

## **Exhibit 3**

August 12, 2020

Kristine L. Svinicki  
Chairwoman  
U.S. Nuclear Regulatory Commission  
One White Flint North  
11555 Rockville Pike  
Rockville, MD 20852-2738

Subject: August 5, 2020 Oral Argument on Docket No. 72-1051-ISFSI  
(ML20177A577) before the Atomic Safety and Licensing Board (ALSB)

Dear Chairwoman,

I am writing to register my *strongest* protest in regard to the manner in which the subject hearing was conducted.

On August 5<sup>th</sup>, 2020, Fasken Land and Minerals, Ltd. and Permian Basin Coalition of Land and Royalty Owners and Operators (Petitioners) were prepared to present information to Judges Ryerson, Trikourous, and Arnold in the matter of ASLBP No. 18-958-01-ISFSI-BD01 and supportive of our two motions before the Board.

As set out by the July 25<sup>th</sup> ALSB subject Order, Petitioners were "... prepared to respond to the Board's questions on any aspect of the pleadings." We had been informed that we would be allowed to discuss and present information supporting our position. We were asked to introduce the persons making appearances at the outset of the call and did so, identifying both our counsel and our technical experts.

When the time came for our planned presentations to be made, we were not allowed to present the information. Judge Ryerson revoked our ability to have our experts heard and confined comments only to counsel, not the enumerated persons who had notified the ALSB at the outset that they were planning and prepared to comment on the matters before the Board.

If we had been notified in advance that only counsel would have been able to address the Board, we would have altered our presentation to present those facts. As it stands now, we were denied the ability to effectively defend the merits of our motions and several questions from the judges went unanswered as a result. From the meeting audio, you clearly hear multiple attempts to bring on the persons with the expertise to answer the questions while being denied the right to address those questions by the Chairman.

Petitioners have every right to fully and openly address the ALSB in regard to our motions and in a manner that speaks to the appropriate protections of our substantial assets, including our combined several hundred thousand acres of land, as well as significant mineral reserves that provide the United States with much needed energy security and independence.

We are very disappointed with the treatment we received by the ALSB Chairman that severely curtailed our ability to present the prepared defense of our motions. It is our sincere hope that both you and the Commission take appropriate measures to address *this* violation of our right to a fair hearing and to ensure such violations are not repeated in the future.

Thank you for your assistance in this matter.

*/electronically signed by Monica Perales*

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