material Safety and Safeguards, a
8 really long title.

9 What my division is responsible for is
10 the licensing and oversight of fuel cycle facilities
11 such as the URENCO USA facility that's across the
12 border there in New Mexico, as well as performing all
13 the environmental reviews for the Office of Nuclear
14 Material Safety and Safeguards.

15 One of the divisions within our office is
16 the Division of Spent Fuel Management, which has the
17 overall lead for the overall review of the Waste
18 Control Specialists license application.

19 Within my division we have the
20 Environmental Review Branch, and it's their
21 responsibility to do this environmental review and to
22 prepare the environmental impact statement.

23 I have two staff here tonight from that
24 branch. I have Cinthya Román, who's the branch
25 chief, and Jim Park, who is the project manager who's

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1 responsible for preparing the environmental impact
2 statement.

3 We have two folks from the Division of
4 Spent Fuel Management: John Nguyen, who's the
5 project manager for the safety and security overall
6 review of the WCS license application, and John
7 McKirgan, who is his branch chief.

8 NRC has traveled here to Andrews tonight
9 to hear your comments associated with the scoping of
10 the environmental impact statement or EIS for WCS's
11 license application for a consolidated interim
12 storage facility for spent nuclear fuel, to be
13 located at WCS's site in Andrews County, Texas.

14 WCS is seeking a license for 40 years to
15 construct and operate the storage facility, which
16 could potentially store up to 40,000 metric tons of
17 uranium and spent nuclear fuel. In our presentation
18 today we will be discussing WCS's proposal and NRC's
19 process for reviewing WCS's request.

20 We encourage and welcome your comments
21 tonight on the scope of the NRC EIS. I can assure
22 you that we will take each and every comment very
23 seriously. NRC's job is to protect the public health
24 and safety and the environment by thoroughly
25 reviewing each license application we receive before

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1 deciding whether or not to grant an applicant's
2 request.

3 We understand that in the audience
4 tonight there are those who may oppose WCS's license
5 application for the storage facility, as well as
6 those who may support it.

7 I want to assure you that we want to hear
8 from both sides this evening, just as we did on Monday
9 night over in Hobbs. However, I want to remind you
10 that the purpose of this meeting is to gather comments
11 for the scoping of our EIS. We want to know what
12 important information and issues we need to consider
13 and analyze in our EIS.

14 We are also aware that there may be other
15 issues that both sides may want to discuss with us.
16 We are not from this area, so if there is something
17 specific to this area that you think is important, we
18 want to know that as well.

19 If you have questions or issues to
20 discuss on other matters, NRC staff will be here to
21 speak with you after the meeting.

22 We want to try to hear from as many of
23 you as possible tonight about any environmental
24 issues related to this proposed project in the time
25 we have allotted in this room, so I would appreciate

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1 it if you could focus your comments only on matters
2 related to the appropriate scope and content of the
3 EIS that we will be preparing. Otherwise, we may not
4 get to everyone who wants to speak tonight.

5 We treat all the comments we receive the
6 same, whether a comment was made by one person or a
7 hundred people. We give each comment we receive the
8 same careful consideration during the preparation of
9 the EIS.

10 NRC will consider all of the oral and
11 written comments we receive here tonight, as well as
12 those we receive via letter, email, or through the
13 federal rulemaking website. Comments on the facility
14 are to be submitted to us by March 13.

15 The EIS, combined with NRC's safety and
16 security review of WCS's license application request,
17 will result in an NRC licensing decision to either
18 approve the license request or to disapprove it.

19 Okay. This is what we're going to try
20 to do tonight. Cinthya Román will go over the NRC's
21 roles and responsibilities, and then Jim Park will
22 talk about the NRC's licensing review, which consists
23 of both the safety and security review and the
24 environmental review that is the focus of the meeting
25 tonight. And then he'll talk about the environmental

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1 impact statement process in detail and how you'll
2 have further opportunities to be involved in the
3 process.

4 After that, Brett will lead a short
5 question-and-answer period, followed by your turn to
6 provide us public comments on properly scoping the
7 content of our EIS.

8 So with that, Cinthya.

9 MS. ROMÁN: Good evening. As Brian
10 mentioned, I'm the chief of the Environmental Review
11 Branch under the Office of Nuclear Materials Safety
12 and Safeguards at NRC. Staff in my branch is working
13 on the environmental review of the Waste Control
14 Specialists license application.

15 Today I'm going to discuss the NRC
16 mission and its regulatory role. So who are we? Our
17 agency is charged by federal law to be the nation's
18 only regulator of commercial nuclear materials,
19 independently ensuring these materials are used,
20 handled, and stored safely and securely.

21 Specifically the NRC's mission is to
22 license and regulate the nation's civilian use of
23 radioactive material to protect public health and
24 safety, promote the common defense and security, and
25 protect the environment.

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1 So what do we regulate? The NRC
2 regulates operation of a hundred power reactors that
3 generate nearly 20 percent of the electricity in the
4 United States. These plants make up to 60 percent
5 of the nation's carbon-free electricity. We also
6 regulate research reactors located primarily at
7 universities, where they are used for research,
8 testing, and training.

9 We also regulate nuclear materials. In
10 the United States, there are more than 20,000 source,
11 byproduct, and special nuclear material licenses.
12 About a quarter of these licenses are issued by NRC,
13 while the rest are issued by states that have entered
14 into agreements with the NRC that gives them
15 authority to license and inspect certain nuclear
16 materials used or possessed within their borders.

17 Along with the agreement states, we
18 license hospitals, clinics, and other medical
19 facilities. We also regulate uranium recovery
20 facilities and fuel cycle installations. In
21 addition, NRC is responsible for the transportation
22 of nuclear material and decommissioning of nuclear
23 facilities from service.

24 We regulate the storage and disposal of
25 nuclear materials and waste. That's why we are

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1 currently reviewing the WCS license application for
2 a consolidated interim spent fuel storage facility.
3 In addition, we have the responsibility for physical
4 security of nuclear material, to protect it from
5 sabotage or attacks.

6 The NRC regulations are designed to
7 protect both the public and occupational workers from
8 radiation hazards. Our primary responsibility
9 includes establishing rules and regulations, issuing
10 licenses, providing oversight through inspection
11 enforcement and evaluation of operational experience,
12 conducting research to provide support for regulatory
13 decisions, and responding to emergencies.

14 As part of our regulatory and licensing
15 process, we also conduct environmental reviews.
16 Particularly, my branch is involved in the
17 environmental reviews covering, for example, uranium
18 recovery and milling, uranium enrichment, fuel
19 fabrication for use in reactors, storage of spent
20 fuel, and nuclear facility decommissioning.

21 The nuclear-related activities that do
22 not fall under the NRC jurisdiction include:
23 promoting or building nuclear facilities; owning or
24 operating nuclear power plants or other nuclear
25 facilities; regulating nuclear weapons, military

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1 reactors, or space vehicle reactors; regulating
2 naturally occurring radioactive material and
3 radiation-producing machines, such as X-ray
4 equipment.

5 The NRC views nuclear regulation as the
6 public's business, and as such, it believes it should
7 be as open and transparent as possible to maintain an
8 enhanced public confidence. Stakeholders will have
9 many opportunities to participate in the regulatory
10 process before issuing a license.

11 To continue its practice of communicating
12 clearly and frequently on important issues, the NRC
13 holds meetings with the public or other external
14 stakeholders, both in the vicinity of the nuclear
15 facilities and its headquarters and regional offices,
16 just like this public scoping meeting.

17 In addition, documents and
18 correspondence related to the licensing renewals,
19 license application, inspection findings, with the
20 exception of certain security-related and proprietary
21 or other sensitive information, are made available
22 through our agency public website.

23 Open communication is key, and public
24 involvement is critical in conducting the NRC's
25 regulatory and environmental review process. You

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1 will hear more details on this during the
2 environmental review later in this presentation.

3 The NRC engages in active communication
4 with the stakeholders to ensure meaningful
5 stakeholder participation, mutual understanding, and
6 timely response. We will continue to coordinate with
7 a wide array of federal, tribal, state, and local
8 authorities on issues related to the regulatory and
9 licensing process.

10 So to conclude my remarks, I want to tell
11 you why we are here. As part of our regulatory and
12 licensing review process like the WCS license
13 application, the NRC conducts safety and
14 environmental reviews.

15 The NRC's environmental review are
16 required by the National Environmental Policy Act of
17 1969. The environmental review for WCS' application
18 involves the NRC staff preparing an environmental
19 impact statement in accordance with the NRC's
20 regulations for environmental protection and
21 applicable NRC guidance.

22 As stated previously, NRC licensing
23 process is open and transparent, and we are
24 interested in hearing from you. Your input for our
25 environmental impact statement is vital. Your

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1 comments will be used in developing the appropriate
2 scope and content of the environmental impact
3 statement.

4 The NRC has just started its licensing
5 review process for the WCS application, and no
6 decision has yet been made. That is why we are here:
7 to listen to you and for you to help us inform the
8 licensing process and, in particular, the
9 environmental impact statement, in support of this
10 process.

11 This concludes my remarks, and I'll turn
12 the presentation over to James Park. Thank you.

13 MR. KLUKAN: While we're switching over
14 to Jim, I just wanted to let people know, because
15 there's a bunch of you in the back standing up, that
16 there are seats in the front row here, and scattered
17 around, if you'd like to sit down, so you don't need
18 to stand this entire meeting.

19 Please feel free to come up. We're not
20 going to bite. Take a seat.

21 MR. PARK: Good evening. My name is
22 James Park. I'm the lead project manager for the
23 environmental review of the WCS application to
24 construct and operate a consolidated interim storage
25 facility for spent nuclear fuel.

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1 I'm assisted by other staff at the NRC,
2 including Diana Diaz-Toro, who's helping with the
3 slides tonight, as well as staff from the Center for
4 the Nuclear Waste Regulatory Analyses, who are
5 located in San Antonio, who are helping in the
6 preparation of the environmental impact statement.

7 In my presentation I'm going discuss the
8 NRC licensing review for this application and focus
9 more on the environmental review and the
10 environmental impact statement that we are preparing
11 and your role in preparing that environmental impact
12 statement.

13 I would like to begin by briefly
14 summarizing the application from WCS. WCS is
15 proposing to construct this consolidated interim
16 storage facility on approximately 320 acres of its
17 property in Andrews County.

18 WCS currently is licensed by the State of
19 Texas to store, treat, and dispose of certain types
20 of radioactive waste on that site.

21 In the application from WCS, they propose
22 to construct the consolidated interim storage
23 facility over a period of 20 years, in a series of
24 eight phases. Each phase would be designed to store
25 up to 5000 metric tons of uranium from spent nuclear

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1 fuel.

2 If WCS was granted a license by NRC, this
3 would be -- they would be approved for only this first
4 phase and the opportunity or the authorization to
5 store up to 5000 metric tons. In order to expand
6 beyond that, they would need license amendments and
7 approvals from the NRC to expand this facility.

8 Their proposal is to store up to 40,000
9 metric tons of spent nuclear fuel. The figure in
10 this particular slide shows a drawing of the
11 consolidated interim storage facility, in green, in
12 its location just north of the existing storage
13 locations for the various wastes that are regulated
14 under the license issued by the State of Texas.

15 Under its proposal, Waste Control
16 Specialists anticipates that the fuel to come to the
17 site would come from shut-down and decommissioned
18 nuclear power plants located around the country.

19 This fuel would be transported to the
20 site by rail. If future phases of this site were
21 expanded and authorized by the NRC, WCS foresees that
22 the fuel that would be stored there would come from
23 nuclear power plants that are decommissioned and shut
24 down in the future, as well as potentially from
25 operating nuclear power plants around the country.

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1 Over the requested 40-year license and
2 with all the phases approved by NRC, WCS estimates
3 that approximately 3000 canisters of spent nuclear
4 fuel would be transported and stored at its site.

5 Again, these canisters would be
6 transported by rail, and once they were received at
7 the site, WCS would take the casks off the railcar,
8 check the casks for leaks or other damage. If they
9 found none, they would store the casks on concrete
10 pads that are designed to hold these casks either in
11 a vertical arrangement or placed horizontally into
12 storage modules.

13 The figure in this particular slide shows
14 the various rail lines that are located around the
15 WCS site. One line in particular in the figure, in
16 blue, is the Texas-New Mexico Railroad line that goes
17 up from Monahans, Texas, and through and past Eunice,
18 and at Eunice would have on a dedicated line to the
19 WCS site.

20 This figure is a conceptual drawing from
21 WCS of what the first phase of this consolidated
22 interim storage facility would look like, showing
23 both casks in a vertical arrangement, as well as casks
24 stored horizontally in storage modules.

25 On January 30 of this year, NRC published

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1 a notice in the *Federal Register* to state that NRC
2 has accepted for detailed review the application from
3 WCS.

4 In that same notice, the NRC also
5 indicated that the public has an opportunity to
6 request a formal hearing on the application. The
7 instructions of how to request that hearing are
8 provided in that notice.

9 This slide schematically shows what the
10 license review process might look like. It shows a
11 safety review, and environmental review, and the
12 formal adjudicatory hearing, and I'll talk about each
13 of those in turn.

14 WCS submitted its application to the NRC
15 in April of 2016. That started the NRC's review of
16 the application to determine if there was sufficient
17 information for the NRC to conduct its review.

18 WCS submitted supplemental information
19 to that application, and as I indicated, on the 30th
20 of January, NRC accepted or docketed the application,
21 thus kicking off the NRC's formal review of the
22 application.

23 The safety review focuses of the question
24 of whether the proposal from WCS in its operation and
25 construction of that facility would meet safety and

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1 security regulations that the NRC has in place.
2 These regulations can be found in Title 10 of the
3 Code of Federal Regulations Part 72, or 10 CFR Part
4 72.

