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**NUCLEAR REGULATORY COMMISSION**

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Environmental Impact Statement for the  
Proposed Interim Storage Partners  
Consolidated Interim Storage Facility (CISF)  
For Spent Nuclear Fuel in Andrews County,  
Texas

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## UNITED STATES NUCLEAR REGULATORY COMMISSION

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PUBLIC ONLINE WEBINAR FOR THE DRAFT ENVIRONMENTAL  
 IMPACT STATEMENT FOR THE PROPOSED INTERIM STORAGE  
 PARTNERS CONSOLIDATED INTERIM STORAGE FACILITY (CISF)  
 FOR SPENT NUCLEAR FUEL IN ANDREWS COUNTY, TEXAS

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PUBLIC MEETING

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TUESDAY

OCTOBER 6, 2020

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The Category 3 Meeting convened via  
 Videoconference, at 2:00 p.m., Chip Cameron, NRC,  
 facilitating.

NRC PRESENT

FRANCIS "CHIP" CAMERON, Facilitator

KEVIN COYNE, NMSS/REFS

DIANA DIAZ TORO, NMSS/REFS/ERMB

LANE HOWARD, NRC Contractor (SWRI)

KELLEEE JAMERSON, NMSS/MSST/MSEB

DAVE McINTYRE, OPA

JOHN McKIRGAN, NMSS/DFM/STLB

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JESSIE QUINTERO, NMSS/REFS/ERMB

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

2:00 p.m.

MR. CAMERON: Hello, everyone. My name is Chip Cameron, and I'm going to serve as your facilitator for today's meeting. And welcome to the NRC virtual public meeting, and thank you all for being with us today.

The NRC, Nuclear Regulatory Commission, is here today to listen to public comments, to your advice, your recommendations, your concerns on the NRC's Draft Environmental Impact Statement that we will call the EIS. This is a Draft EIS prepared by the NRC on a license application that the NRC has received to build and operate an interim storage facility for spent fuel in west Texas, in Andrews County, Texas.

So, your comments on the Draft EIS are important because the EIS is a fundamental part of the NRC's evaluation of whether to grant the license application to Interim Storage Partners. The other fundamental part of the NRC evaluation of the license application is the health and safety evaluation, and that's going to be produced in something called a Safety Evaluation Report, or SER.

Now in the room with me today and on the phone are the NRC staff responsible for preparing the

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EIS, but also the key technical staff responsible for preparing the Safety Evaluation Report. And they're here to listen to any comments that may raise safety concerns. That is, the technical staff are here in case there's comments that raise safety issues as opposed to environmental concerns.

And let me give you an organizational context. I don't think we've ever done this before.

But both the environmental evaluation and the safety evaluation are being done in the NRC's Office of Nuclear Materials Safety and Safeguards. The Division within the Office responsible for the EIS is the Division of Rulemaking, Environmental, and Financial Support. And in a few minutes, we're going to hear a brief welcome from the Deputy Director of that Division, Kevin Coyne.

The Division that's responsible for the safety evaluation is the Division of Fuel Management.

And I want to give you a pictorial introduction of the people in the room with me. We're at a horseshoe-shaped table, and I am sitting in the middle bottom of the horseshoe. To my right is James Park. Jim is a Senior Environmental Project Manager overseeing the preparation of the Environmental Impact Statement, and you're going to hear a summary of the Draft EIS from him in a few minutes.

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Going to Jim's right, again, bottom of the horseshoe, we have John Nguyen. John's the Senior Project Manager responsible for the preparation of the Safety Evaluation Report.

Now, as we turn that corner to the right of the horseshoe, there's Kevin Coyne, and he's the senior official here today for the NRC. He's the Deputy Director of the Division of Rulemaking, Environmental, and Financial Support. Jim Park is in Kevin's Division.

Next, going up to the top of the horseshoe on the right, is John McKirgan. Now John is the Chief of the Storage and Transportation Licensing Branch. That's in the Division of Fuel Management. John Nguyen is in John McKirgan's Division, and they are the ones responsible for the Safety Evaluation Report.

If we go around across the opening of the horseshoe and down to the left, we have Marla Morales.

Now Marla is an environmental scientist, part of the consulting team assisting the NRC in the preparation of the Environmental Impact Statement, and that's the Southwest Research Institute. Marla works for the Southwest Research Institute.

So, that's a picture of who we have in the room at the table. On the phone, we also have some

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NRC staff and consultants.

And Jessie Quintero, she's the Acting Branch Chief of the Environmental Review Materials Branch. That's where Jim Park is, in that particular branch.

We also have Kellee Jamerson. She's an NRC staffer who is our technology expert, and she's running the WebEx program for us.

I'm not sure if Lane Howard -- Lane Howard is on. Lane is another expert from the Southwest Research Institute. He's the principal investigator helping the NRC staff on the preparation of the Environmental Impact Statement.

We also have someone from our Office of Congressional Affairs. Angel Moreno is on.

And we do have our expert communications person from the Office of Public Affairs. Dave McIntyre is on the phone. And when Jim Park does his summary of the Draft Environmental Impact Statement, he's going to put up a slide, so you see the contact information for McIntyre, in case you're a media person who needs any information.

And finally, we have Diana Diaz-Toro. Diana is an NRC manager, and she's going to provide any assistance that Spanish speakers need during the

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meeting. And during Jim's presentation, we're going to go to Diana for a short presentation in Spanish.

And I'm sorry for this long introduction, but I wanted you to all know that we have a full complement of NRC staff and managers here to listen to your comments on the Draft EIS -- what you agree with; what you disagree with. What's missing from the Draft EIS? They're here to listen to you.

However, they're not going to be responding to any comments you make or any questions you ask tonight, but they will carefully evaluate those comments and questions when they prepare the Final Environmental Impact Statement.

We're transcribing the meeting tonight.

That transcript will be publicly available to you in about seven or eight days. And Sam Wojack is our court reporter who's going to be making that transcript.

So, after we go to Jim Park, who is also going to introduce Kevin Coyne for a brief welcome, after Jim's summary, then we're going to go out to the public for your comments.

And you heard her introduce everything before. Tonight's operator is Vanessa. She's going to instruct you on how to get on the line to speak.

She'll put you on. It's going to be first-come,

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first-served.

And the last meeting we did on this last week, I set a four-to-five-minute time guideline for speakers. And I let people go over that because it turns out that we had enough time to give some people six minutes. Some people took seven minutes. Because we did finish a little after the three-hour scheduled finish at nine o'clock. So, I'm going to keep monitoring that, but try to keep it concise and down to four or five minutes. But, you know, we'll give you some flexibility there.

There is a chat box on WebEx. If you're having any technical difficulties, if you can't hear or something, put it in that chat box. We'll be monitoring that. And as I mentioned, Kellee Jamerson is watching that WebEx.

And one other thing about speaking tonight before I turn it over to Jim Park is that sometimes we've had people on a speaker phone, either in their office or the speaker on their cell phone. That doesn't come through. So, when you're talking, don't be on speaker.

And again, thank you so much, so much, for being with us tonight. And we're looking forward to everything you have to say.

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And with that, I'm turning it over to Jim Park.

Jim?

MR. PARK: Thank you, Chip. Thank you for that introduction.

First of all, I'd like to welcome you all to this meeting. My name is Jim Park, and I'm the Project Manager for the NRC's environmental review of the license application from Interim Storage Partners.

This meeting, as Chip mentioned, is to provide you, the public, an opportunity to provide comments on the NRC staff's Draft Environmental Impact Statement for Interim Storage Partners' license application to construct and operate a consolidated interim storage facility for spent nuclear fuel in Andrews County, Texas.

Access information for the WebEx and audio for this meeting is shown on this opening slide. The WebEx platform is used to show the staff's presentation, which is accessible from the NRC meeting notice and from the NRC project web page, for its review of the Interim Storage Partners' license application.

The audio for this meeting is through the telephone line that is provided.

Next slide, please.

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The NRC has four meetings planned to receive comments on its Draft Environmental Impact Statement. We held the first of these meetings last Thursday, October 1st. This is the second meeting, and we will be hosting meetings later this week on Thursday, October 8th, and the following week on Thursday, October 15th. Notices for these meetings are on the NRC web page, and this slide provides the WebEx and audio access information for all four of those meetings.

Next slide, please.

As Chip mentioned, members of the media should contact Dave McIntyre who is with our NRC Public Affairs Office. And his contact information is provided here.

Next slide, please.

With that, I'd like to go to Diana Diaz-Toro for an introduction in Spanish.

MS. DIAZ-TORO: (Spanish language spoken.)

Thank you, Jim. Back to you.

MR. PARK: Thank you, Diana.

Next slide, please.

I'd like to turn it over now to Kevin Coyne.

MR. COYNE: Good afternoon and welcome to

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the meeting.

As Jim and Chip mentioned, I'm Kevin Coyne.

I'm the Deputy Director for the Division of Rulemaking, Environmental, and Financial Support, which is the group responsible for the development of the Draft Environmental Impact Statement.

The Draft Environmental Impact Statement is the result of the NRC staff's evaluation of the environmental impacts associated with Interim Storage Partners' proposal to construct and operate an interim storage facility. And today, we are asking for your comments on that report.

It's important to note that any comments received in this webinar forum are handled in the same manner as those comments received at an in-person meeting. Your comments presented today are recorded and transcribed. Our staff will review and analyze them and will update the Final Environmental Impact Statement Report as appropriate. Comments received during the webinar will be made available in a transcript of today's meeting that will be posted to the NRC's ISP review website shortly after this meeting.

The NRC in its commitment to openness in this licensing review had planned for four in-person

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public meetings. Unfortunately, we are very sorry that, under the current public health emergency, these meetings cannot be held as planned. Our staff is disappointed that it won't be able to meet with you face to face and host open houses prior to the meeting.

Just another note, that if you have any issues with the webinar link, all presentation materials are available on the NRC's ISP application review web page. You can download those materials and review them or follow along with the presentation on the telephone.

Again, thank you for your time today, and I'll turn it back over to Jim to present the NRC staff's Draft Environmental Impact Statement results.

MR. PARK: Thank you, Kevin.

Next slide, please.