5 The final document from the safety review
6 is known as a safety evaluation report. In parallel,
7 the NRC also conducts its environmental review, and
8 that's why we're here tonight.

9 This environmental review includes the
10 scoping period, which we're in right now, and it's
11 the purpose of this meeting to find out from you, the
12 public, what issues you have that are of great concern
13 about the environment that NRC should address in its
14 environmental impact statement.

15 The NRC publishes a draft environmental
16 impact statement, for public review and comment, and
17 then publishes a final environmental impact
18 statement. The results of the NRC's safety review
19 and environmental review are used by the NRC to make
20 its licensing decision whether or not to grant a
21 license to WCS for the consolidated interim storage
22 facility.

23 This figure also shows that there is an
24 adjudicatory hearing process that is possible. This
25 process involves administrative law judges who, if

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1 there is a petition from the public to intervene,
2 these judges would look at the issues raised by
3 members of the public like yourself and evaluate them
4 as part of the hearing process. So the decision by
5 these administrative law judges also affects the
6 decision by NRC in its licensing.

7 As I mentioned, NRC conducts a
8 comprehensive safety review. This review is, again,
9 in the regulations found in 10 CFR Part 72 and is
10 NRC's independent evaluation with a focus on WCS's
11 proposal regarding its safe and secure operation of
12 the consolidated interim storage facility.

13 This slide shows some of the focus of
14 what that safety review would include. It focuses
15 on maintaining confinement of the radiological
16 material, the adequate shielding and protection for
17 the workers and the public. It focuses on
18 maintaining that there is no potential for nuclear
19 criticality.

20 It looks at these issues under a variety
21 of conditions: normal operations, extreme events,
22 earthquakes, fires, and other natural actions that
23 could affect operation of the facility in a safe and
24 secure way.

25 This slide shows the NRC preliminary

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1 schedule for its license review of the application
2 from WCS. The NRC noticed its intent to prepare an
3 environmental impact statement on November 14 of last
4 year. That began the scoping period for the
5 environmental impact statement, and that period
6 closes on March 13.

7 The NRC notified WCS of its acceptance of
8 the application for detailed review on January 26.
9 It published its notice in the *Federal Register*
10 notice on January 30.

11 The NRC considers that the safety review
12 and that safety evaluation report might be completed
13 in a period of about 21 months from acceptance of the
14 application. That would be -- it would be completed
15 in the fall of 2018. The NRC's environmental review
16 would include issuance of a draft environmental
17 impact statement, currently scheduled for spring of
18 2018, and the final environmental impact statement in
19 spring of 2019.

20 This schedule is subject to many things
21 that could affect it, including the hearing process
22 that I discussed.

23 An environmental impact statement is a
24 comprehensive document that analyzes and evaluates
25 the effects on the human environment from the WCS

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1 proposal. It provides the decision maker, in this
2 case, the NRC official who determined whether or not
3 to grant a license, and the public with an evaluation
4 of the significant environmental impacts which may
5 result from WCS' proposed action.

6 It provides support for the NRC's record
7 of decision regarding environmental impacts, and it
8 supports the final decision by the NRC on the license.

9 This flow diagram shows the process of
10 preparing the environmental impact statement. In
11 blue are opportunities for public involvement in a
12 very direct manner.

13 The first blue bubble in the upper right
14 is the scoping process, the reason we are here
15 tonight, to gain public input into the scope and
16 direction of the environmental impact statement.

17 After we issue the draft environmental
18 impact statement, again, the public will have an
19 opportunity to provide comments on the NRC's
20 preliminary analysis of the impacts. We will be out
21 here again at that time to receive your comments.

22 The NRC prepares its environmental impact
23 statement in accordance with its regulations in 10
24 CFR Part 51, which implement the National
25 Environmental Policy Act, and through NRC guidance in

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1 how it conducts its environmental review.

2 And again, there are opportunities for
3 public involvement in the EIS: We have the public
4 comment period for the scope of the EIS, which began
5 on November 14 and ends on March 13. Your comments
6 are being accepted here tonight.

7 We had a meeting on Monday in Hobbs for
8 the same purpose. We will have a meeting next week
9 on Thursday, the 23rd, back at NRC's headquarters in
10 Rockville, Maryland. This meeting is available by
11 video and on a phone line. We will accept comments
12 for people who come there in person as well as
13 comments over the phone line.

14 The EIS scoping process occurs early in
15 the development of the EIS. It needs input from you
16 about the significant issues of genuine concern to
17 you that we evaluate as part of our process.

18 In that way we focus the EIS and we
19 address and identify public concerns. This is a very
20 open process, and we seek your input.

21 This slide shows the preliminary content
22 or structure of an environmental impact statement.
23 The introduction briefly describes WCS's proposal and
24 why they submitted the application to NRC.

25 The second chapter discusses in detail

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1 the proposal from WCS, as well as other alternatives
2 to the proposal.

3 The third chapter is focused on the
4 affected environment, those aspects of the
5 environment that would be affected by the proposal
6 from WCS if it were granted.

7 Those impacts are described in the fourth
8 chapter. We also discuss ways to mitigate or lessen
9 the level of impacts that may occur, the monitoring
10 programs that WCS would implement, as well as cost
11 and benefits of the proposal.

12 And finally the consultation and
13 coordination that NRC conducts with federal, tribal,
14 state, and local agencies.

15 Initially there are two alternatives:
16 We have the proposed action, which is what WCS has
17 proposed to NRC. That would be that NRC would grant
18 a license to WCS for a period of 40 years for the
19 construction and operation of the consolidated
20 interim storage facility at the WCS site.

21 Construction would take place over 20
22 years, in eight phases, with storage of up to 40,000
23 metric tons uranium.

24 The no-action alternative would be that
25 NRC would not grant a license to WCS. However,

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1 activity at the site would continue over that period;
2 again, for 40 years.

3 Through this process of EIS scoping, we
4 can identify other alternatives to evaluate in the
5 environmental impact statement.

6 So what aspects of the environment are we
7 concerned with? We're concerned in evaluating
8 impacts to the land use; to transportation, both
9 workers, materials, as well as the movement of spent
10 nuclear fuel to the site.

11 Impacts to the geology, the soils; water
12 resources, groundwater and surface water; impacts to
13 the ecology, animals, plants; the air quality;
14 socioeconomics: jobs, income, schools. We look at
15 the effects on the public's and the worker health.
16 We look at issues related to something known as
17 environmental justice. This is are there
18 disproportionate impacts to low-income and minority
19 populations from the proposal by WCS?

20 This slide is meant to visually represent
21 those various aspects of the environment. It also
22 should give you the idea that no single aspect is
23 evaluated by itself. There is an integration between
24 the various aspects of the environment.

25 In closing, there are many different ways

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1 to provide comments on the scope of the environmental
2 impact statement. You can provide comments here
3 tonight. You can provide comments by email, by
4 regular mail, and on the internet.

5 Comments should be provided by March 13
6 to ensure consideration in the scope of the EIS.
7 This final slide provides various ways to learn more
8 about the application and NRC's contacts; myself and
9 John Nguyen; our information is there on that slide,
10 and you can contact us directly with your questions.

11 That concludes my presentation, and I'll
12 turn it back to Brett.

13 MR. KLUKAN: Thank you. So at this time
14 we'd like to take about -- and we'll extend to 15
15 minutes, in case anyone has any process or procedure
16 questions regarding the nature and content of the
17 environmental impact statement.

18 At this time what we're looking for are
19 questions relating to how the NRC staff conducts its
20 review. If you have questions relating to the
21 substance of that review, I'd ask you to reserve those
22 for the public comment portion.

23 So if you have a question, please queue
24 up to the aisle, and then Chris will have the wireless
25 microphone brought to you.

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1 MS. ROMÁN: (Interpreting instructions.)

2 MS. HADDEN: Good evening. I'm Karen
3 Hadden, with the SEED Coalition, and I would like to
4 raise a question of any documents available. This
5 is a question that was raised Monday night in Hobbs,
6 that for a hearing like this, a meeting, I guess, it
7 would be much appreciated if you would bring at least
8 one copy of the document -- of the license that
9 citizens can look at, because many people haven't had
10 a chance to dig through all the files on the internet.

11 They right now have to go first to
12 something like the *Federal Register* and to the ML
13 documents, then you have to do all that and find out
14 what's what, and you basically have to be a lawyer.

15 And I think that it's only right that the
16 public be able to look at the environmental report in
17 the application. I asked this on Monday, and I just
18 want to say I'm a little disappointed that nobody
19 shipped one to have here tonight.

20 And I thank you. I think that's
21 important in the process.

22 MR. KLUKAN: Thank you.

23 UNIDENTIFIED AUDIENCE MEMBER: I have
24 two questions that I think fit into this segment.
25 One is you are talking all the time about spent fuel.

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1 The trend has been for several years to call this
2 used fuel rather than spent fuel, on the national as
3 well as the international scene.

4 So I would like to know why you are
5 calling it spent fuel when the trend is definitely in
6 the other direction. And I would like to encourage
7 you to call it used fuel rather than spent fuel.
8 That's point one.

9 The other point is you have -- in several
10 slides you were saying that part of the environmental
11 impact statement process includes consideration of
12 public health, and then you -- one slide actually
13 included to the public and to the workers,
14 occupational health as well.

15 So my question would be -- and you don't
16 necessarily have to answer that, but maybe to ask you
17 to consider this. What consideration is the NRC
18 giving to the possible tradeoff between nuclear
19 safety and other safety?

20 Just to illuminate that point, we just
21 had the experience at WIPP, where the fact that
22 nuclear safety considerations trumped everything
23 else, it led to actually not quite a dismissal, but
24 to a wrong prioritization on other safety
25 considerations, particularly fire safety, for

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1 example, that might conflict, actually, with nuclear
2 safety considerations.

3 So if you really say that you are
4 considering the overall spectrum of safety, both to
5 the public and occupational safety, what
6 consideration -- to what extent are you actually
7 giving consideration to the potential tradeoffs
8 between nuclear and non-nuclear? Because as we have
9 seen in the case of WIPP, it can endanger human health
10 when you set nuclear safety above everything else.

11 MR. KLUKAN: Thank you.

12 UNIDENTIFIED AUDIENCE MEMBER: (Speaking
13 Spanish.)

14 MS. ROMÁN: He's asking why we choose to
15 speak Spanish in this meeting. (Speaking Spanish.)

16 So we try to provide everybody the same
17 opportunity to express their comments, and that's why
18 we're speaking Spanish. The mayor mentioned the
19 population of the area, and we decided that it would
20 be good to include the Spanish community.

21 UNIDENTIFIED AUDIENCE MEMBER: The
22 question is this: We're having Spanish tonight.
23 Thank you very much. We didn't have Spanish in
24 Hobbs. I believe that there were no notices en
25 *Español. Porque?*

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1 MR. SMITH: I'll take that. We received
2 this information this afternoon from the mayor, and
3 so we didn't have time to prepare everything in
4 Spanish. So had we known in advance, we would have
5 done everything -- we would have had the presentation
6 available in Spanish.

7 The NRC, like all the federal agencies,
8 is committed to providing this information in a
9 manner accessible to the affected members of the
10 community. So it was just due to timing of when this
11 notice -- that we're trying to pull this together in
12 such a way as to try to provide some Spanish that we
13 can. And we will provide the presentation in Spanish
14 after the meeting and make that available on the
15 website.

16 So we're doing the best that we can,
17 given that the notice -- or when the request was made.
18 And had we received a request for Hobbs from a local
19 official or from a member of the public, we would
20 have done the same. We just didn't receive that
21 request, or we would have done it.

22 UNIDENTIFIED AUDIENCE MEMBER: Is the
23 NRC unaware of the fact that, since the founding of
24 the Republic, Spanish has been the predominant
25 language for many people both here in West Texas and

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1 Southeastern New Mexico?

2 Is the NRC unaware of the fact that most
3 of the victims of the Trinity test site who have died
4 from cancer since 1945 are Hispanic and their
5 predominant language is Spanish?

6 It seems you all have shown, in the
7 formatting of this meeting, racial and environmental
8 injustices to the very people that you would subject
9 to this. It seems by your decision to not have any
10 of the previous meetings in New Mexico or Texas -- are
11 you not aware that we are the targeted site? Why did
12 you not schedule a meeting in Albuquerque or El Paso
13 to make the previous meetings more accessible to the
14 public?

15 MR. SMITH: We chose these meeting sites
16 because of their proximity to the location of WCS.

17 UNIDENTIFIED AUDIENCE MEMBER: We're not
18 hearing you or we're not understanding you. Say it
19 again.

20 MR. KLUKAN: I'm going to step in. We
21 chose these two based on, as Brian was saying, the
22 proximity to the site. I'm sorry; I don't mean to
23 cut you off, but we have a full docket, some 38
24 speakers tonight, and I want to give every single one
25 of them an opportunity to speak.

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1 They took time out of their daily schedules to come
2 here.

3 And so your questions, in my mind, relate
4 to scoping in regard to where we should hold meetings
5 at, whom we should be talking to. If you'd like to
6 talk about these during your three minutes, at that
7 time you're more than free to do so, but at this time
8 we wanted to reserve this for process questions.

9 UNIDENTIFIED AUDIENCE MEMBER: There is
10 nothing more fundamental to the process than the
11 language that you use in the propaganda that you put
12 out, when you won't admit what we're talking about is
13 high-level radiation, poison, and you don't do it in
14 Spanish.

15 MR. KLUKAN: Thank you for your comments.

16 MR. ACOSTA: Welcome to our humble
17 community. I'm going to talk in English and in
18 Spanish. (Speaking Spanish.)

19 I'm a long-time resident of Andrews. I
20 started the first grade in St. Andrews in 1956; I
21 graduated from Andrews high school in 1969. This is
22 my home. (Speaking Spanish.)

23 When WCS first came to Andrews, it was my
24 understanding that they were going to keep it low
25 level. Now, Mr. Simmons has since died; we can't

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1 call him on it. The people that are responsible to
2 carry his banner, I don't know where the honor is.
3 I don't know why the Nuclear Regulatory Commission is
4 even considering the application when they promised
5 that it would stay low level. Where is the honor?
6 Where is the responsibility?

7 We need to be responsible. We need to
8 care enough for our future generations that do not
9 have a voice at this point, at this moment. We need
10 to be responsible. We need to hold these people
11 responsible.

12 Thank you.

13 MR. KLUKAN: Okay. At this time, before
14 we go to the public comment portion, I mentioned
15 earlier that we -- I wanted to give elected officials
16 and their representatives an opportunity to make
17 prepared remarks.

18 So if you'd like to come up to the aisle
19 so we can do that at this time, please do so.

20 MR. TELLEZ: Hello. Gerald Tellez from
21 Pecos, Texas. I've been -- I currently serve as
22 mayor pro tem; I've been in city business for 24
23 years. I guess what I what to bring up is I have a
24 question, and I guess I was too late, but I'll still
25 bring it up.

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1 I want to ask the Commission, have
2 studies been done in case of radiation exposure?
3 What effect will it have on the immediate surrounding
4 area? And also what will be your emergency response,
5 and how fast will the situation be remedied?

6 Our problem is we're directly south of
7 the proposed area. We're concerned about our air
8 quality and also our air quality, because our aquifer
9 runs straight down south, and that's what we're
10 scared about.

11 The second question I have, I just
12 learned tonight that the railway will be going
13 through our town of Pecos, Texas, right in the middle
14 of town. Also, our sister city of Monahans, 40 miles
15 away, that's where -- the place where they'll be
16 unloading the material.

17 Why didn't y'all give Pecos or Monahans
18 to also have one of these meetings? Thank you.

19 MR. KLUKAN: Thank you for your comments.

20 Before I turn to the public comments, are
21 there any other elected officials or representatives
22 who would like to make a prepared statement at this
23 time?

24 (No response.)

25 MR. KLUKAN: Hearing none, just a few

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1 quick remarks regarding the public comment portion.
2 I'm going to call individuals in the order in which
3 they signed up on the sheet. I'm going to try to get
4 to everyone signed up tonight; I'll do the best I
5 can.

6 I am going to call two individuals first
7 who came to the Hobbs meeting but had to leave before
8 they could speak. I appreciate your indulgence.
9 They had children, so they had to leave the Hobbs
10 meeting before they could speak, so I'm going to have
11 them go first, and then we'll start with the list.

12 I'm going to call three people at a time,
13 just to give some time to prepare before it's your
14 turn at the microphone. When your name is called,
15 queue up to the aisle microphone.

16 If for whatever reason you can't queue up
17 to the aisle, a microphone will be -- just raise your
18 hand and we'll bring a microphone to you.

19 For your awareness tonight, the meeting
20 is being recorded. That's why you see this second
21 microphone at the podium. And it will be
22 transcribed. So when it's your turn to speak, please
23 state your name and any affiliation, organization,
24 what-not, and spell your last name, if you would be
25 so kind.

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1 Because we have, I think, at this time
2 some 36 speakers, I'm going to limit the speaking
3 time for each individual to three minutes. It's now
4 a little after eight o'clock, so that will put us
5 close to the ten-minute mark if everyone takes their
6 three minutes.

7 So that's my intent. The way it will
8 work is I will give you a warning. At two minutes,
9 when you have one minute left, you'll see me hold up
10 a yellow card. You'll also hear a buzzer on my phone.
11 That's mostly for my benefit so I know that it's time
12 to hold up the sign.

13 Then when your time is up, you'll see me
14 hold up this (indicating), and at that time if you
15 would be so kind to finish your remarks, in fairness
16 to everyone who came here tonight to speak, just so
17 we can make sure that everyone gets an opportunity to
18 do so.

19 And so with that, I'll turn it over to
20 Cinthya.

21 MS. ROMÁN: (Translating instructions.)

22 MR. KLUKAN: Thank you. Okay. As I
23 mentioned, I'm going to call two individuals who were
24 at the Hobbs meeting and weren't able to speak, had
25 to leave early.

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1 Is Ms. Elizabeth Padilla -- is she still
2 here?

3 MS. PADILLA: I would like to welcome
4 everybody. Thank you all for being here.

5 As a long-time resident of Andrews,
6 Texas, and on behalf of the people opposing the new
7 waste, I would like to express our worry and concerns
8 about the subject.

9 Andrews, Texas has been our hometown for
10 many of us. Many have claimed it to be the perfect
11 town to reside and to raise our children. Some of
12 us have children, grandchildren, family and friends,
13 people who we love and cherish and want them to live
14 a long, healthy life in a community of safety in all
15 matters.

16 Having high-level radioactive waste in
17 our county would put our lives and health at risk.
18 We do not want high-level radioactive waste coming
19 from all around the country to be transported and
20 dumped in Andrews.

21 Regardless of all the safety precautions
22 and protective standards, there will be always a
23 risk. And this highly radioactive material will
24 forever be in our land. Do we really want this in
25 our backyards?

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1 VOICES: No.

2 MS. PADILLA: Is it really worth the
3 risk?

4 VOICES: No.

5 MR. PADILLA: How much does our
6 children's, grandchildren's, and future generation's
7 life and health cost? How much does our health cost?
8 Do we really want this huge waste in our precious
9 land?

10 VOICES: No.

11 MS. PADILLA: Are we really willing to
12 put a price on it?

13 VOICES: No.

14 MS. PADILLA: My name is Elizabeth
15 Padilla. I'm a resident of Andrews, Texas, and I'm
16 against high-level radioactive waste to be dumped in
17 Andrews County. I do not give you my consent to have
18 high-level radioactive waste dumped in Andrews.

19 MR. KLUKAN: Thank you.

20 Next up is Jesus Padilla.

21 Oh, he's not here? All right.

22 So now we're going to start on -- and I
23 appreciate your indulging me in that to accommodate
24 them.

25 We're going to start with -- first is

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1 Humberto Acosta, A-C-O-S-T-A. And then next up will
2 be Julia Wallace, and then Draco Allison.

3 MR. ACOSTA: Okay. My name is Humberto
4 Acosta,
5 H-U-M-B-E-R-T-O A-C-O-S-T-A.

6 I would like to -- a lot of the people
7 here that I've talked to -- I've been in this for the
8 last two years. I didn't start yesterday. I've
9 talked to a lot of people.

10 Most of the people that I talked to have
11 no idea what's going on, none. Some of the people
12 know about radiation, that there's some sort of
13 radiation coming or something like that, but they
14 don't know the scope of it. They don't know what a
15 spent fuel rod is. They don't know what a spent fuel
16 rod cooling pool is.

17 Well, all this problems are essentially
18 over boiling water; how to boil water. I mean, I
19 personally think that the nuclear industry has
20 reached a critical point whereas they're spending
21 more money than what they're making, and risking our
22 future, risking our health, risking our environment.

23 A nuclear plant is a business, but when
24 they start maintaining cooling pools, they start
25 buying dry casks for a million dollars each, and then

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1 now planning to transport them from somewhere in the
2 East Coast to 1200 miles, 1500 miles, putting all the
3 communities in danger.

4 All this costs money. It costs money.
5 I'm kind of suspicious that we the taxpayer are paying
6 for this, or a big part of it. So my solution is
7 quit issuing licenses. We have a country saying, If
8 you find yourself in a hole, quit digging. It's just
9 that simple.

10 MR. KLUKAN: Thank you for your comments.

11 Again, next up is Ms. Julia Wallace,
12 followed by Draco Allison, and then Yvonne Montiel.

13 Ms. Wallace.

14 MS. WALLACE: Good evening, and thank you
15 for being here.

16 I attended the meeting in Hobbs on Monday
17 and had registered to speak there but decided that it
18 would be better to listen and save my remarks for
19 this meeting.

20 After listening to over two hours of
21 prepared statements and hearing the questions and
22 declarations of those in attendance, I would like to
23 address a few of them. And, again, these are some
24 of the concerns and comments from Hobbs.

25 Several years ago I attended a networking

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1 event in Hobbs, coordinated by the Southeast New
2 Mexico and West Texas Leadership Group. At this
3 event I met several of the officials from Hobbs and
4 Eunice at the forum Monday night.

5 At that networking event, I was
6 encouraged as I listened to these representatives
7 discuss the need to think regionally rather than
8 locally, to support neighboring communities and their
9 efforts to pursue economic diversification.

10 They touted building on those things that
11 we have in common rather than competing against one
12 another, mentioning that Southeast New Mexico was
13 more like West Texas than Santa Fe, and West Texas
14 was more like Southeast New Mexico than Austin.

15 I see examples of what we've been able to
16 achieve when working together. When LES, now URENCO,
17 began looking at this area to place a uranium
18 enrichment facility, both Andrews County and Lea
19 County began courting them.

20 However, once the deal was sealed and
21 they had decided upon Lea County, we didn't turn our
22 backs on them. We didn't oppose placing a uranium
23 enrichment facility in the area because Andrews
24 County and the State of Texas would not receive the
25 same financial vettings from the facility as Lea

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1 County and the State of New Mexico. Instead, we
2 firmly backed the project, acknowledging the fact
3 that it would benefit the region.

4 I understand that the Eddy-Lea Energy
5 Alliance has passed a resolution that provides Holtec
6 International the option to purchase land to build a
7 proposed storage site for spent nuclear fuel.

8 I can only assume that partnering with
9 Holtec, AREVA's competition, would be the only reason
10 why any of them would have cast doubt as to the
11 integrity of AREVA's casks or transportation systems,
12 especially since they don't seem to have any concerns
13 with the AREVA casks that provide shipments to and
14 from URENCO or with the fact that URENCO and AREVA
15 share a 50-50 interest in a joint venture company.

16 It looks like I'm about to run out of
17 time, so I just want to touch on one other thing that
18 is really important.

19 I want to assure all of you here that WCS
20 does not stand on top of the Ogallala aquifer. I've
21 very sorry that you've been lied to, and that's really
22 bad, but it is not the case, and there's a lot of
23 studies and scientific proof to show that it does
24 not.

25 And in closing I want you to know that

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1 WCS has been a good corporate citizen, that they've
2 donated generously to our education foundation, they
3 have provided countless scholarships to graduating
4 seniors, they've sponsored events and activities that
5 improve the quality of life in this community.
6 They've donated to local nonprofits and
7 organizations, and they have provided good-paying
8 jobs to individuals who love this community and have
9 served Andrews in various capacities. They're our
10 neighbors and our friends.

11 Thank you.

12 MR. KLUKAN: Okay. Thank you for your
13 comments.

14 Next up is Draco Allison -- I apologize
15 if I'm mispronouncing your name. Mr. or Mrs.
16 Allison?

17 (No response.)

18 MR. KLUKAN: All right. Moving on, next
19 up is Yvonne Montiel, M-O-N-T-I-E-L. And then she'll
20 be followed by Mr. Kevin Kamps and then Mr. Gerry
21 Grisak.

22 MS. MONTIEL: My name's Yvonne Montiel,
23 spelled
24 M-O-N-T-I-E-L.

25 Thank you to the NRC for the opportunity

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1 to speak on behalf of the consolidated interim
2 storage facility at WCS. My husband and I moved to
3 Andrews, and I began employment with WCS in December
4 of 2010.

5 I have my bachelor's degree in chemistry
6 and environmental science, and I'm still paying on my
7 student loans, so I am a poor but educated Mexican.

8 I am the drinking water superintendent
9 and lab manager at WCS. Much of what I have read
10 against the storage facility in Andrews County has
11 been littered with gross exaggeration and falsehoods.

12 The intent seems to be to scare the
13 community and the surrounding areas. No one wants a
14 municipal landfill, a wastewater treatment plant, or
15 an oil pump jack in their backyard, but yet we all
16 enjoy clean streets and modern plumbing and fuel for
17 our vehicles.

18 There's an inherent risk in most aspects
19 of life, from our everyday activities to the industry
20 that we choose to work in. We continue to live our
21 lives in spite of these risks, because we know we are
22 knowledgeable in the precautions we must take to
23 minimize those risks.

24 We wear seatbelts, obey traffic laws, and
25 we install smoke detectors, radon, and carbon

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1 monoxide detectors in our homes. This provides no
2 guarantee to health, safety, or life.

3 The storage facility is not much
4 different with respect to inherent risks. WCS, from
5 the field and office personnel to the top of the
6 organization chart, is committed to ensure every
7 effort is made to operate a safe and environmentally
8 compliant facility.

9 We do this not because our licenses and
10 permits require it of us; we do it because it's the
11 right thing to do, and we do care.

12 Many of us were raised, have raised, or
13 are raising families in this area. We enjoy going
14 home to families, our loved ones, with the knowledge
15 that we've worked an honest day. WCS employs a
16 diverse and knowledgeable workforce.

17 Groups that are against the risk that the
18 storage facility, the employees of WCS have a healthy
19 respect for those risks, and that healthy respect,
20 the experience and our knowledge, this enables us to
21 operate a safe and environmentally compliant
22 facility.

23 Safety precautions are in place to
24 protect both human health and the environment. Those
25 are both mandated, and some of them are self-imposed.

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1 No promises can be made that no incident will occur.
2 WCS employees can promise that we will work
3 diligently to ensure every effort is made to protect
4 human health and the environment. Our lives and our
5 livelihoods depend on it.