As you just heard, we are here to collect your comments on the NRC's Draft Environmental Impact Statement, or EIS. The majority of this meeting will be dedicated to that activity. I will begin this part of the presentation with an overview of the NRC's review process for ISP's license application, including the differences between the environmental review and the safety review.

Next, I will summarize the application

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filed by ISP, and then, discuss some of the public comments that we received during the scoping process for the EIS.

I will, then, present the results of the staff's environmental analysis.

Finally, I will present additional information and other ways to comment on the Draft EIS before I turn it back over to Chip to start the public comment portion of the meeting.

Next slide, please.

The purpose of this meeting is to receive your comments on the Draft EIS for ISP's license application for a consolidated interim storage facility for spent nuclear fuel. NRC is asking that your comments be pertinent to the current licensing action and the draft report. We ask, if you can, to point to specific sections of the Draft EIS for your comments, or at least identify the subject area that your comment will be referring to.

The Draft EIS can be downloaded from the NRC's public website. It is also accessible from the websites for the Andrews County, Eunice, and Hobbs libraries, and the NRC has mailed hard copies of the Draft EIS to people who requested it.

In addition to commenting in this meeting,

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you can provide comments on the Draft EIS by email, on the website at regulations.gov, or by regular mail.

Later in this presentation, I will give the addresses to send comments in those ways.

Comments on the Draft EIS are accepted through November 3rd. Any comments on the Draft EIS made in this meeting will be recorded and put into a meeting transcript that will be on the NRC's public website and in the public docket for this licensing action. The transcript will be publicly available within about a week after this meeting.

Next slide, please.

In the next few slides, I will discuss the NRC's process for reviewing the ISP license application.

Next slide, please.

I would like to begin by clarifying the NRC's role. As an independent regulator, the NRC determines whether it is safe to operate a storage facility at the proposed site in Andrews County, Texas.

In accordance with its mission to ensure adequate protection of public health and safety, the NRC evaluates an application for a facility and determines if the license can be issued. The NRC is not promoting ISP's proposal to construct and operate a consolidated

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interim storage facility, but, rather, reviewing that proposal against NRC's legislative mandate under the Atomic Energy Act and NRC's regulations concerning such a facility. That is the focus of NRC's safety review.

The NRC is also conducting an environmental review of the ISP proposal, in accordance with NRC's regulations that implement the National Environmental Policy Act of 1969. This meeting, during which we are asking your feedback on the Draft EIS, is part of the NRC's environmental review process.

The results of the safety and environmental reviews inform the NRC licensing decision.

Next slide, please.

This slide shows the basics of the NRC's licensing decision process. It shows the NRC's concurrent safety and environmental reviews and the separate adjudicatory hearing process. The results of the safety review are documented in a Safety Evaluation Report, while the environmental review results in a Final Environmental Impact Statement.

In the middle is an adjudication process that can be used for disputes. An Atomic Safety Licensing Board, or ASLB, consisting of legal and technical judges independent of the NRC staff, reviews hearing requests and presides over any hearing, in

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accordance with the NRC's hearing regulations. This process is separate from the safety and environmental reviews.

Next slide, please.

This slide shows some of the requirements and review required by the NRC to ensure that a design of the project can be constructed and operated while protecting human health. The safety staff will evaluate the design of the consolidated interim storage facility to ensure that it will be stable by evaluating soil and geological characteristics for foundational stability.

The staff evaluates security practices to assure that the facility would not be accessed by those that would harm the facility,

The structural design is evaluated to verify its integrity.

Other areas such as thermal design and financial qualification must meet NRC standards before a facility can be licensed.

In addition, the staff will evaluate that the facility is capable of withstanding external hazards, which include temperature extremes, floods, tornados, and earthquakes.

You could say that the safety review in

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part evaluates how the environment will impact the design and whether that design is capable of safely storing spent fuel.

Next slide, please.

On the other hand, the parallel environmental review evaluates what the project potentially would do to the environment. The environmental review looks at the current environment as the baseline environment. And in the EIS, we call this the affected environment.

That means that each of the resources you see listed here will be evaluated for the potential impacts against that baseline if the project is constructed and operated.

One area that is illustrative of the differences between the safety and environmental reviews is water or water resources. Now it's important to note that there is no liquid inside the spent fuel canisters that could leak into the environment.

During the safety review, the NRC staff would evaluate a series of extreme events to verify that the project will remain safe during those episodes.

The maximum flood elevation would be

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evaluated and it would be determined if flood waters would rise to an elevation that would interfere with the safe function of the project.

Under the environmental analysis of water resources, the staff would evaluate the effects of constructing and operating the proposed facility on local surface water bodies. Some of those impacts would be associated with additional runoff from impervious areas like the concrete pads and additional flow to nearby waterways. In other words, the environmental review evaluates the impact on the water resource from the project.

Next slide, please.

The following slides provide an overview of the ISP license application.

Next slide, please.

The proposed project is located in west Texas in Andrews County, just east of the border with New Mexico. The project site, shown in the dark purple rectangle in the top center of the figure to the right on the slide, would be located within a much larger property owned by Waste Control Specialists, who is one of the partners in the ISP joint venture.

WCS operates a low-level waste storage and disposal facility in the figures shown in the green,

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yellow, orange, red, blue-gray, and light purple. And the proposed facility would be located to the north of those current operations.

Along with the storage facility, an administrative building, a cask-handling building, an access road, and a rail sidetrack would be constructed.

At the proposed full buildout of the facility, approximately 330 acres would be disturbed.

Next slide, please.

This is a drawing of ISP's proposed project. As shown, ISP intends that there be eight phases to the project, with phase 1, outlined in red, the focus of ISP's license application to the NRC. Any expansion beyond an approved phase 1 would require ISP to submit an application specifically for that expansion. And the NRC would conduct separate safety and environmental reviews for that expansion application. ISP intends to expand the facility incrementally phase by phase over a period of 20 years.

The spent fuel would be shipped by rail to the proposed site, with a proposed sidetrack bringing the fuel into the facility. The existing rail line serves the WCS facility.

The fuel, first, would be offloaded from the train in the cask-handling building, and then, it

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would be transported to the concrete pad, where it would be stored, either vertically or horizontally.

At the NRC's discretion, in the environmental review we analyzed the potential environmental impact for phase 1 alone and, also, for all eight phases.

Next slide, please.

This slide shows on the left an artist's rendering of the storage of spent fuel shipped to the CISF during phase 1. On the right, there is a representation of a vertical spent fuel storage cask and of a horizontal storage module with the spent fuel storage casks being entered. ISP plans to use both vertical and horizontal storage at its proposed CISF.

The storage canisters are designed and engineered to meet the NRC requirements for safety.

Next slide, please.

As I mentioned earlier, the proposed action is phase 1 for ISP's construction of the consolidated interim storage facility and the authorization to store up to 5,000 metric tons of uranium, or MTUs, of spent nuclear fuel. It's important to understand that the current NRC licensing decision is about only phase 1. The decision to evaluate in the Draft EIS the potential impact of all

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eight phases was made by the NRC staff to provide additional perspective on the environmental impacts.

Finally, the NRC staff evaluated the impacts of the proposed project in three stages: construction, operation, and decommissioning. Most of the impacts from phase 1 come from construction of the facility, with only limited construction during any later expansion phase.

Next slide, please.

In the following slides, I will briefly discuss the EIS scoping process and some of the scoping comments we have received.

Next slide, please.

For the EIS, the NRC staff conducted a scoping process that ran from November 16, 2016 to April 28, 2017, and again, from September 4, 2018 to November 19 in 2018. The NRC staff hosted two webinars from the NRC's Headquarters in Rockville, Maryland, and two in-person meetings, one in Andrews, Texas, and the other in Hobbs, New Mexico.

The NRC received roughly 29,000 separate pieces of comment correspondence during the scoping period, from which the staff identified approximately 3200 unique comments. The NRC's analysis of these comments is found in a scoping summary report, with

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a link to that report shown in this slide.

Next slide, please.

During the EIS scoping process for the project, as noted before, NRC received thousands of comments. This slide shows some of the topic areas where we received more comments. Some of the comments we identified are as being out of scope of the EIS.

For the scope of the EIS being ISP's proposal to construct and operate the consolidated interim storage facility, that is, phase 1, topics such as the debate over the use of nuclear power were deemed outside that scope. Other issues, like stability of the storage pad or integrity of the storage casks, were not within the EIS scope, but would be handled as part of NRC's safety review of ISP's license application.

Next slide, please.

In the next few slides, I will present the results of our environmental review, as documented in the Draft EIS. I will begin by focusing on the areas for which we received many scoping comments, and after that, I will present the other remaining environmental areas.

Next slide, please.

In order to categorize the environmental impacts, the NRC uses these definitions on the slide

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for significance levels for impacts: small, moderate, and large. The scale rises based on the destabilizing influence to the environmental resource. These definitions are found in the NRC's staff guidance for conducting environmental reviews.

Next slide, please.

For NRC's transportation impact analysis, the staff evaluated traffic and road degradation from workers and construction vehicles during all stages and phases of the project. The staff found that there would be a minor increase in traffic around the proposed site. This would be due to construction and operation workers and to the construction materials brought to the site and the waste materials taken away.

The staff also evaluated the movement of spent fuel to the consolidated interim storage facility from phase 1 only and from all eight phases for 3400 casks using a bounding representative rail route. Radiological doses and health effects to the public and workers along the routes were conservatively estimated and found to be low relative to background radiation and expected baseline cancer risk. The NRC annual public dose limit is 100 millirem for comparison.

Impacts from transportation accidents

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evaluated doses to first responders, workers, and members of the public. NRC rules require spent fuel transportation canisters to withstand severe accident conditions. In an analysis from 2014, the NRC staff concluded that an accidental release of canister fuel during transportation did not result under the most severe impacts studies, which encompassed all historic and realistic accident scenarios. So, an assumption of no release during accidents was used during the staff's Draft EIS analysis.

Next slide, please.

Two other areas of interest are groundwater and geology.

For groundwater, the NRC staff examined the data concerning the depth of groundwater beneath the proposed site, as well as the potential for the occurrence of the Ogallala Aquifer beneath the site.

From our analysis, the shallowest confined groundwater is about 225 feet below the proposed site.

And the nearest the Ogallala Aquifer comes to the site is about a mile away. In terms of potential impacts to the groundwater, the staff found that neither construction nor operation of the CISF would affect groundwater due to the depth of that water below the site.

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Regarding geology, the NRC staff determined that the potential for subsidence at the site was unlikely and that construction and operation of the facility would not increase the potential for earthquakes, given the shallow excavation depth for the CISF pad and the passive nature of the project.

The proposed CISF site is located in a regional area of low seismic risk.

Next slide, please.

Socioeconomic effects are primarily associated with workers and their families who might move into the area and tax revenues that the proposed project would generate, which would influence resources available for the community. Tax revenues and economic growth from the proposed project and from the additional workers in the area would create a beneficial impact on the region, while there would be some increased use of public services, schools, and housing demand due to the increased population in the region.

Concerning environmental justice, the staff's analysis is based on guidance from the Council on Environmental Quality, in addition to the NRC's 2004 Environmental Justice policy statement. The analysis focused on the human health and environmental impact

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on low-income and minority populations resulting from the proposed action, phase 1, and from full buildout of the CISF, using Census block groups and a 50-mile radius for the analysis.

There are 109 block groups with potentially affected low-income or minority populations that fall completely or partially within the 50-mile radius of the proposed CISF project. The NRC staff found that there would be no disproportionately high and adverse impacts on any potentially affected environmental justice population.

Next slide, please.

The site for the CISF has been proposed by Interim Storage Partners. As was shown in the earlier figure, the site is within a larger property owned by Waste Control Specialists. WCS controls access to its property, and there would be similar restrictions on access to the CISF site.

Approximately 330 acres would be disturbed by full buildout of the proposed CISF, and activities outside the site would continue unaffected by the proposed facility.

When the CISF is decommissioned, the infrastructure, meaning the access road, rail

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sidetrack, administrative buildings, may remain on the site or may be removed. That decision has not yet been made by ISP. ISP will need to submit to NRC a final decommissioning plan at that time for NRC review and approval.

Next slide, please.

This slide and the next one tabulate the results of the environmental review. They provide the potential impacts from the proposed action, phase 1, and separately, the additional phases that may be requested in amendments to the license in the future, phases 2 to 8, referred to as "additional phases."

For each resource area, the timeframe associated with impact is the proposed 40-year licensing term. The area for each resource was also delineated to include the reasonable characteristics of that resource. In other words, for example, water resources were evaluated for an area to encompass the watershed; whereas, transportation was evaluated along the roadways around the site and the rail lines from across the country. As you can see in this slide and the next, the staff determined that impacts to nearly all resource areas are expected to be minor and not be lasting or significantly destabilize that resource.

For ecology, though, vegetation on the

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site would be removed during construction, and because that vegetation is slow-growing, it would take some time to recover. While it is recovering, the impact would be moderate, and a small impact after the recovery.

Next slide, please.

On this page, you will see the potential socioeconomic impacts would be small to moderate, with moderate impacts due to population growth and increases to local finances. As I discussed earlier, the staff found that there would be no disproportionately high and adverse impacts to minority or low-income populations.

Next slide, please.

This slide provides links to the Draft EIS; two brief overviews of that report in English and in Spanish, and to the staff's public web page for its review of the ISP license application.

Next slide, please.

As I mentioned, the NRC is accepting comments on the Draft EIS here in this meeting; on the federal rulemaking website, [regulations.gov](http://regulations.gov); by regular mail to the NRC, and by email. Comments should be submitted by November 3rd.

Next slide, please.

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That completes my presentation. I'll now turn it back over to Chip Cameron, our meeting facilitator.

MR. CAMERON: Okay. Thank you. Thank you very much, Jim. That was a great summary.

And, Vanessa, we're ready to hear from the public. So, could you give them the instructions about how they get on your list to speak, and then, just give us the first speaker?

OPERATOR: Yes. Thank you.

We will now begin the question-and-answer session. If you would like to ask a question, please press \*1, unmute your phone, and record your name. Your name is required to introduce your question. To retract your comment, please press \*2. Again, to ask a question, please press \*1.

It will take a few moments for the questions to come through. Please stand by.

David Rosen, your line is open.

MR. ROSEN: This is David Rosen in Midland, Texas, and I do not have a question. I have a comment. So, I will stand by and wait for your comment period.

MR. CAMERON: Excuse me on that one. I know it's confusing because Vanessa, like all the

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operators that we've had, is used to doing meetings where there are questions. And we're all about comments here. So, there's no separate comment period, okay? So, just give us your comment and we'll begin there. But thank you for offering to defer.

MR. ROSEN: Thank you, Mr. Cameron.

I am a practicing petroleum geologist in Midland, Texas for the past 47 years. And water has been a sparse, a scarce commodity in all the years I've been here. And I know, currently, we're most concerned with the Ogallala Aquifer, which I think happens to be mismapped. But, nonetheless, there are shallower aquifers that are referred to as non-potable. And knowing that water is such a scarce commodity, I think we need to protect those shallower aquifers as well, in the event that in the future they become critical for agriculture and watering and perhaps even drinking.

We know that, even in this area, while these casks may be coming to Andrews, we in the Permian Basin who are in the petroleum business consider that the petroleum here is a national defense imperative.

And consequently, any accidents or spills that come through here could threaten the petroleum industry.

And until all the national defense items, like planes, ships, trucks, can be run on electricity and not

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petroleum, it's a very important resource.

One of the definitions of an accident could certainly be something unforeseen. While the foreseen accidents have been noted in the DEIS, certainly an unforeseen accident cannot be accounted for.

And while we were aware of WCS many, many years ago, we now note that WCS is a sister company to North Star, which will be decommissioning nuclear facilities. And we're concerned about the conflict of interest with those two companies, being both owned by J.F. Lehman & Company.

And back when WCS was being formed and getting permission to set up initially, they promised all of Texas that there would be nothing stronger than the low-level waste deposited there. And consequently, we think that they were making false promises then, and we really cannot believe their promises now.

Thank you.

MR. CAMERON: Okay. Thank you very much, David. And thank you for that comment about the national defense imperative.

Vanessa, who is next?

OPERATOR: Adrian Kelly (sic), your line is open.

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MR. SHELLEY: I'm sorry, is that Adrian Shelley?

OPERATOR: Yes.

MR. SHELLEY: Thank you.

This is Adrian Shelley with Public Citizen. I appreciate the opportunity to comment on the DEIS. My organization has previously provided comments on these proposals and will in the future.

I just wanted to say a few things. I know there are quite a few people speaking on a range of topics, including David and others, today. I wanted to focus on the environmental justice consideration for this site and this project. So, I will limit my comments now to that issue.

I am speaking in opposition of the site and I'm pointing out what I see as shortcomings in the DEIS and in the process for licensing the site.

The National Environmental Policy Act does have as part of its goals the promotion of environmental justice. It requires federal agencies that are undergoing NEPA reviews to include in that review the proposed project's potential effects, environmental, economic, and public health effects, and specifically, those effects on low-income minority and rural communities.

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Low-income minority communities are traditionally what we think about when we think of environmental justice communities. The fact is many people in communities meeting the definition of an environmental justice community are also located in the rural areas, many of them along the transport routes for the proposed facility in Andrews, Texas.

And so, I have looked at the demographic data of those people using data from the American Community Survey, which is conducted in the intervening years before the Census. And I've looked at that data for the proposed location of the facility in Andrews County and for a number of rail transport routes across the nation. And I did that using a tool provided by the Environmental Protection Agency known as EJSCREEN of the Environmental Justice Screening Tool, which, again, is, in turn, using data from the American Community Survey.

So, beginning with the Andrews County site itself, within 10 miles of that site we find 3,256 people; 52 percent of those people are Hispanic and 35 percent of them do not speak English at home. This would suggest that any materials about the project, the NEPA review, meetings such as this one should be conducted bilingually. I know there was a bilingual

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introduction to this meeting, but the NEPA materials themselves, the DEIS, really do need to be translated into Spanish for those 35 percent of people who do not speak English at home.

Among those 3,256 people within 10 miles of the site, we find a per capita income of \$26,250.

So, this is the population that is at or near the poverty line. Again, it is majority Hispanic, and it does meet the definition of an environmental justice community.

We looked at 10 miles for the Andrews County site because of the, admittedly, sparse population and, also, because the potential for impacts in a worst-case scenario disaster are much greater at the site than they are at a transport route.

The transport routes for the facility, we looked at Class I rail routes from across the United States, but with a focus in Texas, rail routes that we presume the material would travel on, based upon what we know about plans for transport. And we generally looked at people within 1 mile of transport routes. And I'm not going to go through all of the data for each of these routes, but I am just going to say that, generally speaking, we are looking at a lower-income majority minority, and typically, a

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majority Hispanic population.

So, for example, there are 100,000 people that live within 1 mile of the Class I rail route between El Paso and Monahans, New Mexico. That population is 94 percent minority, 92 percent Hispanic. For the Class I rail routes that go through Bexar County, where San Antonio is located, one of them is 88 percent minority, 72 percent Hispanic. There are 86,000 people on that route. There's another route on which there are 90,000 people, 78 percent Hispanic -- or I'm sorry -- 78 percent minority, 71 percent Hispanic.

And these numbers are similar to what we see elsewhere. We looked at Houston. We looked at West Texas. We looked at the Dallas-Fort Worth area.

In fact, the only communities that we found that were not majority minority were rail routes in the Fort Worth area, Tarrant County, from Louisiana to Dallas and from Fort Worth to Midland. Every other rail route we looked at was majority minority and, in fact, majority Hispanic.

So, for that reason, it's clear that there are environmental justice impacts specific to the communities on the rail transport route and the communities around the facility itself. And we believe that the DEIS does not adequately discuss the

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unique impacts to those communities and has not provided for reasonable accommodation by way of bilingual materials for the DEIS or the various opportunities for public participation.

Beyond that, we have a number of other grave concerns about potential for accidents along rail routes, contamination of waterways, de facto permanent storage, leaking, bond inadequacy, and many of those concerns are going to be discussed by other speakers throughout the day and throughout the other public information sessions.

So, again, thank you for the opportunity to deliver these comments. We appreciate it.

MR. CAMERON: Thank you very much, Adrian. Very articulate comments. Thank you.