6 MR. KLUKAN: Thank you.

7 Okay. Next up is Mr. Kevin Kamps. He
8 will be followed, again, by Mr. Gerry Grisak, and
9 then Jeffrey Isakson.

10 Mr. Kamps.

11 MR. KAMPS: My name is Kevin Kamps. I
12 work at Beyond Nuclear. We're based in Tacoma Park,
13 Maryland, and we have members and supporters now in
14 this area, and I have five areas I'd like to discuss
15 very briefly, and these are explicated at length on
16 our website, which is BeyondNuclear.org, under the
17 centralized interim storage section.

18 So the first risk I want to talk about
19 with this WCS proposal is the risk of so-called
20 centralized interim or temporary storage being de
21 facto permanent storage or, as we call it, a parking-
22 lot dump.

23 Right now under current law there is a
24 very significant factor on the law, the Nuclear Waste
25 Policy Act, as amended, which creates a linkage

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1 between interim storage and a permanent repository.

2 And we wrote to the NRC on October 26, a
3 coalition of our groups -- our legal counsel prepared
4 the letter -- and urged and demanded that the NRC
5 cease and desist with this proceeding, because this
6 application is not legal.

7 This interim storage site could easily
8 become permanent, because there is no repository open
9 in this country to receive this waste. So instead
10 of a 20-year period or a 40-year period or, as the
11 CEO of WCS said at a city council meeting in Eunice
12 last night, 100-year period -- that's the first time
13 I've heard that figure, 100 years into the
14 future -- this could become permanent.

15 And this high-level radioactive waste is
16 hazardous and deadly for a million years into the
17 future. It's actually longer than that. And that
18 alludes to my second point.

19 The risk of the loss of institution
20 control if this permanent parking-lot dump were to be
21 abandoned and containers fail and release their
22 catastrophic amounts of hazardous radioactivity into
23 the environment.

24 And this is not far-fetched. In fact,
25 the Department of Energy itself, in its final

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1 environmental impact statement on the Yucca Mountain
2 dump proposal in Nevada, said as much, that if the
3 waste stored in dry casks at nuclear power plants
4 currently are abandoned and allowed to degrade over
5 time, they will release their content
6 catastrophically into the environment. That could
7 happen here.

8 Number three are the mobile Chernobyl
9 shipping risks, and this is going to impact most
10 states, but nowhere worse than Eunice, New Mexico,
11 where every single shipment going into WCS and, if it
12 ever leaves, leaving WCS would go through.

13 And these risks are of severe accidents,
14 they are of intentional terrorist attacks. There's
15 even risks from routine shipments that have no
16 incidents. The gamma radiation that streams out of
17 these containers, under NRC regulations allowing for
18 a chest X-ray per hour at a distance of six feet away,
19 or 200 millirem per hour, which is more like 20 chest
20 X-rays, at the surface of the container. Most
21 hazardous to workers, but also hazardous to local
22 residents.

23 The last couple points real quickly: Why
24 are these risks being taken? In short, to transfer
25 the liability for these deadly wastes onto the

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1 American taxpayer. That's what this is about.

2 And then the final point, a very
3 important one, is environmental justice. This
4 community here already has disproportionate impacts
5 from hazardous energy activities, both fossil fuel
6 but also nuclear.

7 And to add this most deadly high-level
8 radioactive waste on top of this already potentially
9 hazardous mix is not right; it's environmental
10 injustice.

11 Thank you.

12 MR. KLUKAN: Mr. Grisak, and then he will
13 be followed by Mr. Isakson and then Mr. David Rosen.

14 MR. GRISAK: Good evening. My intention
15 here is to provide a couple of quick statements
16 concerning the geology and hydrogeology of this site
17 and how it fits into the regional -- the geologic and
18 hydrogeologic situation.

19 Geographically the site sits on what's
20 referred to as the Red Bed Ridge. It's an elevated
21 boundary of the southern high plains that separates
22 the surface drainage between the Colorado and the
23 Pecos River.

24 Geologically the geologic deposits over
25 the ridge are in fact what's termed the Cretaceous

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1 Antlers formation; it's a chert gravel, sandstone,
2 and limestone deposit at around 145 million years
3 ago.

4 These deposits protected the elevated
5 ridge from erosion and separated the ridge from the
6 deposition of the Ogallala formation further to the
7 northeast and the Gatuña formation to the southwest,
8 both of which were deposited quite a bit later, about
9 within the last 10 million years.

10 Those three deposits are termed in a lot
11 in the present and in applications that had been
12 previously submitted to the OAG unit.

13 From a groundwater standpoint, the Red
14 Bed Ridge is elevated above the regional groundwater
15 flow system in both the Ogallala and Gatuña
16 formations. The Antlers formation, which occurs on
17 top of the Red Bed throughout the facility, is largely
18 unsaturated, which means there is no available
19 groundwater in these deposits.

20 As you go further to the northeast, the
21 Antlers, adjacent to the Ogallala formation -- and
22 both of these deposits eventually become fully
23 saturated as you go lower in elevation, but as far as
24 the WCS facility is concerned, the Ogallala aquifer
25 does not occur beneath the facility, and the adjacent

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1 formations -- the Antlers and what is called the
2 Gatuña -- are unsaturated, and contain little or no
3 available groundwater.

4 There are numerous publications on this,
5 in Geological Society of America and the American
6 Geophysical Union that we've published over the
7 years. I'm happy to provide those references to
8 anyone interested.

9 Thank you.

10 MR. KLUKAN: Thank you.

11 Next up is Mr. Jeffrey Isakson.

12 (No response.)

13 MR. KLUKAN: All right. Next up then
14 will be Mr. David Rosen. He'll be followed by Mr.
15 Tom Smith and then Mr. Lon Burnam.

16 MR. ROSEN: Thank you and good evening.
17 I think one of the first things I want to remind you
18 of is the elephant in the room, is that right at the
19 beginning of our presentation, equipment failed. It
20 was tested for hours. It was improved on from a
21 couple nights ago. But yet equipment failed.

22 And that's nobody's fault that equipment
23 failed. And I think that the employees of WCS are
24 highly conscientious people. They do their absolute
25 best, and they're probably very schooled and taught,

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1 but nonetheless, accidents occur, and equipment
2 fails.

3 I've seen that over the 40 or so years
4 I've been in the oilfield, that people are
5 conscientious but yet occasionally things happen to
6 the detriment of people's lives.

7 So while I applaud the WCS employees, I
8 think they're very conscientious, one of the things
9 that I asked a couple of the people that are here
10 from the NRC tonight is, what is the half-life of the
11 spent fuel?

12 And it's -- nobody could really give me
13 any kind of an answer. And the best I got was some
14 of it decays very quickly; some of it might still be
15 hot in a million years.

16 And we're looking at these casks that may
17 be good for 40 years or 100 years or maybe even 200
18 years. But a million years is a few orders of
19 difference. So I'd like you to consider that.

20 I would also appreciate an unbiased
21 hydrologic study that is done as part of the EIS,
22 because we know, despite the fact that we look at
23 geology and say, Oh, well, this has been here for 10
24 million years, there are occasions when change
25 happens rapidly. We see that when there are huge

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1 flysch zones and rapid deposition, and things change.

2 Despite what studies may have been done
3 in the past 10 or 20 or 50 years, I think a new
4 hydrologic study would be appropriate. I know a
5 rancher told me that there's a line from Eunice to
6 Carlsbad in which there's occasionally huge amounts
7 of rain occurring, and this rain rapidly disappears
8 through the surface, and the ranchers aren't sure
9 where it goes. And perhaps that is something that
10 might be investigated in part of a hydrologic study.

11 So I also wonder if y'all are aware of
12 Project Gnome, about the atomic device that was
13 detonated not all that far from here, in Loving County
14 60 years ago.

15 Thank you.

16 MR. KLUKAN: Thank you.

17 All right. I'm going to ask, just while
18 I'm interrupting, that you please state your name.
19 The transcriptionist does have your names, but it
20 just makes it easier editorially if you say your name.
21 So with that said, again I apologize for the
22 interruption.

23 Next up, Tom Smith, followed by Lon
24 Burnam and then Karen Hadden. Thank you.

25 MR. TOM SMITH: Good evening. My name

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1 is Tom Smith; I'm better known as Smitty. I'm
2 director of Public Citizen's Texas office, and I've
3 been involved over the last 31 years, I guess, in
4 trying to figure out what's best to do with
5 radioactive waste.

6 And I don't think this is the right site.
7 I think it's far too risky, for a number of reasons
8 you've heard tonight and you'll hear later. And it's
9 not a safe site for what's ultimately going to be
10 likely the de facto storage site for these
11 radioactive wastes for hundreds of thousands and
12 ultimately millions of years.

13 As you all know, the radioactive waste
14 policy act called for putting this deep underground
15 in a rock formation to where it can be isolated from
16 human contact for millions of years, not stacked on
17 a parking lot out in West Texas, where this stuff
18 could degrade as a result of the weather. And that's
19 what's likely to happen.

20 I think that one of the things that study
21 ought to look at -- scoping study is what happens if
22 it never goes away? The history of radioactive
23 management has been littered with failed promises,
24 not because you aren't of good intent but largely
25 because of Congress and the federal government.

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1 And we simply don't trust the feds to get
2 this right. We don't think that Congress will
3 appropriate the money, once this stuff is put out
4 here, to really bury long term and get it out of this
5 part of the country.

6 And so one of the things that you ought
7 to look at is a no-action-by-Congress-or-by-the-
8 federal-government option. What happens if this is
9 the long-term site? Are those canisters tough enough
10 to be able to do the job? What happens as they
11 degrade? Does WCS have the capacity to repackage
12 those containers onsite, and if they don't, what's
13 going to happen out there?

14 Now, most -- when you look around the
15 history of nuclear waste management in the United
16 States, most of the low-level and high-level
17 facilities and military have leaked and have cost
18 billions and billions of dollars to clean up, and
19 we'll still trying. That's what's likely to happen
20 here, and I think we need to look at the "no" impact
21 thing.

22 You've heard a lot about the water. The
23 TCEQ looked at this site, and all eight of the
24 professional staff who looked at it argued against
25 this as an inappropriate site because of water and

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1 hydrogeology. You ought to go back and look at that
2 study and talk to the people who participated in it
3 and find out what their concerns were and make that
4 part of your scoping analysis.

5 We also think that you ought to look hard
6 at the transportation alternatives: what happens
7 here in Eunice if there is an accident? What happens
8 in Midland? What happens in Odessa if there's an
9 accident?

10 And most importantly, what happens in
11 some of the major cities, like Houston, where the
12 Strategic Air Command is -- or in San Antonio, where
13 the Strategic Air Command is; Houston, where you've
14 got the ship channel.

15 What happens if somebody -- if a
16 terrorist pops one of these containers there, to that
17 extraordinary military infrastructure we need for our
18 safety?

19 We ought to look at the cumulative
20 impact. When you look at the number of facilities
21 that are right around here, it's WCS, the Eddy-Lea,
22 WIPP, and the Lotus facility, all of which contain
23 substantial radioactive waste. And we ought to look
24 at the impact of terror attacks on them.

25 We thank you so much for coming down

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1 here. We hope that you have many more hearings in
2 this part before you get ready to write this, because
3 only a few of the communities that are going to be
4 affected are here tonight, and you ought to look at
5 places like Eunice and others that are going to be
6 directly and ask their consent before you decide to
7 dump on them.

8 Thank you very much.

9 MR. KLUKAN: Thank you.

10 Next up is Lon Burnam, followed by Ms.
11 Karen Hadden, and then Ms. Diana D'Arrigo.

12 MR. BURNAM: *Buenas tardes, otra vez.*
13 Thank you for the opportunity to testify against this
14 proposal for a de facto permanent storage site of
15 most of the nation's high-level, highly toxic,
16 poisonous waste.

17 At the meeting in Hobbs on Monday night,
18 I pointed out to the disingenuous nature of
19 continuing to refer to this as spent fuel storage
20 when in reality it's what we're calling it: it's
21 high-level radioactive waste.

22 At the end of my opportunities to address
23 you in Hobbs, I mentioned that I had met Monday
24 afternoon a student at New Mexico Junior College who
25 was there on one of your scholarships.

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1 And by the benefit of your scholarship,
2 she did the study. She said, it can't be done safely
3 here in southeastern New Mexico and West Texas, and
4 she's quit her pursuit of academic studies under the
5 tutelage of the NRC.

6 Now, that was Monday night. I want to
7 talk about something that I heard Monday night that
8 is really distressing. I'm Lon Burnam; I'm from Fort
9 Worth, Texas. I served in the Texas Legislature for
10 18 years, and during those 18 years I became very
11 well acquainted with environmental racism.

12 I represented a district that was
13 overwhelmingly majority Hispanic and African-
14 American, and I fought one struggle after another of
15 people targeting low-income minority communities to
16 be subjected to high-level waste and toxics in air
17 pollution.

18 Now, my grandmother was raised just up
19 the road here in Post, Texas, but she spent most of
20 her adult life as a downwinder in southeastern New
21 Mexico. You may have all heard of Tularosa and the
22 high incidence of cancer in Tularosa, New Mexico
23 because of the national government's targeting low-
24 income minority communities to be victims of their
25 own power pursuits.

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1 I know environmental racism. Employees
2 of WCS who deny that this is environmental racism do
3 not understand the national definition or the
4 realities of what we've been talking about here.

5 They are the victims of what Sinclair
6 Lewis described in *The Jungle*. Those who get their
7 paychecks from one source are not able to understand
8 or learn of harm that they are causing to others.