Vanessa, who do we have next?

OPERATOR: Linda Hanratty, your line is open.

MS. HANRATTY: Thank you.

I join Texas Governor Abbott in urging denial of the license for Interim Storage Partners' aboveground high-level nuclear waste dump in Texas.

And I'm particularly concerned about the transportation issues. As the previous speaker said, Tarrant County, where I live, is not particularly a

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low-income area for the transportation route. However, parts of downtown Fort Worth -- okay. I used a half-mile radius because that was something that you used in the EIS as an area of concern. And the railroad tracks are within one-half mile parts of downtown Fort Worth, the 16th largest city in the U.S., including city hall and the Convention Center. Arlington Main Library and city hall; the Watauga city hall and library; 19 schools, and some of which are very low-income; parts of UT Texas at Arlington, and Arlington Baptist University; the Clear Fork of the Trinity River, a local water supply; at least one gas well pad site, and probably many more, and countless homes and businesses.

Other concerns include numerous at-grade crossings, including one at the Arlington Library and Municipal Complex and one at Sylvania Avenue that I just found out about yesterday, which is about 100 yards from a natural gas tank farm. So, that's a crossing and a tank farm.

Union Pacific Davidson Rail Yards are near a large gas well pad site and they're scattered throughout the community. And there, around that rail yard, are apartments, businesses, and single-family homes, as well as the Trinity River. And one of those

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single-family homes is mine.

Tower 55, a major intercontinental rail intersection with over 100 daily crossings just southeast of downtown Fort Worth is where trains from the North will make their turn to go west. And there are numerous tank cars that travel on the Union Pacific tracks all over this area and sit on rail sidings south of downtown. And we are part of the Barnett Shale, where we have unodorized gas pipelines and gas well pad sites.

Transporting thousands of shipments of high-level nuclear waste is an unacceptable risk to the over 2.1 million residents of Tarrant County, not to mention the population of millions of other people along the transportation route. Unfortunately, the current EIS addresses none of these potential risks.

In fact, it says the risk is small.

In addition to addressing the transportation risk, the NRC should postpone passing on the IPS license until in-person hearings can be held, with at least one at the Regional Headquarters in Arlington. People have a right to know the risk to their health, safety, and economic security surrounding the ISP proposal and to make their opinions known. The current process is deeply flawed and would

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cause untold or potentially cause untold damage along the transportation routes as well as at the dumpsite.

Thank you.

MR. CAMERON: Okay. Thank you. Thank very much, Linda, for that transportation information and the implications. Thank you.

Vanessa, who do we have next?

OPERATOR: Our next person is Robert Singleton.

Robert, your line is open.

MR. SINGLETON: Hi. My name is Robert Singleton. I'm a member of a number of environmental groups, but I'm speaking today as a concerned human being. I want to talk about two issues primarily: endangered species issues and transportation issues.

There was a plan in effect in Texas until 2018 for the protection of the threatened dunes sagebrush lizard. That plan fell apart in 2018. As a result of the lack of protection provided by the plan, the Center for Biological Diversity filed a lawsuit in 2020 to get the dunes sagebrush lizard listed as an endangered species.

The Fish and Wildlife Service, when they opened the comment period, which closed in August, said that the dunes sagebrush lizard, quote, "likely

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warrants listing," unquote, as an endangered species.

My question about all of this is, you've got a section in the EIS on the dunes sagebrush lizard, but much of the information on it is prior to the establishment of the Conservation Plan and the collapse of the Conservation Plan.

And I would have serious questions about whether or not the Nuclear Regulatory Commission has done due diligence in seeking consultation with the Fish and Wildlife Service. And I would recommend that the Nuclear Regulatory Commission not take action on this EIS and this licensing proposal until such time as the Fish and Wildlife Service makes a determination about the dunes sagebrush lizard.

A problem I have that's tangentially-related to the endangered species issues is the fact that the Draft EIS tends to be very site-specific. That is, they talk about the actual footprint of the interim storage facility and construction to get that facility completed, leaving out, by and large, the larger issue of the fact that transportation is going to have an impact on many of these things. I believe it could have an impact on endangered species.

I was impressed with the fact in reading

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the Draft EIS that, contrary to what we were told when we were being sold the WCS proposal where they said, "Well, don't worry about it. This is all desert. There's nothing out there," it seems like there is an amazing variety of wildlife, both endangered and not endangered, that occurs in the area. The EIS mentions the fact that whooping cranes have been seen in the area.

And I'm just wondering what sort of impact transportation, not necessarily a transportation accident, but just transportation, is going to have on the endangered species. Lizards don't know they're supposed to stay out of the road. They don't know they have an area that's set aside for, or going to have an area that's set aside for their protection. So, I am just wondering what impact running over a couple of very endangered species, very threatened species at this point, would have on the survival of the species.

The second thing I wanted to go into a little bit -- and I talked about this last time -- are transportation issues. After the October 1st hearing, I had a chance to talk to a number of people and am now more concerned than ever about a transportation accident over Ogallala Reservoir. I am told that there

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are a number of rail lines that cross directly over, the one out of Amarillo, for example. The major route out of Amarillo crosses directly over the Ogallala Aquifer. This, to me, raises the serious issue of a specific and successful terrorist attack not on the facility itself, but on transportation shipments.

If you have an act of terrorism that takes place on the rail line over the Ogallala Reservoir, in effect, what the people that might be seeking to do us harm are doing is trying to create a dirty bomb effect, trying to breach a container and cause the dispersal of radioactive elements. And if this happens over the Ogallala Reservoir, it could affect production of wheat and a number of other crops in as many as eight states. And I hate to think what kind of impact that might have on the American food supply.

One thing that is terribly unfair about the way this process is set up is, when we bring up something like transportation accident over the Ogallala Reservoir, we're told that we don't know what the rail routes are going to be. And I would think that that's an important thing to know prior to approving this plan.

In conclusion, I just want to say something about process. And that is, I received a letter

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yesterday from the Texas Department of Public Safety, the driver's license-issuing agency in the State of Texas. They're not known as a notoriously flexible organization. But this letter informed me that my worries about my driver's license being expired, which I was worried because the Texas voter ID laws was going to keep me from being able to vote, they sent me a letter saying, "Don't worry about it. Because of the pandemic, it's okay. Your license is still good."

Well, what I'm thinking is, if an agency as notoriously inflexible as DPS can make an exception for the pandemic, it might be nice of the NRC would think about that, too. There is a vast difference between talking to disembodied voices on a phone and being able to go to an actual public hearing where you might be able to get some back-and-forth and at least read body language and facial expression on people's parts. So, I want to, again, urge the NRC to schedule some live public hearings once the pandemic is over.

Thank you very much.

MR. CAMERON: Okay. Thank you. thank you, Robert. It's a very important comment about the Conservation Plan and the Fish and Wildlife action.

Thank you for that and for the rest of your comments also.

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Vanessa, who do we have next?

OPERATOR: Robert Vann (phonetic), your line is open.

MR. VANN: Hello. I want to thank you for this opportunity. My name is Robert Vann, and I am asking that the Nuclear Regulatory Commission deny the licensing of the high-level nuclear waste interim storage at the Interim Storage Partners' facility in Andrews County, Texas.

The Governors of both New Mexico and Texas have now expressed opposition to continuing this process, as have numerous communities within the State of Texas. The licensing of this facility is currently illegal under the Nuclear Waste Policy Act of 1982, because states have the power to veto such facilities within their borders, unless overridden by both Houses of Congress. And the Act requires prompt movement of a permanent storage site -- I'm sorry -- from a storage site which does not currently exist.

In addition, this mode of so-called public meeting does not provide adequate opportunity, as has been noted from some other folks, for informing the public or for in-person commentary. I ask that you extend the decision period until it is again safe to hold such meetings.

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I more specifically object to the transport of these materials through highly populated areas of the country, and specifically, through Tarrant County, Texas, which is my home. I believe that NUREG/BR-0292 does not adequately address protecting the public during transport of HLW. And protecting the public is supposed to be your primary objective, and not facilitating big profits for favorite companies.

Train accidents are far more common than indicated in that document. The Federal Railroad Administration notes that, in 2014, there were almost 12,000 train accidents just at railroad crossings. It's been surmised that a large part of the proposed shipments would travel on Union Pacific rail lines.

April of last year, there was a serious, fiery, UP train wreck in Fort Worth involving ethanol tank cars.

June of 2020, 86 Union Pacific freight cars were blown off the tracks in west Texas. July of this year, a Union Pacific train derailed and caught fire on a bridge at Tempe, Arizona. I could list another couple of dozen train accidents in the past five years, mostly involving serious fires.

NUREG/BR-0292 also discusses the safety of the transport casks in a fire. In the computer

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simulation of the response of a cask to a severe fire environment, the highest temperature range tested goes to 936 degrees Celsius. However, products commonly carried on trains, such as butane, ethanol, gasoline, propane, all burn at temperatures exceeding the test limits of nuclear waste containers, mostly in the 1900-to-2200-degrees Celsius range. An HLW cask would be at severe risk on a train that also included cars carrying such materials.

There's a far safer method to handle HLW until a permanent site can be agreed upon. And that is, in most cases, hard storage at the nuclear reactors where the materials originate. I'm asking that you secure and extend funds for doing just that.

Thank you again for letting me talk at this hearing.

MR. CAMERON: Okay. Thank you. Thank you, Robert, for those suggestions.

Vanessa, who do we have next?

OPERATOR: Terry Burns, your line is open.

MR. BURNS: Who did we say?

MR. CAMERON: Kerry (sic)? Kerry Burns?

MR. BURNS: Oh, yes, I'm sorry.

OPERATOR: Terry.

MR. BURNS: Thank you. Okay. Yes.

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This is Terry Burns. Thank you for taking my call.

I hate it that I have no idea where I am on the queue.

So, it could be 20 minutes or two hours. But thank you.

I am the Chair of the San Antonio Sierra Club. I used to live in Midland. I've visited the WCS site before it was going into high-level stuff.

I know David. I know that history of the progression of their activities. It's pretty outrageous how they keep expanding their mission and putting the bill, eventual bill, on the taxpayers of Texas to clean all this stuff up.

So, I would like to urge, first of all, that the Commission adopt the no-action alternative.