9 I'll give you an example of that. Up in
10 Pantex, which is the final assembly point for all
11 nuclear weapons, the Bishop Mattiesen said, It is
12 immoral to continue working at this facility, and I,
13 as bishop of this Roman Catholic diocese, will help
14 anybody who will quit that job and return to a moral
15 lifestyle. I will help them make a living in a way
16 that is not detrimental to their fellow man.

17 I want you to know that the Texas
18 Democratic Party, long before you refused to have one
19 of the public meetings that were held all over the
20 country except for New Mexico and Texas, said, We
21 don't want it here. It's in the State's platform.
22 It was passed for the platform last summer; it passed
23 in the resolution: We don't want it here.

24 Think about the terror: You're talking
25 about exposed, sitting out there. You're talking

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1 about a de facto permanent storage facility that, in
2 its application, what you continue to provide to us
3 recognizes that they're being licensed for a
4 temporary, but we all know it's going to be permanent.
5 At least make them meet the standards and bury them.

6 Thank you.

7 MR. KLUKAN: Thank you.

8 Okay. Next up Ms. Hadden, followed by
9 Ms. D'Arrigo, and then Mr. Augustino Cordoba.

10 MS. HADDEN: Good evening. My name is
11 Karen Hadden. I'm executive director of the
12 Sustainable Energy and Economic Development
13 Coalition. We work statewide in Texas to protect
14 public health and for clean energy.

15 Your scoping report should consider
16 several very important considerations. First of all,
17 the magnitude of this deadly radioactive waste. If
18 a person is exposed to these fuel rods there up close
19 and the waste is unshielded, they're going to die
20 immediately, and we all know it.

21 If they get a lesser exposure, they might
22 die within the week. Lesser exposures yet lead to
23 cancer, genetic defects, birth defects. These are
24 known facts.

25 This plan would involve thousands of

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1 shipments, probably 4,000 shipments, across the
2 country to this region. Each train car would be
3 hauling approximately the amount of plutonium that
4 was in the bomb dropped on Nagasaki.

5 This is huge. This process is so
6 extensive, it would take over 20 years. This is not
7 the small type of radiation that people in the
8 community are used to. Maybe they've worked with
9 sealed sources in the oilfields. This is a whole
10 different thing.

11 Nobody knows what to do with a leaking
12 cask or canister. Nobody knows how to repackage
13 that. So when this stuff gets here, it probably will
14 never leave, because there's nothing you can do.

15 There have been concerns all along about
16 water at the site, and the application reflects that.
17 The TCEQ warned many years, when the low-level
18 radioactive license was under consideration, that it
19 shouldn't be licensed at all, even for that purpose.
20 They said it was too close to water.

21 That was unanimous from the Radiation
22 Materials Division. Three of their employees
23 resigned in protest, because they did not want their
24 names and their souls to be on that license. One of
25 them had cancer and lost health insurance. He felt

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1 that strongly that that site was wrong.

2 And now we're talking about high-level
3 radioactive waste. We've been told that this
4 community wants it. I don't see that. I talked to
5 people on the street, and nine out of ten tell me
6 that they don't want it.

7 I'll wrap up. There are risks not to
8 just to this community, which would be targeted most
9 heavily, but to everyone along the transport route,
10 and there should be scoping meetings held in San
11 Antonio, in Dallas-Fort Worth, as well as more local
12 communities who need their voices heard, and we
13 request public hearings as well.

14 Thank you.

15 MR. KLUKAN: Thank you.

16 All right. Next up is Ms. D'Arrigo, and
17 again, I apologize if I am mispronouncing your name.
18 She'll be followed by Mr. Augustino Cordoba and Mr.
19 Rod Baltzer.

20 MS. D'ARRIGO: My name's Diane D'Arrigo,
21 D-apostrophe-capital A-R-R-I-G-O. I am with Nuclear
22 Information and Resource Service, and I have been
23 there for over 30 years, tracking the nuclear waste
24 issue.

25 And the reason that I got interested in

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1 working on the nuclear waste issue -- I also have a
2 degree in chemistry and environmental studies like
3 one of the previous speakers, and I worked in labs,
4 and I worked in the industry for several years.

5 But there is a nuclear waste site near
6 where I grew up, in Western New York, West Valley,
7 New York. And this is a place that was touted as a
8 great potential commercial industry.

9 Nuclear Fuel Services came into the
10 site -- and I was just a little kid, but they came in
11 in the early '60s, and they left in 1980. And they
12 left a \$10 billion mess.

13 We now -- we had great jobs. We had the
14 promise of jobs, progress, and roads. But there
15 weren't a whole lot of those jobs, and what we have
16 now, decades later, is a nuclear waste site with high-
17 level radioactive waste. It did have irradiated
18 fuel. We had so-called low-level waste.

19 I came here when WCS wanted to open its
20 low-level dump so that I could share what we were
21 experiencing with our so-called low-level dump in
22 western New York. And that is still a big concern.

23 And the main message that I really wanted
24 to share is that the private enterprise which was a
25 boon for a little bit turned out to be a big mess

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1 which is going to cost \$10 billion, estimated, to
2 clean up.

3 And we have to, every year, go to the US
4 government, to the Congress that many people here
5 don't like or respect -- we have to go to them to beg
6 for money to keep that site managed.

7 It is now a government site. The private
8 company left in 1980, after less than 20 years. So
9 this license is for 40 years if it were to be granted.
10 What happens after 40 years? Maybe they'll stay;
11 maybe they won't.

12 One of the things that they want is to
13 transfer the title ownership of this waste, before it
14 comes here, to the taxpayers so that they don't have
15 to be liable. They will make the profit -- and it's
16 great that the staff and the people that work there
17 are making a good living, and I appreciate that
18 my -- the waste site near where I'm from and at any
19 site that has nuclear waste, that people are of great
20 integrity, doing their best to take care of it and to
21 isolate it.

22 We need this in perpetuity, but we're not
23 guaranteed it. What's going to happen -- what could
24 happen is that the private enterprise leaves and then
25 the government -- the community has the waste there,

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1 and who's going to take care of it after that?

2 I would also like to request an extension
3 on the comment period, an extension on the time to
4 file for interventions on the licensing process, and
5 I would like to request that hearings be held along
6 the transport routes.

7 A main thing that we're going to be
8 calling for in this EIS is that the EIS take into
9 consideration transportation risks, because you
10 cannot deny that it will mean lots of transport.

11 So a hearing in Dallas, at a minimum, and
12 in other major cities -- St. Louis,
13 Chicago -- through which till will travel, and if you
14 look at the map of the WCS application, it's all
15 across the country.

16 MR. KLUKAN: Thank you.

17 Mr. Augustino Cordoba.

18 MR. CORDOBA: Good evening. My name's
19 Augustino Cordoba. I've been living in Andrews since
20 1958. I worked in a service station, and I was
21 fortunate enough to see the young people, some of
22 them run football, but they had a dream, and they
23 fulfilled that dream.

24 Some of them became doctors, lawyers. It
25 was a beautiful thing. Now the question is, is our

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1 new generation -- are they going to be
2 safe? -- because if that stuff comes here, it will
3 destroy cities and lives of that new generation that
4 will not be able to fulfill their dreams.

5 Right now you're not going to buck us;
6 we're grown-up people. We have fulfilled our dream.
7 But will our new children do it? I don't think so,
8 and only because -- it's a pot of gold. Is it more
9 important -- is it? -- is it important to go and grab
10 a pot of gold than the life of our children? I don't
11 think so.

12 Unfortunately, I don't think it is
13 stolen. I been to school through the third grade,
14 and I was only reading. Now I got grandchildren that
15 get at the computer, and it's a beautiful thing.

16 But the question remains, are they gonna
17 fulfill their dream, or we gonna destroy it? We
18 grown-ups to think about those.

19 Thank you.

20 MR. KLUKAN: Thank you very much.

21 Next up is Mr. Baltzer, followed by Mr.
22 Steven Schafersman, and then Mr. Jack B-A-O-S-A-O-V-
23 I-C -- well, your name is Jack at least.

24 Mr. Baltzer.

25 MR. BALTZER: My name is Rod Baltzer, B-

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1 A-L-Z-E-R. I'm the president and CEO of WCS, and I'm
2 here to ask for the support tonight of the community.

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

9 We did decide to do high-level waste
10 after a long time. We opened up in 2012. The blue-
11 ribbon commission came out and spent fuel said
12 storage would be an important part. People asked us
13 if we would be interested, as we were successful in
14 low-level waste. After discussions with the
15 communities, we decided to proceed.

16 We've got approximately 170 employees at
17 our facility, half of which live in New Mexico, and
18 half of which live in Texas. They participate in
19 both communities, and WCS sponsors scholarships and
20 supports organizations on both sides of the border.

21 The region's been found environmentally
22 suitable for other nuclear facilities in addition to
23 WCS, including URENCO, which was licensed by the NRC.
24 The geology, site characteristics, arid environment,
25 and other factors at WCS are ideal for the storage of

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1 spent nuclear fuel.

2 WCS is not sited over any drinking water
3 source, and it's 10 miles south of and not connected
4 to the Ogallala aquifer, as confirmed by the Texas
5 State Water Development Board. The Board updated
6 their maps based on oil and gas drilling in the area,
7 not WCS data.

8 WCS is one of the most regulated
9 businesses in this area, with licenses and permits
10 and authorizations from the Texas Commission on
11 Environmental Quality, the Nuclear Regulatory
12 Commission, the Environmental Protection Agency, and
13 numerous customer and contractual commitments.

14 WCS has a great safety and environmental
15 track record. We have over 600 borings; over 400
16 monitoring wells are gauged, 121 of which are
17 sampled; 26 air monitoring stations, which are more
18 than WIPP and URENCO combined; numerous soil, flora,
19 and fauna samples, all showing zero environmental
20 impact from our operations. We hope this allows the
21 Nuclear Regulatory Commission to streamline the
22 environmental review by relying on work that has
23 already been done.

24 We anticipate that all the fuel will
25 arrive by highly tested, extremely safe transport

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1 casks on rail. Our partners AREVA TN and NAC are
2 global leaders. AREVA alone has made more than 5000
3 shipments of spent nuclear fuel without any
4 radiological releases.

5 I've also heard that DOE would take title
6 and then taxpayers would be on the hook for this
7 waste. Taxpayers are already on the hook for this
8 waste. DOE was supposed to pick that up; they did
9 not pick that fuel up, starting in 1998, and taxpayers
10 are paying through the judgment fund instead of
11 ratepayers through the nuclear waste fund. Our
12 facility would allow that to change.

13 Assuming a license is issued in 2019, we
14 could start construction of the facility in 2021.
15 This will help us diversify our business and more
16 fully utilize the entire facility.

17 A healthy company like WCS that is not
18 oil and gas dependent is beneficial to diversify the
19 local economies and provide higher-paying
20 professional jobs for our children.

21 I asked in Hobbs and I'll do it here
22 again. If you support WCS and think we've done a
23 good job in the community, I ask you to stand.

24 Thank you.

25 MR. KLUKAN: Okay. Next up is Mr.

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1 Schafersman, followed by Jack -- I'm going to go with
2 Jack B. -- and then Mr. Robert Zedric.

3 MR. SCHAFERSMAN: Thank you and good
4 evening. This scoping hearing is to address the
5 environmental impact statement for this proposed
6 project. Let me cover a few of my concerns.

7 I live in Midland, where I am a
8 consulting scientist in the petroleum and
9 environmental industries. I also have a long career
10 as a college and university professor. I have a PhD
11 in geology from Rice.

12 Among many other courses, I taught
13 environmental geology many times, covering geological
14 hazards and waste disposal, among other topics. I
15 taught environmental geology for six years at Miami
16 University in Oxford, Ohio, about 35 miles from
17 Cincinnati.

18 While there I visited Fernald, Ohio, just
19 11 miles south of the university. There I saw, when
20 I visited, men in full-hazard suits around the area,
21 collecting soil.

22 What I discovered was amazing. Fernald
23 was used by the US government to mill parts for atomic
24 and hydrogen bombs. The milling machines were
25 operated remotely, and they milled pure plutonium and

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1 uranium, and dust from these milled cuttings
2 permeated the area, got out of the buildings, and
3 went into the soil all around.

4 This stuff was extremely hazardous, and
5 they spent years at Fernald collecting that highly
6 radioactive dust, which is high-level nuclear waste,
7 radioactive waste. This stuff is still highly
8 reactive, toxic, and dangerous.

9 You probably -- the people here probably
10 are not aware that the WCS site has long had high-
11 level nuclear waste stored there. Now, this dust is
12 in low concentration in the soil, but it is -- it
13 will remain radioactive for thousands of years.

14 If the casks leak or are breached, that
15 stuff will encounter the water, and it will cause
16 tremendous pollution. And casks can't last thousands
17 of years; they just can't. They have a lifetime of
18 50, 100, 200 years, maximum, before they corrode and
19 are breached. High-level radioactive waste should
20 be stored in nonporous, nonpermeable igneous rock.

21 The WCS site consists of unconsolidated
22 and semi-consolidated sediments and poorly
23 consolidated sedimentary rock. These materials are
24 highly porous and permeable, and they are not
25 suitable for storage of high-level nuclear waste, or

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1 any type of waste, really, that is toxic.

2 WCS counts its 14-foot layer of
3 impermeable red clay, but this stuff is porous and
4 fractures, and other problems can cause it to be
5 permeable.

6 I have seen photos of water pooling in
7 the site. There definitely is water in the
8 subsurface of the area. That's why WCS has
9 continuous pumping.

10 WCS claims at its website their facility
11 is not over an aquifer or adjacent to any underground
12 drinking water supply. This is untrue, in my
13 opinion. Two Texas Bureau of Economic Geology
14 studies found the Ogallala aquifer in the area, and
15 the maps show other aquifers below the site: the
16 Dockum and the Pecos Valley. The Pecos Valley
17 aquifer supplies Midland with its water.

18 I urge you in your environmental impact
19 statement to address the problems of aquifers in the
20 area, the claim that the Antlers formation is there
21 is not true; that formation is in Oklahoma and
22 northeastern Texas. It doesn't get this far south.
23 The Texas geologists specifically mention that fact,
24 so don't be fooled. Your impact statement should
25 address the aquifers.

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1 Thank you.

2 MR. KLUKAN: Thank you.

3 So Jack, please tell us how to pronounce
4 your last name. Thank you.

5 MR. BOSHOVEN: My name is Jack Boshoven,
6 B-O-S-H-O-V-E-N.

7 I work for AREVA; I'm the project
8 engineer on this project. However, tonight I'm
9 speaking as someone who, if this is approved, plans
10 to move here with my family to execute this project.

11 What I wanted to talk about tonight is
12 that -- some of AREVA's experience here. We have
13 over 10 licenses that we either own ourselves or
14 have -- are site-specific licenses that we have been
15 the engineer of record as far as the licensing process
16 for storage facilities.

17 We came into being in 1985, and we've had
18 fuel that's been stored in our systems for over 20
19 years. And we currently have more than 1200 systems
20 that are loaded around the country.

21 For Part 71 our company was formed in
22 1964, same year I was born, to transport radioactive
23 waste. Here in the United States we have over 20
24 transportation license, most of which are owned by
25 ourselves; some of them are owned by the DOE, but we,

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1 again, were the engineer of record to get those
2 licenses.

3 And AREVA proper around the world
4 conducts over 6,000 shipments a year. Roughly half
5 of those are spent nuclear fuel, and we have a strong
6 and safe record in completing that. And I have no
7 problem moving my family here and being part of this
8 project.

9 Thank you.

10 MR. KLUKAN: Thank you.

11 All right. Next up is Mr. Robert Zedric,
12 Z-E-D-R-I-C. He will be followed by Ms. Karen
13 Howard-Winters, and then Ms. Susybelle Gosslee.

14 MR. ZEDRIC: Good evening and howdy. My
15 name is Robert Zedric, and I'm one of three students
16 visiting Andrews today from Texas A&M University. If
17 my classmates would please stand up.

18 Each one of us is studying nuclear
19 engineering with the hopes of meeting America's
20 future energy needs with reliable, efficient, and
21 secure electricity. Nuclear energy offers great
22 potential and promise for meeting our needs, while
23 helping to preserve our environment from the harmful
24 effects of climate change.

25 We recognize that in our constant search

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1 for a better energy source that there is no silver
2 bullet. Each has its advantages and drawbacks. With
3 nuclear we must deal with waste.

4 As we weigh nuclear against solar, wind,
5 hydroelectric, coal, or gas, we realize that nuclear
6 does indeed belong in our energy future. This means
7 we must deal with its drawbacks. We must address
8 these issues with rigorous scientific inquiry and
9 unrivaled engineering, all while supported by sound
10 judgment and support from the people.

11 My classmates and I have come to express
12 our support. Nuclear power is what we dedicate our
13 studies and our future careers to; it is something we
14 believe in. We are happy to see steps being made and
15 addressing the issues with used nuclear fuel, and we
16 hope that progress continues to be made.

17 Thank you.

18 MR. KLUKAN: Thank you.

19 MS. HOWARD-WINTERS: Thank you. Karen
20 Howard-Winters; K-A-R-E-N H-O-W-A-R-D hyphen W-I-N-
21 T-E-R-S.

22 Thank you to the Nuclear Regulatory
23 Commission for coming here this evening. We
24 appreciate the opportunity to speak.

25 And thank you to the people of Andrews.

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1 I really appreciate the opportunity to let me speak
2 to you this evening on behalf of the people of Odessa
3 and -- some of the people of Odessa; let me rephrase
4 that; me in particular, because this is going to be
5 in my backyard.

6 And I am extremely concerned, because,
7 well, it's a big deal. You got to follow the money,
8 follow the money. Where does the money go?

9 And it's -- to me that's what it all
10 amounts to. The folks that are here from WCS this
11 evening, I can appreciate how they feel, because I
12 used to work. And these are good-paying jobs, yes,
13 they are.

14 But where are your ethics? I have to
15 question that because of the gravity of having high-
16 level radioactive waste coming to Andrews. You have
17 to balance your risk with the benefits. And I don't
18 see a whole lot of benefits when you're talking about
19 how this is going to be stored and it's going to be
20 here forever, because once these things get here in
21 the amount of time that you're talking about, where
22 they're going to be, how they're going to be stored,
23 by the time you have a permanent place to put them,
24 these things are not going to be able to be moved
25 again. That's my fear.

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1 I just don't think that it's feasible
2 that they're going to be moved again. The site is
3 going to be permanent, and then we're talking
4 about -- you can see this thing from the sky, you
5 know. If somebody wants to come and -- an enemy or
6 a domestic terrorist wants to come and drop a bomb on
7 it, and then you have the radiation escaping, it's
8 kind of like the analogy of the toothpaste tube.
9 Once you squeeze that toothpaste tube, it's out. You
10 can't put it back in. It's out. That's it; it's
11 over.

12 And as far as the aquifer is concerned,
13 that water moves under the earth; it's all over the
14 place. It goes here, goes there. There's people
15 that say, Oh, it's not over the aquifer. Yes, it is.

16 Thank you so much for allowing me the
17 time to speak this evening, and there are some low-
18 income folks of all races in Andrews that can't speak
19 for themselves this evening, so -- of all races and
20 cultures, so I'm speaking for them, too, because some
21 of them are afraid to speak for themselves.

22 Thank you.

23 MR. KLUKAN: Thank you.

24 We have Susybelle Gosslee. She'll be
25 followed by Lloyd Eisenrich, and then Debra Borgen.

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1 MS. GOSSLEE: Thank you. I am Susybelle
2 Gosslee. That's S-U-S-Y-B-E-L-L-E -- that's all one
3 word -- Gosslee, G-O-S-S-L-E-E.

4 I'm Susybelle Gosslee testifying as a
5 volunteer member and on behalf of the League of Women
6 Voters of Texas. We appreciate this opportunity to
7 provide comments opposing plans to have high-level
8 radioactive waste transported and stored in Texas and
9 at the WCS site in this, Andrews County.

10 The League urges the Nuclear Regulatory
11 Commission to deny the permit to have high-level
12 radioactive waste transported and stored in Texas and
13 at the WCS site or at any other location in Texas.

14 The League's position on nuclear waste
15 promotes the maximum protection of public health and
16 safety and the environment. Our position, like other
17 League positions, is derived through lengthy and
18 thoughtful process involving participation of leagues
19 across the United States.

20 High-level radioactive waste, the most
21 dangerous of all radioactive material, lasts for tens
22 of thousands and -- you've heard tonight -- even
23 millions of years.

24 No other state wants it, so why would
25 Texas want it? High-level radioactive waste is risk

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1 too great to be transported through the state of
2 Texas, potentially endangering men, women, and
3 children along the miles of railroad lines that are
4 also near to our interstate highways. This clearly
5 is an unprecedented risk, and posts a huge threat to
6 future generations.

7 Just because the nuclear industry has no
8 solution to waste problem, there's no reason that
9 Texas should be the storage site.

10 The League recognizes that nuclear
11 materials have been transported relatively safely,
12 but there have been train and truck accidents, and
13 even trucks with radioactive materials stolen and
14 missing in this state.

15 This is an accident waiting to happen.
16 The League also realizes that the packaging that
17 stores waste during transportation are designed to
18 ensure shielding from radiation and containment of
19 waste, even under the most extreme accident
20 conditions.

21 But we live in a different time, with
22 unforeseen hazards. The transportation of this waste
23 poses an unacceptable risk to people and the
24 environment. This waste would be transported on the
25 interstate highways or on the trains and rail through

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1 Amarillo, Midland, Odessa, El Paso, Dallas, Denton,
2 Houston, San Antonio, and all the rural areas between
3 those cities.

4 The League of Women considers these three
5 questions: Is the proposed facility needed at this
6 time? The proposed high-level radioactive waste
7 storage in Andrews County, Texas, is not needed at
8 this time. It is safer for the waste to be secured
9 in smaller amounts at the 74 sites around the country.

10 Is the site suitable? The League of
11 Women Voters has said, no. It's been described in
12 other speakers.

13 Did the selection process provide ample
14 and effective opportunities for comment? We urge you
15 to have hearings throughout the cities that are
16 protected, not just in Texas, but also this affects
17 all of this country.

18 The League thanks you and will work with
19 you to secure this waste, but we urge you to vote
20 against having this waste stored in Texas and in
21 Andrews County.

22 Thank you.

23 MR. KLUKAN: Thank you.

24 Okay. Mr. Lloyd Eisenrich. He will be
25 followed by Debra Borgen, and then Mr. Charlie

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1 Falcon.

2 MR. BISENRICH: Thank y'all. I'll try
3 to abide by the rules.

4 I'd like to welcome everyone who's come
5 tonight. Thank you for making a long journey. And
6 our friends that have traveled from Austin and Fort
7 Worth and Dallas and Washington, DC, to come and give
8 us their perspectives.

9 We welcome all perspectives, and no one
10 here takes this issue lightly. This is an extremely
11 serious issue, and we want to education to be a high
12 priority. But what we do respect are educated
13 perspectives.

14 Over the past 20 years there have been
15 numerous educational meetings held here, most at the
16 request of this community and, to the best of my
17 knowledge, there has never been one denied that's
18 been requested.

19 I encourage every one of you here tonight
20 to take the personal responsibility to become
21 educated to the facts of this issue, because only
22 side of this issue is scrutinized at every level and
23 held to complete accountability.

24 The opposition is allowed, and properly
25 so by the First Amendment, to make any statement that

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1 they would desire, but we have the responsibility to
2 hold them to accountability.

3 Any claim of racism is a veiled attempt
4 to split this community and hide a gross lack of
5 scientific knowledge to support a claim.

6 There are currently over 10,000
7 operational oil wells in this county and well over
8 20,000 holes in total. There is no county in the
9 world that understands their geology better than this
10 county.

11 We welcome studies of the aquifer if you
12 see fit to do more. Over 20 years ago we engaged a
13 private study of our own, before WCS applied for their
14 license. And the study found by independent
15 hydrologists in Texas Tech University that the
16 Ogallala aquifer did not exist out there, which we
17 already knew from the drillings and the borings that
18 had been done.

19 There are currently 20,000 holes in this
20 county. If you pursue additional studies, we are
21 fine with that, because that will find the same
22 results that have been found in every other study.

23 I appreciate your taking the time to be
24 here tonight. We welcome your input, and we do thank
25 you for taking the opportunity to be here. Thank

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1 you.

2 MR. KILUKAN: Thank you.

3 Ms. Debra Borgen, who will be followed by
4 Mr. Charlie Falcon, and then Ms. Rose Gardner.

5 MS. BORGEN: Okay. My name is Debra Ann
6 Borgen, and my last name is B-O-R-G-E-N. I live in
7 Midland, Texas.

8 I have a good strong background in
9 science education and healthcare. My husband has
10 worked in oil and gas for 40 years now.

11 When I heard about this project, I
12 realized that we had low-level radioactive waste
13 here, and that there was controversy about having
14 that. But when I heard about that they were thinking
15 about bringing, what is it, half of all the spent
16 nuclear waste and bringing it out into this area, it
17 made me kind of wonder why are you going to put forth
18 all this time, money, and effort to bring it out for
19 short-term storage. It doesn't make any sense to me.

20 If you're going to take 20 years -- and
21 it's going to take up to, what, 40 years to complete
22 the project, to bring it out here, to have something
23 aboveground, in a situation where a lot of the
24 community and even your science community has their
25 doubts about it, I'm wondering why not take

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1 this -- take all that money, time, and effort, and
2 develop some true long-term storage deep in the earth
3 in igneous rock.

4 This makes no sense to me. So it makes
5 me wonder what -- it makes me wonder about the money,
6 the politics, and the liability that's behind this.

7 And it's true; once it gets out here, it
8 isn't going to move. It's not going to move. And
9 it is going to decay, and you're going to have a
10 problem. At that point you're going to have a
11 problem now that's even a bigger problem.

12 The other thing is also the
13 transportation risks and the long-term storage risks,
14 because it means you're going to have to beef up the
15 whole rail system; you're going to have to think about
16 bringing it all through the communities.

17 You're going right by my house, my
18 husband's office, where my kids live. The other
19 thing is I've got this gut feeling that you're going
20 to have a future EPA Superfund site here.

21 And we've got a problem in this country,
22 and you know what happens. They get out there,
23 nobody's liable for them anymore, and they never get
24 cleaned up, and they become a mess.

25 And, you know, for people who have money,

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1 when they're around mess, they're able to get up and
2 move and get out of here. But we have a lot of people
3 here that have lived in this community for years;
4 they don't have the money or the opportunity to get
5 up and move away when this place becomes a mess.

6 So, really, I'm not against long-term
7 storage. I think something has to be done, but I
8 don't think this is a smart move. I think for all
9 the money, time, and effort you're putting into it,
10 why don't you just stop for a minute and think about
11 a better way and a better place.

12 And that's all I have to say. Thank you.

13 MR. KLUKAN: Thank you.

14 Okay. Mr. Charlie Falcon, and then he
15 will be followed by Ms. Rose Gardner, and then Mr.
16 Tom Knox.

17 MR. FALCON: Good evening. My name is
18 Charlie Falcon. I am a Mexican male, and the
19 accusations of the -- you know, I don't understand
20 that, because -- and if it was just me, so we don't
21 have opportunity. This is America; we have
22 opportunity.