That's the most important thing, is take no action, because this is a ridiculous, expensive time and effort to create something called interim storage, which will be for 40 years maybe, which isn't even a blip on the timescale that this stuff needs to be stored geologically separate from the entire human and natural environment for hundreds of thousands of years. And why ship it twice and run the risk double and the cost double to do this, when the real need is to develop a true, safe, effective, geologic storage.

In the meantime, we in San Antonio do not

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consent to having this material, thousands of loads potentially, going through our city, as you heard earlier, right through downtown and a lot of poor Hispanic areas. This is not acceptable. And again, most of those people don't even know about this plan because most of this has not been translated. There haven't been any onsite hearings because of the COVID stuff. Many of these people don't even have internet access. And this is just all wrong.

Your EIS, which I've reviewed extensively, it doesn't even discuss in any detail transport risk beyond the immediate vicinity of the facility. And I agree with the other environmental issues you've heard about, to the water and the endangered species, and things. This is just not something that should take place. And I urge you to adopt a no-action alternative.

This material currently is safely stored onsite around the country, carefully guarded at the facilities, and that's where it needs to belong until it can be safely, one time only, put on the risk on us to transport it to a permanent site, period.

Thank you very much.

MR. CAMERON: Okay. Thank you. Thank you for that comment, Terry.

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Vanessa, who is next?

OPERATOR: Hi. Yes. We have Mr. Tom "Smitty," followed by Lon Burnam, Peter Vescovi, and Bridget Goldstein. Bye.

MR. CAMERON: Okay.

MR. SMITH: Good afternoon, everybody. My name is Tom Smith, and I prefer to be called "Smitty".

And I'm a citizen, and I've been working on radioactive waste issues in Texas now for more than 30 years.

I also want to jump in on the transportation issue, perhaps because this is potentially the most short lethal in the short term and the way that more Texans and other people across the nation are likely to be exposed. I'm going to focus my comments primarily on Texas because that's what I've studied, and refer you to a series of comments that were filed in the scoping context and largely ignored in your revisions.

I think, undisputably, about 90 of the reactors are east of Texas, and that waste will be coming, predictably, in a series of railcars and barges through our major rail corridors going along I-10, I-20, I-30, and then, 40, and then, coming down from the North through Amarillo and down the Expressway there, 27. And a substantial number of the eastern

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nuclear plant sites don't really have good rail access, but they have relatively good water access, and they're going to be coming through the Port of Houston. And this is all documented very extensively based on decommissioning reports in the Lone Star Legal Aid comments. And I would invite you to look at them.

Assuming they come off at the Port of Houston, or they could go through the Port of Corpus Christi, which is substantially less expensive and also has good rail access, in either case, they're going to be going through major petrochemical manufacturing corridors with lots of fertilizers and other highly explosive and toxic products. If you go on a road trip with me through Houston, it will be parallel to I-10 on the north side of the shore. It will go along those rails, and then, past the Port of Houston, down to San Antonio, where it goes past five military complexes.

Now I am not a terrorist, and I want to make sure that you all understand I am not a terrorist, but sometimes I put myself in the position of thinking of risk as if I were a terrorist and where I would attack a shipment of highly radioactive materials. And if I wanted to cripple this country, I would either attack or threaten to attack the Port of Houston and could cripple oil and gas production, or about a third of

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it, in the United States, either with an explosion or with the threat of a terrorist action. If I wanted to cripple the military, I would target San Antonio.

Now, again, this is just one scenario, but more plausible simply because many of the tools used by terrorists today when attacking tanks in Iran, or Iraq rather, and Afghanistan, the drones, and neither of them were developed nor deployed at the time that your tests of risk of cask safety were developed and those casks were tested. As a prescription for disaster, that's a big target.

Now there about 3400 of these trains, according to the EIS, that are going to be going out to west Texas, weigh about 210 per each railcar, running down tracks rated at about 143 tons per railcar. That's another prescription for disaster.

Now it's not like we haven't been having a significant number of accidents on these series of rail lines. There was one not long ago in between San Antonio and Van Horn where a heavily laden train full of fracking sand overweighed the tracks, the tracks collapsed, and there was a major derailment that closed I-10 and the major UP line for days, as they cleaned up the mess.

There was another accident, again,

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carrying fracking sand on the train tracks that would be necessary to go into New Mexico and come into WCS from the west side on a curve on a double-track stretch where one of the trains carrying fracking sands jumped over in front of another train car carrying other materials at speeds in excess of what your analysis shows they have to worry about. That's another disaster waiting to happen.

Now a number of people have talked about the possibilities of fire. And I want to refer you to the testimony filed today by Dr. Marvin Resnikoff in which he notes that the number of accidents predicted in your studies and your DEIS are off by a factor of 36, that there are 36 times more accidents that have occurred than you analyzed or believed plausible. That's a major problem.

But when you look at the question of what are others of these trains carrying, it's explosive materials like oil, gas, propane, butane, et cetera, which often burn more intensively than the analysis that you guys have done on the worst-case fire scenario and for longer periods of time.

Witness a train derailment in Panhandle, Texas. Two trains crashed into each other at speeds in excess of 70 miles an hour, not likely according

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to your scenario, but it happens all the time, according to reality. And one of the trains is carrying petroleum products and burned for 24 hours, far exceeding the three hours that you have tested these casks for. That's another major flaw in your analysis.

And again, Resnikoff points out that the frequency of fires occurring in oil trains are increasing dramatically over the last decade, as you would expect with the tremendous boom in the fracking industries and in the fuel needed to be carried to ports for export.

In New Mexico, less than 100 miles away, on the tracks that would be carrying some of the materials from the West, winds were so high that they blew a loaded train off of a trestle -- and this isn't a light thing; this isn't a toy train; this is a heavily laden train -- dropping the train, the train and the train cars, into the canyon below in ways that exceeded your drop test in terms of how far that you would expect a train car to fall. Once again, another flaw in your DEIS.

MR. CAMERON: Smitty, I'm going to have to ask you to finish up. This is all good information, but I'm going to have to ask you to let us go on to another speaker.

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MR. SMITH: If you would let me make one further point?

MR. CAMERON: Go ahead.

MR. SMITH: The history of this company is that they make promises and promises and promises that they break and they come back and they continue to poor boy. I want to really point out one of the big fears that many of us have is that one of the big investors in this company is French, and that there have been transportation tests of radioactive materials on ships going into ports from Spain indicating that the NRC and DOE, and others, are beginning to have an import strategy. And what does WCS do? WCS comes in and says, unless we get a bailout, we're not going to be able to maintain the site. That's been the history in Texas and that's going to be the history if you guys go ahead and permit this.

Along with Terry Burns and others, I urge that you take a no-action stand on this. It's illegal. You know it. Just say no. We're depending on you.

Thank you for your time.

MR. CAMERON: Okay. Thank you. Thank you, Smitty.

And, Vanessa, are we going to Lon Burnam next?

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OPERATOR: Yes.

Lon Burnam, your line is open.

MR. BURNAM: Good afternoon, everybody.

This is Lon Burnam, and unlike last Thursday night, I'm not on the side of the road at the NRC offices hoping to get in. I'm in the quiet of my home, but I want to remind you of a couple of things.

As a legislator representing Central City-Fort Worth for 18 years in the Texas Legislature, we duked it out with WCS on a regular basis. Once they got the enabling legislation passed in '03, as Smitty just pointed out, time and time again they came to the Compact Commission poor-mouthing it, saying they had to have this exception; they had to have additional; they had to have this -- always expanding their mission beyond what they said they were going to do in 2003.

It's that series of misrepresentations that got them into trouble during the last legislative session, when people finally began to realize, having heard the tapes from what they said in 2003, the company simply cannot be trusted.

And it's so obvious that the company cannot be trusted because their special interest legislation that failed in the legislative process was added last minute to a domestic violence piece of legislation,

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which, then, the Governor vetoed reluctantly because the domestic violence legislation was needed, but he very clearly said in his veto message in June of last year, "We don't want this in Texas. We do not consent."

He further amplified on that last week with his letter.

I just want to make sure that you folks are clear that we in Texas highly resent this group of faceless bureaucrats that are pushing this agenda on us, and they won't even come to Texas and face us eye-to-eye. We're here under protest. We believe that this entire proceeding is questionable in its legality. We think it should be delayed until it's actually a legal application. The only thing you should do now is to say no action or take the no-action alternative to it because it's not even legal.

Furthermore, the fact that you cannot see us in person and you're in such a rush, typical of the NRC, just panders to the industrial interests, the corporate interests, just speaks to the fact that you're not really interested in what we have to say.

I want to make sure you understand that, so far in these proceedings, these last two public meetings, you've only had four people who said they want it. None of them live in Texas and all of them are on the payroll of some corporate interest to promote

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the industry; whereas, every Texan you're hearing from says, "We don't want it." You've heard a litany of reasons why we don't want it with really good explanations.

I'm appalled at the EIS. I've seen really good EISes and I've seen really bad ones, and this is among the worst because you're trying to bifurcate the issues.

Transportation is a huge inseparable issue. Here in Tarrant County, in Fort Worth, we were once known as "Tarantula City" because of the aerial view of all the railroads coming into Fort Worth. We handle over 55 percent of the imports, or we did before the pandemic, from the Port of Los Angeles going east.

We do not want to be handling 75 or 85 percent of the high-level radioactive waste going west. We have a congestion problem with trains sitting on the railroad tracks here in Fort Worth for over 24 hours at a time on a regular basis.

The casks are inadequate. And I just strongly object to the suggestions by the apologists that they're okay, that the EJ statement is okay, that we shouldn't be concerned about the transportation issues. They are absurd assertions.

You guys need to recommend the no-action

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alternative. You need to go back to the drawing board, as it were, and wait until Congress decides what they need to do.

Meanwhile, as I mentioned last week, I will be submitting the National Sierra Club's just-adopted 100-plus-page set of recommendations on how to deal with high-level waste. Specifically, you don't transport most of it across the country to a temporary site, quote-unquote, "temporary".

There will be no economic incentive to address the problems that this waste presents if the people that are responsible for the waste now can offload it onto the taxpayers. This is one of the biggest scams from the standpoint of corporate socialism this country has ever seen. And it's up to you guys to protect our public safety and not pander to these corporate interests.