23 And I thank y'all for being here, and I
24 thank you for considering the fact that we may move
25 forward with this so that we can store here in Andrews

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1 County. I think it's a wonderful for our community;
2 I think it's a wonderful opportunity for our kids.

3 Again, my name is Charlie. I'm the
4 principal at the Andrews Education Center. I come
5 to you as an educator. And the thing that I've been
6 listening to tonight, what it seems that we're
7 lacking is education.

8 There's a lot of negative comments that
9 are being made about this process, and it seems
10 negative, and to me that's just a lack of education.

11 Well, there's a couple of things that WCS
12 has done for our community, and I'd like to share
13 that with you. First of all, in 1997 a foundation
14 was made. It's called the Andrews ISD Education
15 Foundation. It's a nonprofit. Its mission is to
16 provide quality education opportunities in order that
17 all students may become successful and productive
18 citizens.

19 The foundation operates independently
20 from the Andrews Independent School District for the
21 purpose of facilitating students' achievement and
22 skill development, recognition, and promote staff
23 excellence and encouraging involvement for
24 individuals, business, citizens, and organizations of
25 the community.

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1 So, again, we're trying to educate our
2 kids. The education foundation has been set up to
3 do that. There's a point I'm getting to in just a
4 second.

5 The goal of the foundation is to
6 encourage all students to work hard towards achieving
7 their highest potential. These young men from Texas
8 A&M, I applaud you; you're doing a great job keeping
9 up. We need to educate our people.

10 The foundation also wants to attract,
11 support, and recognize teachers for innovation
12 efforts and exemplary teaching. We build public
13 awareness -- to build public awareness and confidence
14 in Andrews schools. We want to involve the community
15 in assuring them a quality education for the leaders
16 and workers of tomorrow.

17 This foundation benefits students as
18 thoughts are stimulated; for teachers, as creative
19 ideas are encouraged; and the community for a quality
20 of life and economic growth results from increasing
21 educational excellence.

22 The Andrews Education Foundation
23 strongly believes that by investing in our children,
24 it is investing in the future of the schools, the
25 community, and our society.

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1 WCS has done that for us. WCS has
2 invested in our children, because they have donated
3 over \$300,000 to this foundation. And that may sound
4 petty, but I know that in the future there's more to
5 come.

6 The second way that they have provided
7 for us is through scholarship. WCS has also invested
8 in our students by forming scholarship. For the past
9 20 years WCS has provided 10 scholarships per year in
10 the amount of \$1000 or better for graduating seniors
11 of Andrews High School. That equates to \$200,000
12 worth of scholarship, for the total of \$500,000 or
13 half a million dollars. This is a remarkable
14 commitment that WCS is doing for our students of
15 Andrews Independent School District.

16 Benjamin Franklin said, An investment in
17 knowledge always pays the best interest. I believe
18 what WCS is doing, and I believe that we need to
19 education our kids and a lot of other people in our
20 community as well.

21 I am here. I'll speak to Spanish-
22 speaking people for the naysayers. I can speak to
23 them; I'll educate them what's going on as well.

24 WCS is committed to Andrews and students
25 in our community, so I thank you, WCS, for what you're

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1 doing for us.

2 MR. KLUKAN: Thank you.

3 MS. GARDNER: Hi. I'm Rose Gardner.
4 I'm from Eunice, New Mexico.

5 And I'm here to oppose this project for
6 the following reasons: Number one, my Eunice city
7 council is not very well informed at all. We had a
8 meeting last night, and they were asking questions
9 such as, What size containers are going to be stored
10 here? Will you build a railroad spur to go around
11 our community so that we don't get the contamination
12 from the shipments?

13 There were questions regarding why WCS is
14 going to high-level waste, when we weren't even
15 supposed to get any radioactive waste. So WCS has
16 changed their tune, and we just don't understand all
17 of it.

18 I also want to bring up the insurance
19 liability. Damages incurred by spills are not
20 covered by anyone's house or liability insurance.
21 There was a train derailment in 2015 -- I have
22 pictures of that -- that happened just south of
23 Eunice on that same railroad that would bring the
24 trash to Eunice.

25 My community is 50 percent Hispanic.

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1 This is a serious racial discrimination issue and a
2 serious environmental justice issue.

3 The people on the East Coast and the West
4 Coast that are sending this stuff to us or plan to
5 send it to us have no idea who we are. We are a
6 bunch of Mexican-Americans, and we don't deserve to
7 be treated in this manner.

8 And my church -- there are so many
9 members that I saw today -- didn't even know where
10 the location of this facility was.

11 Every shipment will go through the Texas
12 communities from Monahans all the way to New
13 Mexico's -- Jal, New Mexico; Eunice, New Mexico.
14 Where is the opportunity for them to speak? Meetings
15 should go to them.

16 The emergency rescue department in Eunice
17 is strictly volunteer; they are not able to take care
18 of this. I understand there's memorandums, but you
19 got to get there first.

20 It's important to remember that no one
21 from Eunice has spoken yet. Where are we in this
22 picture? We're being left out. Why? Because we
23 don't understand it all.

24 I feel very strongly that we will not be
25 able to take care of a highly serious accident, and

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1 it's unfortunate that we'll be forced to even put up
2 with this hearing that we're having today.

3 I vehemently oppose the transportation
4 and storage of high-level and low-level nuclear waste
5 in New Mexico and Texas, and we are no-consent
6 community, and we refuse to stay laying down.

7 I am concerned that we will not be
8 heard. Thank you very much.

9 MR. KLUKAN: Thank you.

10 All right. Next up is Mr. Tom Knox.

11 Mr. Knox?

12 (No response.)

13 MR. KLUKAN: All right. Then next up is
14 Jay Laughlin. He will be followed by Bob Stewart and
15 then the Honorable Richard -- Judge Richard.

16 MR. LAUGHLIN: Good evening. My name is
17 Jay Laughlin. I was raised in this area -- I'm
18 sorry. What? Oh, you need me to spell it. L-A-U-
19 G-H-L-I-N.

20 I grew up in this area, and I'm also a
21 resident of Andrews. I've been here for a number of
22 years. I know that the contributions of WCS have
23 been significant, and I think it's probably one of
24 the best boons that this county has had.

25 The inclusion of this next project for

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1 the spent fuel storage -- for the dry storage
2 facility is going to be a significant contribution to
3 that as well.

4 This climate is ideal for this type of facility. The
5 geology and hydrology are excellent for this.

6 However, safety has to be our number-one
7 concern. And if we can't ensure the safety of all
8 our people, well, then all these benefits are for
9 nothing. So I've been in the nuclear industry for
10 over 35 years. I've worked on a number of different
11 nuclear sites around the country.

12 And as part of this, I was also involved
13 with the construction and operation of the dry
14 storage facility. What I found out was that the
15 safety is actually built into the design; it's built
16 into the construction; that there's a large
17 regulatory and oversight category that ensures
18 everything is correct. That's part of what it was.

19 So at the end of this time when we
20 completed this facility that we were working on, I
21 found it to be very safe and very clean.

22 Now, the licensing processes we have now,
23 the design behind what we have now, and this location
24 being far, far superior than where we built our site
25 before makes this a very, very safe operation.

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1 So I'm confident that this will be very
2 safe, and I'm confident that it's in the best interest
3 of Andrews and our community for this facility to be
4 built here.

5 Thank you.

6 MR. KLUKAN: Thank you.

7 I just had a small child run up to me and
8 ask me something. So if you would indulge me, we
9 have some extra time since we didn't have a couple of
10 speakers. There's Mr. Raymond Ramos, who has bedtime
11 soon, so would you all mind if he spoke next.

12 (No response.)

13 MR. KLUKAN: Hearing no objections.

14 MR. RAMOS: Hi. I don't want nuclear
15 radiation here. It's making our nation sick, causing
16 cancer and [inaudible]. We want to be healthy and
17 not endangering our species of human and our
18 community and our future.

19 MR. KLUKAN: Thank you.

20 Okay. Next up will be Mr. Bob Stewart,
21 followed by Judge Richard, and then Mr. Jay Britten.

22 Mr. Stewart.

23 MR. STEWART: Good evening. Thank you
24 guys for coming. We appreciate the opportunity to
25 speak on behalf of our community.

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1 I represent the Soil and Water
2 Conservation District of Andrews, Texas, 246, in
3 which we represent -- there's 260 represented soil
4 and water conservation districts throughout the state
5 of Texas. We have 160 -- excuse me -- 1,080 members,
6 and we recently held a regional conference in which
7 17 counties were represented and 60 different soil
8 and water conservation district members joined us
9 here in Andrews.

10 What constitutes being a soil and water
11 conservation district, you have to live in your
12 county; you have to be a resident and a landowner. We
13 are charged with the task of keeping an eye on soil
14 and water conservation.

15 Through the conservation department I
16 spent the last 15 years in and out of WCS. The
17 education -- the level of education which they
18 provided, the transparency with which they provide
19 education on, there's no water, there's risk, and
20 these people are the one that -- they're qualified to
21 do this job.

22 We had no naysayers in the surrounding
23 counties. Every surrounding county said, We'd take
24 that in our county. We'd be proud to have it. I
25 think that WCS is an asset to this community, and

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1 we're monitoring our water, we're here monitoring our
2 conservation and our natural resources.

3 And I think that it's an asset to this
4 community. We're glad to have them. Thank you for
5 the time to speak. Appreciate it.

6 MR. KLUKAN: Thank you.

7 MR. STEWART: My name is Bob Stewart, S-
8 T-E-W-A-R-T. Sorry. Thank you very much.

9 MR. KLUKAN: Thanks.

10 MR. DOLGENER: Richard Dolgener, county
11 judge. I appreciate y'all being here. Some of you
12 I've know for a long time in this arena.

13 I took office in 2001. Legislature was
14 in office trying to get this done, that building
15 passed. Came before the legislature again, which Mr.
16 Burnam was at, and it passed.

17 And the big thing at the end was a company
18 coming to the government's aid. Before nuclear waste
19 was messed with by the government totally, and I don't
20 think the government has done a very good job of that.
21 So I think back in 2002, when we started down this
22 other way, let private industry help out, that's
23 good.

24 A lot of these comments are mine.
25 They're not me as judge; they're Richard Dolgener.

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1 I totally respect everybody that's here, because that
2 flag behind you, there's been two caskets sitting in
3 this room for these people on either side to come and
4 testify to you, because those boys died in
5 Afghanistan, protecting that right.

6 We have the right to do that. So contact
7 your representatives who are in Congress; local
8 level, mayors, me, and voice that opinion.

9 But the main thing these guys need is
10 y'all to write them and Mr. Park may put that up
11 there; I didn't see it. But these guys need our
12 comments so the Commission can make a ruling.

13 This nation has a problem with nuclear
14 energy, but we have nuclear energy here, and I
15 believe -- me, Richard -- thinks that MIT, these
16 universities over the years can maybe figure out
17 something to do with it, but we have a problem now.

18 If you go to Vermont Yankee, which is in
19 the Texas Compact, that plant's gone. Everything
20 Energy's doing, their plants are leaving. Those
21 people have meetings just like this. Matter of fact,
22 they have meetings with this many people who want
23 those casks gone.

24 So what is NRC going to do about that?
25 What's the Department of Energy going to do about

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1 that? Because nuclear is here. If we get cancer,
2 where do we go to? Odessa, to get radiation put in
3 us to get rid of the cancer.

4 When you're flying, you have radiation.
5 If you're standing by the Capitol, you go to that
6 granite, and there's radiation there.

7 I appreciate y'all coming. If y'all have
8 anything for me or the court or your elected
9 officials, you know, people contact us, but right now
10 the federal government needs to hear from us.

11 MR. KLUKAN: Thank you.

12 Next up is Mr. Jay Britten, followed by
13 Ms. Sylvia Ramos and then Juan Ramos.

14 MR. BRITTEN: My name's Jay Britten, J-
15 A-Y
16 B-R-I-T-T-E-N. And I'm the vice president of
17 operations for Waste Control Specialists.

18 I want to welcome you to Andrews and
19 allowing the voices of the citizens of this great
20 town to be heard. I've been with WCS for nine years,
21 and I'm proud to be part of an organization and team
22 that WCS has built over the years that the site has
23 been in operations.

24 As a member of the management team, I can
25 truly say we have the best employees in the nation.

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1 This is reflected by our safety and environmental
2 record that WCS continues to maintain and
3 demonstrates the commitment we made to the citizens
4 of Andrews County when we attained our low-level
5 radioactive waste license.

6 This commitment is something that WCS
7 takes very seriously, and I remind our employees on
8 a regular basis of our obligation to conduct
9 operations in a manner that is expected of a world-
10 class nuclear organization.

11 I'm here tonight to reinforce this
12 promise to the community, for not only ongoing
13 operations but also for future operations associated
14 with proposed consolidated interim storage facility
15 at our site.

16 We understand that we have gained the
17 trust of this tight-knit community, and we also
18 understand that we have to keep that trust with
19 constant communications and safe operations at our
20 facility.

21 We treat every day like it is our first
22 day of operations, to ensure that constant and proper
23 state of attention is given to each and every shipment
24 that is made to our facility.

25 We have always worked with our regulator,

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1 the Texas Commission on Environmental Quality, to
2 maintain a compliance-based atmosphere, and now we
3 will work with you, the NRC, in the same manner as we
4 go through the process of obtaining the license for
5 this new proposed action for interim storage of spent
6 nuclear fuel.

7 WCS is looking forward to working with
8 the NRC throughout this process and look forward to
9 working with you for years to come. I can assure you
10 that the relationship-building process will be no
11 different than what we went through with the Texas
12 Commission on Environmental Quality, and I'm
13 confident that we will have the exact same result,
14 which is abundant oversight from you as our regulator
15 that results in a trust-based approach for any
16 challenge that comes before us in the future.

17 Thank you.

18 MR. KLUKAN: Thank you.

19 Ms. Silvia Ramos?

20 (No response.)

21 MR. KLUKAN: How about Juan Ramos?

22 (No response.)

23 MR. KLUKAN: Okay. Next up, then, will
24 be Robbie Rogers.

25 MR. ROGERS: Good evening. I'm Robbie

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1 Rogers. I am with the -- board member, vice
2 president of the Andrews economic development board.

3 We thank you all for being here. We
4 thank you for the due diligence we know that you're
5 going to do in this process, and we do appreciate
6 that.

7 I personally have been involved with the
8 work that's gone out there from a community
9 standpoint as a civic leader since 1991, when Ken
10 Bingham began looking around out there to put the
11 original waste disposal site.

12 Part of what I'm going to share with you
13 today has already been said, but I think it's
14 important to know that while there was a lot of work
15 done -- hydrology work, work done by various
16 engineers and geologists -- for WCS, for the State,
17 for others, we did commission our own out at Texas
18 Tech.

19 And I know that you will have an
20 opportunity to review those findings, because they do
21 exist, and I know y'all will be checking all the
22 facts. And what you will find through that study is
23 there is no water out there.

24 There is no water under that Red Bed. And the
25 Ogallala runs far, far, far to the east of there.

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1 That site, environmentally speaking, is
2 very sound and very solid, and I really appreciate
3 the young man from Texas A&M speaking earlier about
4 the facts regarding nuclear science, because
5 something he said that we do talk about is nuclear
6 energy being necessary requires something to be done
7 with the spent fuel.

8 And there needs to be a permanent process
9 that's environmentally safe. And you have, to the
10 west of Andrews, Texas, a site that has the proper
11 soil, the proper geographical location, the proper
12 arid environment, and we hope that you take all those
13 aspects of science into consideration as you review
14 this.

15 And we, the economic development board,
16 do support and are in favor of high-level at that
17 site. Thank you.

18 MR. KLUKAN: Thank you.

19 Okay. At this time, given to me there
20 were a couple people -- I actually finished with the
21 list. So what I'd first like to see if there is
22 anyone who did not sign up to speak previously who
23 has not already spoken who would like an opportunity.

24 Come up to the microphone.

25 FR. OBGONNA: My name is Joseph. I'm

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1 here to speak on behalf of maybe many of Andrews'
2 citizens who are not here.

3 The establishment of this very project
4 was low radioactive waste but now is being change to
5 highly radioactive. What is the reason for moving
6 from low radioactive to high radioactive? That's
7 what we want to know, the reason.

8 Secondly, why are the places where these
9 are located -- New York, Washington, DC; California,
10 and other cities -- rejecting this highly radioactive
11 and it is being brought here?

12 Having listened to people who have
13 spoken, it seems that the majority of the people of
14 Andrews doesn't want this highly radioactive. Some
15 people are supporting this and have different
16 opinions. Yes.

17 We must save the life of our people.
18 Many people who supported this idea or are proponent
19 of this say yes, the economic benefit, the
20 scholarship. That is true.

21 But what can be substituted with human
22 life and future? Can economy be equivalent with
23 human life? No. It is well a grown-up person with
24 a job can go to school, can work. We need company
25 investments in Andrews but not high radioactive thing

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1 in Andrews.

2 If you look at this, it's the same
3 pattern when pot was approved in California and even
4 Colorado. Oh, it's going to bring a lot of money.
5 It's the same modus operandum that they were to do
6 used to manipulate the poor and even control their
7 future.

8 Please let the low radioactive continue,
9 but the people of Andrews doesn't want high
10 radioactive, please.

11 MR. KLUKAN: Thank you.

12 Father, could you say your name one more
13 time for the court reporter.

14 FR. OGBONNA: I said my name is Joseph.

15 VOICE: Your last name?

16 FR. OGBONNA: Ogbonna.

17 MR. KLUKAN: Thank you.

18 MS. APOLINARIO: My name is Gloria
19 Apolinario. I'm speaking on behalf of myself; not
20 because I work for Congressman Mike Conaway.

21 When these offers started many years ago,
22 Texas State Representative Tryon Lewis was the one
23 that pushed this program to be approved. I worked
24 for him for seven years, and now I've worked for
25 Congressman Mike Conaway for four years, so I've been

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1 at this for 11 years.

2 I've been to the site numerous times. We
3 know that former State Representative Tryon Lewis
4 loves the city of Andrews as I do. And we would not
5 do anything to put anybody in harm's way.

6 And I admire older people that have their
7 own opinion about this. Due diligence is very, very
8 important in anything we do at the state level and in
9 Congress. And I'm sure a lot of these US House
10 representatives have been to the site, and I know
11 that for a fact.

12 And there are people like me, we do a lot
13 of research before this gets approved and anything.
14 And I know that NRC will do their best to do their
15 research and due diligence and the impact on
16 everything before it gets approved.

17 Thank you very much. I love you all.

18 MR. KLUKAN: Thank you.

19 MR. WALKER: My name is Clay Walker, W-
20 A-L-K-E-R.

21 I'm actually a resident of Andrews,
22 Texas, a mechanical engineer major with nuclear
23 emphasis at University of Texas Permian Basin, so
24 Odessa. I'm close, a local boy.

25 I want to clarify a few things first for

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1 those of you that are against the WCS facility.
2 First of all, spent nuclear fuel versus high-level
3 waste: I've heard many people say, Don't call it
4 spent nuclear fuel because it's high-level waste.

5 There's actually a significant
6 difference. Spent nuclear fuel has a much more
7 rigorous testing before it is licensed, so as far as
8 the casks are concerned, accidents and terrorist
9 attacks are going to be mitigated just by the casks
10 themselves.

11 They're designed to be able to take on a
12 direct hit from a 747 or a train. They are actually
13 videos on YouTube of this if you want to look for
14 yourself; they're readily available. So there's
15 that.

16 The reason for there not being a
17 permanent repository right now for spent nuclear fuel
18 is highly political, but it's not something that the
19 NRC has any control over.

20 If you want there to be a permanent
21 repository for this spent nuclear fuel that could be
22 housed at WCS to go to, you need to be talking to
23 your national representatives, mainly the
24 legislature. They have to pass a bill in order for
25 these guys to have the funding to do such a thing.

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1 So complaining to these guys won't do you
2 any good; you need to talk to your legislators. You
3 need to talk to your senators and just the people in
4 the House. They are going to make the difference,
5 not these guys.

6 I would also like to encourage WCS to do
7 some more public education around here. A lot of
8 people around here -- we don't have a lot of nuclear
9 industry here. We recently got URENCO a few years
10 back, and WCS hasn't been here that long either.

11 We need people to understand, first of
12 all, what radiation is, how they can be protected
13 from the radiation and the radioactive materials and
14 what you're doing to help protect them.

15 Thank you your time. Thank you for
16 coming. I like to hear both opinions, and I'm very
17 glad that everyone's here. Thank you.

18 MR. KLUKAN: Thank you.

19 MR. PEDDICORE: Good evening. My name
20 is Lee Peddicore; last name is P-E-D-D-I-C-O-R-E, and
21 I'm a professor of nuclear engineering at Texas A&M
22 University.

23 I really want to make remarks not in that
24 capacity but as an individual and a private citizen,
25 and I have two brief comments I'd like to pass along.

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1 The first is, having attended a number of
2 public meetings in many areas, this is really to
3 commend everybody here who has spoken both for and
4 against this action for really conducting this in, I
5 would say, a very adult, professional way.

6 I've got to say as a Texas I'm really
7 proud that everyone allowed each person to speak, and
8 I think this is really an example of our democracy in
9 action. So this is a commendation to everyone in the
10 hall. I think you should be pleased and proud of
11 yourselves.

12 The second comment relates to the
13 technical issue: transportation, storage, spent
14 nuclear fuel, and high-level waste. And I think it's
15 instructive to look at where this has been done around
16 the world.

17 You all will assess this against 10 CFR
18 Part 72, as you pointed out, but there are other
19 examples where this is taking place in ways very
20 comparable to the WCS proposal, and I call to the
21 attention not only of the Commission but anyone in
22 the room interested to look for an example of what's
23 going on at the facility in Switzerland, where they
24 are transporting spent nuclear fuel in the same type
25 of casks that would be used in the United States.

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1 They have an interim storage facility; in
2 fact, they're moving waste -- reprocessed waste from
3 Cherbourg in France over hundreds of kilometers of
4 rail lines, too.

5 And whether one is for or against it, I
6 think there's some understanding of the risk and the
7 technology and the approaches to be gained in looking
8 at what's been done elsewhere in the past and being
9 able to draw conclusions on actual implementation of
10 these technologies and these policies.

11 Thank you for the opportunity to visit
12 Andrews, and I appreciate this entire event.

13 MR. KLUKAN: Thank you.

14 MS. ELLIS: My name is Gail Ellis, E-L-
15 L-I-S. And I just want to clarify the record about
16 spent or used fuel.

17 The industry's decision to use high-
18 burnup fuel has made nuclear waste dramatically more
19 dangerous. High-burnup fuel has a much higher level
20 of U235, the main form of uranium that makes the
21 atomic chain reaction and generates nuclear power.

22 High-burnup waste puts out more heat,
23 more radioactivity, and has a higher percentage of
24 plutonium and other dangerous radioisotopes. All are
25 more carcinogenic than naturally occurring

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1 radioactivity, especially if it's inhaled or it's
2 ingested.

3 The fuel cladding, the thin metal tube
4 that forms the fuel rod and holds the uranium fuel
5 pellets, is not tough enough to begin with, but the
6 heat and the radioactivity cause it to become
7 brittle, and shaking in transportation may cause the
8 cladding to break and shatter. So I am just
9 suggesting that this is much more dangerous than it
10 was made to sound earlier.

11 I would also like to make a statement
12 about the Ogallala aquifer. It's a part of the water
13 system that runs down through New Mexico and Texas,
14 part of the Pecos water system.

15 That water system dries sometimes,
16 because we have droughts, and it fills with water
17 sometimes because we have rain, and sometimes we have
18 floods and it fills deeply.

19 So the fact that you can have -- maybe
20 sometimes you're finding dry wells and sometimes
21 you're finding wet wells does not preclude the fact
22 that there is water that runs under that land.

23 I've lived in this part of the world for
24 60 years. My father was a geologist and did
25 extensive work throughout this area. I know where

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1 the Ogallala was; we were trained in school where the
2 Ogallala was. It is there.

3 Thank you.

4 MR. KLUKAN: Thank you.

5 This is going to be our last speaker.

6 MR. TELLEZ: I signed up earlier for the
7 comment portion, but I guess I was overlooked.

8 MR. KLUKAN: I thought you had spoken as
9 a public official. I didn't realize --

10 MR. TELLEZ: Oh, no, sir. I just had a
11 question to ask at that time.

12 MR. KLUKAN: I apologize.

13 MR. TELLEZ: No problem.

14 My name is Gerald Tellez, T-E-L-L-E-Z.
15 I represent the City of Pecos. I've been a city
16 councilman for 24 years; presently serve as mayor pro
17 tem.

18 I came to know about this meeting after
19 church on Sunday in Our Lady of Lourdes Catholic
20 Church, so I guess I call this -- I'm here because of
21 divine intervention.

22 But some people were calling to say, I
23 don't have a dog in this fight. But I learned tonight
24 that the route they're taking is through Pecos on the
25 railway and then through Monahans. So I believe I

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1 do have a dog in this fight.

2 Not only that, I have a son, a daughter,
3 and four grandchildren that live here in Andrews.
4 And I speak for them and for any and all who won't
5 speak or can't speak. I speak for them also.

6 I just want to make a plea to any local
7 official, please, before you are attracted to that
8 cash and money that will be offered to your or your
9 entity, please think of the consequences; you're
10 putting your people at risk. Think of that.

11 In closing I will say only one thing. I
12 have come to learn that our ex-state governor, Rick
13 Perry, has received -- or had received a \$1.5 million
14 donation for his previous campaign and, from what I'm
15 hearing, it's from some of the local partners; that's
16 all I'm going to say.

17 Thank you.

18 MR. KLUKAN: Thank you.

19 In closing, I'd like to tack on some of
20 the sentiments already expressed tonight, that you as
21 an audience deserve much praise for your decorum and
22 respect that you displayed to each other, even when
23 you expressed opinions that are passionately opposed
24 to each other.

25 So with that, I think you deserve a round

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1 of applause. Thank you very much.

2 (Applause.)

3 MR. KLUKAN: Two additional points.
4 We're going to get back up on here the contacts if
5 you have further comments, and then I will also point
6 out that you'll see on the table -- there's a printout
7 of our slides and also has links in there to how to
8 make further comments. And we will be putting this
9 out in Spanish, and I'll have Cinthya state that in
10 Spanish in a minute.

11 And there's also feedback on that back
12 table. If there are ways you think you can improve
13 this meeting or do things differently, please fill
14 that out. As a facilitator, I welcome your comment,
15 and I'm always trying to improve how best to conduct
16 these meetings.

17 So thank you very much. I'll let Cinthya
18 talk and then Brian close.

19 MS. ROMÁN: (Translating closing
20 remarks.)

21 MR. SMITH: All right. I just want to
22 thank you all for coming out tonight and providing
23 the many comments that you did in the polite and
24 considerate manner, the way that you did it as well.
25 We appreciate that very much.

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1 As I said earlier, we will consider every
2 single comment that we receive as we develop our
3 environmental impact statement. So thank you once
4 again for coming out tonight. Have a safe drive
5 home.

6 MR. KLUKAN: Thank you.

7 (Whereupon, at 10:00 p.m., the public
8 meeting was concluded.)

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