Thank you for your time. I'll be listening.

MR. CAMERON: Okay. Thank you, Lon, including that information about the National Sierra Club recommendations on high-level waste. Thank you.

Vanessa, I missed the name of the next person. Who is it? Can you put her on or him on?

OPERATOR: Yes. Peter Vescovi, followed

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by Bridget Goldstein and Rob McCullum. Thank you.

MR. CAMERON: Okay.

MR. VESCOVI: Hello. This is Peter Vescovi, and I am a design engineer and a licensing expert for radioactive material transportation packages, working for Orano USA.

So, I appreciate the opportunity to be able to participate in this discussion, public meeting, and comment to say that Orano does support the NRC's Draft EIS. And more specifically, to say that, in the following comments, I'd like to express support of the DEIS conclusion that transportation of used nuclear fuel to the ISP's proposed CISF would have a minimal impact on the health and safety of the public.

So, design of packages such as transport casks engineered for the shipment of radioactive materials is regulated by an extensive set of criteria and requirements that have been in place since the inception of the regulation for transportation of radioactive material in the 1950s.

The NRC rulemaking process for this regulation, being 10 CFR Part 71, the "Packaging and Transportation of Radioactive Materials," has continued to evolve since that time to be consistent with the international safety requirements for

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radioactive material transport that have been adopted by numerous United Nations Member States.

The goal of these regulations is to ensure the health and safety of the public during transportation of radioactive materials in the general commerce. The NRC, in addition, works closely with the U.S. Department of Transportation to ensure that these goals are met.

And the package approval process involves years of design and testing that are well-documented in safety analysis reports and submitted to the NRC for review. The NRC review is an in-depth verification of those designs to ensure that they meet all requirements in the 10 CFR Part 71.

The design criteria for radioactive material packages are based on a risk-informed set of requirements that ensure the package securely contains the radioactive material during incident-free, routine operations, normal transport, and accident conditions.

The performance criteria reasonably assure the safety of the package for all modes of transportation, include road, rail, vessel, and air transport. These criteria include realistic environmental and physical tests to demonstrate that the package design contains the radioactive contents during extreme temperatures,

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exposure or submergence in water, and significant impacts as a result of mishandling or accidents.

Prior to every shipment, the performance of a package is verified to conform to the conditions of approval, as issued by the NRC. Changes to the package design or contents that are not previously approved by the NRC require additional design analysis and testing and must be reviewed and approved by the NRC prior to the use of the package. Each user of an NRC-approved package is required to have the knowledge of the package design, the operating instructions, and the maintenance instructions, and in addition, have an NRC-approved quality assurance program.

Transportation of radioactive material packages, in fact, comprises only a small fraction of the total shipments of hazardous materials. And many of these other hazardous materials have a far greater risk profile to the public and the environment than transporting radioactive materials.

Risk-informed regulations specify the performance criteria for the radioactive materials packages and provide the reasonable assurance of minimizing the likelihood of an accident and mitigating the consequences of an accident during transport.

Incidents and accidents involving

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packages for commercial nuclear energy materials have, indeed, occurred, and there's never been an event where the health and safety of the public was compromised.

Even when an accident exceeded the design criteria for the package design, the conservative design criteria and robust manufacturing controls ensure the package and design that protect it for the public and the environment.

In conclusion, just let me summarize with two statements what I have told you from my experience inside the radioactive materials industry.

The excellent safety records for the shipment of used nuclear fuel and other commercial nuclear energy radioactive materials demonstrates reliable performance with negligible impact on the safety of the public or the environment.

And second, transportation package development is constantly improving through the use of advanced materials and designs; enhanced simulation capabilities to be able to predict the package performance; design and testing that goes far beyond the minimum regulatory requirements, and evolving regulations that continue to be risk-informed and based on decades of experience in the U.S. and other countries.

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That's the end of my comments.

MR. CAMERON: Thank you. Thank you, Peter, for that perspective. Thank you very much.

And, Vanessa, could we go to Bridget?

OPERATOR: Yes.

Bridget Goldstein, your line is open.

MS. GOLDSTEIN: Hello. My name is Bridget Goldstein. I am a private citizen of Palo Pinto County, specifically, Mineral Wells, and I have a couple of things that I would like to comment on.

First off is the safety and security of the whole plan. According to my research, radioactive waste should be stored far from the human population.

This proposal not only goes through highly populated areas of Texas, but they are also stored aboveground in the Permian Basin, where concentrated energy resources such as oil and wind energy are sourced.

I agree that, in and of itself, is a major, major problem. I mean, we have radioactive material that is supposed to be stored underground, and it is being stored aboveground in casks that we cannot confirm are safe.

I agree with Smitty regarding that not only the transportation lines, but also the site would be a target of terrorists, again, especially as the casks

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will be stored aboveground.

Further, along the line of transportation, I may have missed it, but I didn't see any improvements in the plan for the railway system. Here in Palo Pinto County I have seen the railways and I don't know that they could handle the weight, the sheer weight, of the radioactive material.

Also, the lines will most likely go through small cities in Palo Pinto County such as Strawn and Gordon. These lines go through the middle of these towns, and any accident, which is why they are called accidents -- we can't confirm or predict them -- any accidents will remove these towns, and more importantly, the people in it, some of which are my personal friends, entirely from the map.

Last, I would like to remind everyone of the west Texas fertilizer plant explosion in 2013. This area still has not recovered seven years later.

Now that was an explosion on the ground. This would be an accident in the air, and it would be devastating.

I am against this coming to Texas. And further, I am against it going through my county.

Thank you very much for your time.

MR. CAMERON: Okay. Thank you, Bridget.

Thank you very much.

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And, Vanessa, who is next?

OPERATOR: The next question comes from Rob McCullum.

Your line is now open.

MR. McCULLUM: Thank you, Chip, and thank you, Vanessa.

My name is Rob McCullum. I work for the Nuclear Energy Institute. I have been involved in the safe storage of used nuclear fuel for the last 22 years. I've seen a lot.

When Congress enacted the National Environmental Policy Act in 1969, it sought the balance of enjoyable harmony between man and his environment. The Draft Environmental Impact Statement being considered today faithfully carries out that intent.

What is in the dry cask storage systems proposed to be located in Andrews County, Texas, are the byproducts of the nation's largest and most reliable form of carbon-free energy. Nuclear energy enables man to live in harmony with our environment by providing 55 percent of the nation's carbon-free electricity. In 2019, 9 of the 10 most productive U.S. power plants were nuclear reactors. That didn't always used to be the case, but several large coal plants have recently gone offline.

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Nuclear energy is helping the world become a cleaner, more environmentally-sound place. And this proposed facility will help nuclear energy continue to do that by providing a more efficient means of storing these radioactive byproducts until permanent disposal can be developed.

This fact is appropriately recognized in the EIS, which compared the cost of the proposed facility to the no-action alternative of leaving these materials across 73 sites across the country, some of these shutdown nuclear plants where the only purpose of the site is to store the materials, and concluded in all cases, for the proposed action, the no-action alternative costs exceeded the proposed action costs.

More importantly, the proposed facility will accomplish its important national mission without harming either the local environment or economy. The EIS found all environmental impacts to be small or short-lived, except for local finance where the impacts are found to be moderate and beneficial throughout the life of the facility.

This is consistent with industry's experience operating 73 similar storage sites over the past 35 years. There has never been any harmful release of radiation from these systems. They confine

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a solid ceramic material behind multiple barriers in an inert environment absent of any energy source that could drive a release. In the communities where these systems are stored, local business and industries have continued to operate undisturbed for decades, even when the materials are transported between sites, as Mark Richter explained in your October 1st meeting.

The proposed facility is a 330-acre facility that will have no adverse effect on the other 960,000 acres in Andrews County and will economically benefit many of the County's residents and small businesses.

Finally, I would like to commend the NRC for its diligent effort to provide multiple opportunities for public comment in the midst of this difficult pandemic. To keep the hospitals running for the sick and the lights on for millions of Americans working from home, the nuclear industry has safely refueled 30 reactors this spring while protecting the health of our workers, just as the NRC is protecting everyone's health in the manner they're conducting this proceeding.

The fuel we discharge eventually finds its way to the dry cask storage systems intended to be stored in the proposed facility. While fighting to

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overcome this pandemic amidst growing concerns about climate change, our nation needs carbon-free nuclear energy more than ever.

I won't say a lot about climate change.

I just want to enter into the record mention or reference to the October 4th edition of "60 Minutes" on CBS, which had a very compelling story about the urgency of this situation.

Now is not the time to delay providing better ways to store the safely-contained radioactive byproducts of this extraordinary, clean power source.

As this EIS demonstrates, it can be done, and it can be done at the proposed facility in a safe and environmentally-sound manner. Man living in harmony with his environment, indeed.

Thank you.

MR. CAMERON: Okay. Thank you, Rod.

Thank you.

Vanessa, who do we have next?

OPERATOR: The next comment comes from Wally Taylor.

Your line is now open.

MR. TAYLOR: Thank you.

I'm an attorney representing the Sierra Club. And we have over 27,000 members in Texas, and

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we also have members in New Mexico who live right across the line from the proposed CIS facility. So, our members are directly affected by this proposed project. You've already heard from a couple of them.

But there are two significant issues I want to address regarding the DEIS. The first is the review of alternatives in the document. NEPA is clear that the agency that's doing the EIS -- in this case, the NRC -- must evaluate all reasonable alternatives and make a thorough and reasonable evaluation.

What the Draft EIS in this case did was reject an alternative called hardened onsite storage, or HOSS for short. They rejected it because it is allegedly a generalized concept, according to them, and the NRC has not reviewed detailed plans. But HOSS has been a well-described plan since at least 2003.

There have been numerous reports and studies examining HOSS and determining that it's a valid alternative.

And HOSS is not a complex idea. It consists of a dry storage module placed on a concrete pad surrounded by a conical mound of dirt, gravel, and rocks, and sealed on top with a steel or concrete cap.

And this facility would be near or on the site of an existing reactor. So, it wouldn't have to be transported. You wouldn't have these thousands and

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thousands of tons of waste being moved across the country that you've already heard concerns about.

So, the NRC has had plenty of time and ability to review and analyze the practicality of HOSS.

Furthermore, Sierra Club presented HOSS as an alternative that should be considered in our petition to intervene in the NRC proceedings back in 2018.

But the NRC claimed it has not reviewed and that HOSS is, therefore, not a viable alternative.

That's a problem of the NRC's own making. NEPA requires the agency to make a thorough review of alternatives. In this case, that would mean the NRC should undertake a review of HOSS, which they have not done and which they could have done. An alternative can be rejected, according to the courts, only if the agency can give plausible reasons for a rejection. And the NRC has not done that.

The DEIS also claims that HOSS was rejected as an alternative because it would not satisfy the purpose and need for the project. In other words, only a CIS facility will satisfy the purpose and need, as expressed in the DEIS. But the purpose and need statement cannot be defined so narrowly that only one alternative will satisfy it. The courts have been clear on that.

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The real purpose and need for this project is to accommodate long-term storage of nuclear waste, and HOSS can accomplish that purpose. As the DEIS itself says, the purpose of the proposed site is to provide an option for storing spent nuclear fuel from nuclear power reactors before a permanent repository is available. There is nothing in that statement that demands that the storage be away from the reactor site.

And, in fact, the NRC's own container storage rule found that spent nuclear fuel can be stored indefinitely at the reactor site. So, in order to avoid all the problems that others have mentioned, which this could very well be a permanent repository without the protections of a permanent repository, the DEIS must give a hard look at the alternative of HOSS.

The other issue I want to address is the potential for earthquakes at the site of the proposed facility. The DEIS minimizes, if not, in fact, ignores or, essentially, says there is no problem with earthquakes. But there's a public study conducted by scientists at the University of Texas and Southern Methodist University in 2016 showing the increased incident of earthquakes induced by the fossil fuel extraction in the area of the proposed facility. Drilling for oil and natural gas has only increased

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since that study was published in and around the site of the proposed CIS project.

At the Licensing Board proceeding, we indicated with maps how significant the oil and gas exploration is in the area and how much increase in the last few years. And this procedure that the oil and gas industry uses now called fracking forces pipes and material underground to essentially explode the shale underneath to release the oil and gas that's trapped in that shale. And all of that increases the potential for earthquakes.

A more recent study in 2018-2019 by Stanford University researchers documented the existence of prior earthquakes in west Texas and, more importantly, the existence of numerous faults in the area in and around the proposed ISP site. And these are faults that weren't there before.

The problem with the DEIS is, in Section 3.4.5 of the report, they simply looked at recorded earthquakes from 1973 to January 2015. So, all of the more recent reports that we've presented, all of the more significant oil and gas exploration that's causing induced earthquakes, was totally ignored because the DEIS stops at January 2015. And they talk about the closest faults being quite a ways away, but that ignores

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this recent Stanford study that shows the more recent faults very close and in the area of the proposed facility.

Finally, the earthquakes, as Mr. Park mentioned in the introduction, what the DEIS is looking at is the potential for earthquakes caused by the CIS facility, but that's evading the real issue, which is earthquakes from the other external activities, primarily the oil and gas exploration, that would cause earthquakes that would impact the CIS facility. So, the DEIS gets it exactly backwards, hopefully, not intentionally. But the earthquake potential needs to be more thoroughly and accurately assessed.

So, those conclude my comments. Thank you.

MR. CAMERON: Okay. Thank you for those comments, Wally, including the reminder about the UT and SMU study and, also, the 2018 Stanford study. Thank you.

Vanessa, who do we have next?

OPERATOR: Hi. Yes. Rose Gardner, followed by Karen Hadden, Marie Inowei (phonetic), and David McCoy. Thank you.

MR. GARDNER: Hi. This is Rose Garner.

MR. CAMERON: Hi, Rose.

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MR. GARDNER: Hey, Chip, how are you?

MR. CAMERON: Good, thank you.

MR. GARDNER: I'm calling from New Mexico. Great. And I just have a couple of comments today, and then, I'll read a statement at the end.

Excuse me for my voice. I have a cold and I'm standing by for notice to see how my COVID test comes back.

Let's see here. First of all, I live in Eunice, where this community is closest to the Waste Control Specialists' site. It's about 4 miles from my house. Every shipment of waste, approximately 3400 shipments will travel through my town to go to the site.

I'd like to add that the gentleman that said that nuclear energy is so clean, then why are we having this discussion today? Why is this high-level nuclear waste the agenda for today? Because they want to ship it and bring it to where I live. So, please, let's not use statements like "reasonable safety" and other comments like that in dealing with this issue that is so dangerous.

Let's see. I'm asking for an in-person meeting, certainly after the pandemic clears up safely.

I'm asking for a no-action alternative since, apparently, the already-discussed HOSS issue is not

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an alternative. It sounds awful strange that the common-sense stuff is left out, but you want to truck this stuff or train this stuff right to my house.

Please deny the license to Waste Control Specialists/Interim Storage Partners. The Areva and Orano organizations don't sound like they have my interest at heart.

I certainly agree with the comments of previous individuals such as Dr. Terry Burns, Adrian Shelley, Tom Smith, Lon Burnam, and many others that are standing in opposition to the waste coming to my home.

Also, I'm going to conclude my comments for now and make a statement. This statement comes from Jessica Gardner-Harper. She is my daughter and presently can't be on the phone. She's at the school teaching. She is a member of the Eunice City Council and a lifelong resident of Eunice, New Mexico, which is the closest community to the site.

She said to tell you she stands in opposition to the Waste Control Specialists/Interim Storage Partners' plant due to its proximity and dangerous activities.

Thank you, everybody. Have a good day.

MR. CAMERON: Okay. Thank you, Rose, for

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your comments and for Jessica's comments. And I hope you feel better.

Vanessa, who do we have next?

OPERATOR: Karen Hadden, your line is open.

MR. CAMERON: Okay, Karen.

MS. HADDEN: Hi. This is Karen Hadden with SEED Coalition, and I'd like to join Chip in wishing Rose good health. We're thinking of you, Rose.

And I'd like to start today by pointing out that the NRC website announcing today's meeting was not an active link for most of the last three days.

I tried it repeatedly. It didn't work. It didn't work even this morning. Just before the meeting, I tried it one more time and it finally came back online.

I consider that this meeting is not adequately announced in terms of public notice, and I question the legality of this meeting and, also, this whole entire process, which should not be in motion due to the illegal nature of consolidated interim storage into the Nuclear Waste Policy Act.

I would like to request information on how many participants are in these meetings.

I'm protesting the fact that so many comments are out of scope, such as canister design,

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monitoring, and handling because these are all key to the safety of this facility.

And I am going to ask one more time, and will ask one more time in writing, about how and when the public will be able to comment on the safety analysis report, when the final safety analysis report will be available, and in what form and shape we can comment on either it or the safety analysis, in whatever form it might be.

I'd like to reiterate my overall concerns that I've addressed before: the illegality of the facility and the process; environmental justice impacts; health, safety, and economic risks; protect us and the nation; the risk of floods, tornados, and that HOSS should have been analyzed and was not. There are concerns that remain about leaks, accidents, and sabotage posed at the site and in terms of transportation.

In your slides, you mentioned that CISF construction would not affect groundwater due to the facility design and depth to groundwater. I do not understand how that conclusion was reached. If there's 330 acres for the CISF, much of which will be paved, how much -- I mean, where is the analysis of the runoff? The environmental impacts show that there

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would be increased flooding as a possibility in terms of climate change. And so, what about that water? And it does, in fact, recharge the Dockum on the eastern edge of the site and the sandstone features. So, while that Dockum might be 225 feet below the site, it does recharge.

There are sinkholes and karst features in the gypsum, which is common in Permian Basin, which allows a pathway for migration of radionuclides on a routine basis. And this is discussed in the groundwater resources section. If radionuclides became aerosolized through cracks or fissures, certainly these could move into waterways.

There's a temporary wetland just east of the site, and that is too close. If it gets wetter, where is the analysis of how much flooding would result in water flooding into the site? Baker Springs is about 6 miles from the site. That spring, they were used by the ranch that was at the site historically.

There is a lot of water at this site.

The Dockum is used as replacement for, or in combination with, water from the Ogallala Aquifer for irrigation, stock, municipal water, oil field water, for flooding operations, and in the absence of recharge, there could be a net loss to the Dockum.

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And there's withdrawal by wells and seepage. But all of this can change, depending on climate conditions and how much is pumped. WCS is using 1 million gallons of non-potable water from the Santa Rosa formation of the Dockum Aquifer. So, clearly, there's water there.

It's being used for fire water tanks and for processing operations and dust suppression. The Antlers Aquifer below this site is also used for stock watering, domestic use, irrigation, municipal use. So, if this water gets contaminated, we have many problems in addition to possibilities of Ogallala contamination.

You would think climate change would be a massive portion of a 484-page report. You know, maybe 30-50 pages. Well, on page 155, there is Section 3.7.1.1 called "Climate Change." That section consists of 23 lines. It discusses increasing temperatures, which could have already increased by 1.5 degrees Fahrenheit for the region, and could go up from 4 to 8 degrees of increase by mid-century for this region. I'm wondering, where is the DEIS analysis of how that increase in temperature might impact casks, canisters, and the cement used around these canisters.

The precipitation has increased so far compared to the baseline time period of 1901 to 1960, but the latter part of the century it's predicted to

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decrease, but first to increase. So, the overall impact for the area were including extreme precipitation events. That would be flooding included. So, what are the impacts there? There is inadequate analysis in the DEIS of what this really means.

Extreme heat events, drought intensity, and increase in the severity, frequency, and extent of wildfires. And I'd like to point out there has been a wildfire already that swept past the southern border of this site going from west to east, fueled by strong winds. If we had even stronger winds and the hotter wildfires, what happens if it actually goes across the site? Where is the analysis of these types of events?

It is sorely lacking. The DEIS is very, very inadequate and not a realistic picture. It's a compilation of data, much of it incomplete, from which, all of a sudden, unrelated conclusions are jumped to without scientific analysis. So, it needs to be done over.

I want to say that I remain opposed to this site, and along with the many other speakers on this call, we do not want this dangerous waste in Texas.

And we call on the NRC to halt the licensing and halt this procedure.

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MR. CAMERON: Thank you, Karen.

Vanessa, is Marie next?

OPERATOR: Yes. Marie Inowei, your line is open.

MS. INOWEI: My name is Marie Inowei. I'm a resident of New York City. I used to live in Austin, Texas for a couple of years when I was a student of the UT Austin. So, I consider this plan personal.

First of all, although I appreciate an opportunity to speak today, this web hearing is a limited hearing with a complicated process which limits local people to fully participate. Also, we live in the midst of the COVID-19 pandemic, when so many people are struggling with personal issues, such as losing jobs, kids traveling to schools, or have family members who are going through emotional and physical health issues, and so on. So, there should be in-person, post-COVID public hearings where local community members can participate and ask questions and share their comments.

And today, I called in in solidarity with other concerned citizens who raise serious concerns on this project. I wanted to share my opposition to the plan to issue a license to construct and operate CISF for spent nuclear fuel in Andrews County, Texas

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because construction of such facility would be egregious violations of human rights and environmental justice.

There is a tendency here in the United States that hazardous waste is stored in predominantly indigenous Black or Latino communities. And accordingly, children, minorities, indigenous communities, low-income communities are disproportionately exposed to a high level of toxic substances such as radioactive material.

According to the U.S. Census, more than 56 percent is Hispanic or Latino in Andrews County, Texas, and more than 60 percent of Hispanic or Latino in Lea County, New Mexico, which is right next to Andrews County across the Texas border. And communities of color should not bear a disproportionate share of negative environmental consequences resulting from nuclear policies promoted by companies, the nuclear industry, and the government.

I also strongly oppose to transport highly-radioactive spent fuel across the country, regardless of methods, either by railroad or barge.

Drivers who will be transporting highly-radioactive spent fuel will be exposed to a high level of radiation while they are driving long distance across the

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country. And since transportation routes would go through many major U.S. cities, you will be putting hundreds of millions of people at risk for radiation exposure, even from routine emissions from dry casks.

And in Germany or in Switzerland, they construct indoor interim storage sites, but not here in the United States. And I strongly suggest to consider having the dry cask storage facility not left in the outdoor space, but indoors, like Europeans do.

So that, in case of a radiological incident such as accident or explosion, radioactive material could be contained if it's indoors, or at least have some time for local people to evacuate.

And finally, it is important for all of us to learn lessons from Fukushima nuclear disaster in Japan. That happened in March 2011. Before the Fukushima nuclear disaster, the nuclear industry said that a nuclear facility is safe, and they take low-income and rural areas to construct nuclear facilities. And the nuclear industry of the United States played an important role in promoting nuclear energy there in Japan, and GE manufactured nuclear reactors of the triple nuclear power plants in Fukushima. So, the government, companies, and nuclear industry, and so-called experts, they all repeated that

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nuclear accident would never happen, but they were wrong.

And after the nuclear accident in Fukushima, approximately 165,000 residents were forced to evacuate at one point from the communities surrounding the crippled nuclear facility due to the radiological contamination and tens of thousands remain displaced. And nearly 300 Fukushima children are already diagnosed or suspected with having thyroid cancer, which is an alarming rate when thyroid cancer was considered very rare among children before the accident.

And after the accident, the government raised the permissible radiation level for the general public and they even relaxed the food safety standard in such a way that even the low-level radioactive waste could be considered safe to give to pregnant women or to children. And that could happen here in the U.S. if there is an accident here.

Radiological contamination also negatively impacted the local people resulting in family separation, anxiety and depression, sometimes divorce, kids bullied in school because they evacuated from contaminated zones, and some farmers even committed suicide because their lands were

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contaminated and they lost their hope.

So, a large-scale nuclear accident would disproportionately affect people with limited resources, women, and children. So, I hope that the NRC staff will listen to the concerns of the public very seriously.

Thank you so much.

MR. CAMERON: Thank you, Marie.

Is David McCoy on next, Vanessa?

OPERATOR: Yes. David McCoy, followed by Tanya, and then, Steve. Thank you.

MR. McCOY: Hello.

MR. CAMERON: Hello, David.

MR. McCOY: Yes, this is David McCoy. I'm a Director for Citizen Action New Mexico. I've been an attorney for a long time involved in nuclear waste matters.

And I would like to point out some of the larger problems with this DEIS from a legal perspective. And I agree with the other speakers who have spoken about actual problems with earthquakes and the transport of the waste, and that sort of thing.

First of all, the scoping for this DEIS is way too limited. It hasn't considered connected actions, which means that it's closely related and,

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therefore, should be discussed in the same impact statement. Actions are connected if they trigger other actions that require Environmental Impact Statements. And these requirements are listed under 40 CFR Section 1508.25.

What you've got here is, basically, two proposed interim storage facilities that are only 40 miles from each other. And your DEISs for each one act as if they are happening in a vacuum by themselves; whereas, they are actually intertwined and part of a larger action with similar goals. So, you need to discuss in both DEISs the same problems and the sufficiency of the alternatives, the problems that can occur from these two cumulative actions that both can have significant impacts, and they should be discussed in the same impact statement. So, what I'm getting at is you don't have any kind of programmatic impact statement for both of these actions happening.

One of the problems that has been repeatedly raised is that the storage period can encompass 120 years. Well, if that's the case, then you need to consider the siting of these two locations from the standpoint that perhaps they won't be able to move the waste in total from these two sites because of problems with canisters or transportation, or

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whatever other problems may arise.

So, what needs to be looked at is, what is the value of these two sites for permanent storage, for permanent repositories? Now you haven't examined that, but that's the reality that you're trying to impose on New Mexico and on Texas. And you know it.

It's obvious to everybody, except the NRC doesn't want to address that situation.

The situation that the Governor, legislators, congressional delegates, regulatory agencies, and the public, and tribes are in complete opposition to this doesn't get addressed.

The DEIS statements of small impacts rely on the lack of any safety analysis review that should consider criticality and hydrogen explosions. Everybody is left in the dark because you're going to do your safety evaluation separately. So, you think it's not necessary to consider the problems that can result from two waste facilities that are merely 40 miles apart from each other. So, there's no cumulative impacts of operations of these two CISFs being set forth for the aquifers and other impacts that can occur. The amplified environmental justice impacts are not considered from the two CISFs.

Also, I'm not so sure that you're meeting

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environmental standards when it comes to equal protection of the public by establishing these two locations. The analyses of these DEISs are basically segmented, and that's not supposed to be the case. You need to consider all of the environmental impacts for both of these facilities simultaneously.

One of the things that the NRC has done to avoid especially looking at the alternative picture is that they have determined that there's out-of-scope issues. And in my view, those out-of-scope issues identified are essential to an EIS -- the concerns associated with the Yucca Mountain licensing proceeding and national progress in developing a permanent repository; the legacy issues from prior nuclear activities not in the vicinity of the proposed project, and the site-specific issues at other facilities.

I mean, your alternative, you say, well, we're looking at the no-action alternative. No, you haven't really discussed the no-action alternative from the standpoint of how long can you conduct storage at those facilities without the necessity of transport.

So what if the land is tied up for 120 years. You know, those kind of decisions were made at the outset of establishing the nuclear reactor sites.

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So, the fact that the storage may take place at those facilities may be considered very minimal land use impact when it comes to considering the alternatives of shipping this stuff across the United States once, storing it for 120 years, and then, having to go through the same operation again to another repository. This thing is just prohibitively expensive, and you're not considering the full scope of the environmental impacts that would be generated by the no-action alternative versus the CISF facilities.

So, another issue is, you know, WCS has --

MR. CAMERON: David, I'm going to have to ask you to finish up. I'm sorry.

MR. McCOY: Okay. Well, I'm sorry, too.

One other thing I want to mention is that the WCS has pretty shaky finances. They've been back and forth about that.

So, all in all, you need to do an impact statement for both of these that reflects the problems that can occur for both simultaneously.

Thank you.

MR. CAMERON: Okay. Thank you. Thank you, David, for raising those issues.

And, Vanessa, who is next?

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OPERATOR: Tanya, your line is open.

MS. KLEUSKENS: Hello. My name is Tanya Kleuskens. Thank you for this opportunity to speak.

I'm also wanting to let you know that I appreciate the ease of speaking with you all through this virtual meeting, although I'm acutely aware that this may not be the experience of many people living in the Permian Basin region, especially those without access to the internet and home phones. And this could be true along the transportation routes and other affected areas as well.

This is why I'm joining others in asking you to please extend the comment period. It is vital for allowing for regional meetings to be conducted beyond this time of social distancing, and it will also allow the NRC to meet federal, social, and environmental justice requirements.

There is certainly a whole host of issues that are important to address -- transportation, water, the casks that are used, the impacts on the community.

But the thing that I would like to focus on now is the lack of political infrastructure to be able to support and pull off such a licensing.

I want to make note that, in 1982, when the Nuclear Waste Policy Act was first passed, I lived

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in a county that was on the short list for a geologic repository. Those responsible for that program at that time were also very surprised to find the incompatibility of that program with long-established, multilayered, functioning economies of the area; hydrologic and geologic issues that were not anticipated, and political issues that were insurmountable. It was the impasse of all of those things that interrupted the siting process in 1987.

And it was from that firsthand view that I saw what these kinds of issues do to communities, how they are divided, both personally and within families, and that it takes years. In my observation, in the community that I live in, it was at least 20 before many of those wounds were healing and people were able to move on beyond this.

But that issue set aside, this is what's led to my 30-year observation of proposals and attempts to find storage for spent nuclear fuel and high-level nuclear waste. And from that perspective, I am acutely aware, as you are, that this proposal and licensing is not supported currently by the Nuclear Waste Policy Act.

That is very recognizable, as I start to look at the sections of the Draft Environmental Impact

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Statement that deal with oversight and funding. In the sections about the Department of Energy and the Texas Commission on Environmental Quality's oversight, there is little discussion about the details of how this would happen. And in reference to the Texas Commission on Environmental Quality, there is no evidence of response.

And so, as I've started to notice that these things were missing, I began looking at the references and going back through the documents. But what I did find, when I got into Section 5 just above the summary, was that there is one statement in the DEIS, and I quote, "However, DOE's publication of these documents is not a decision on the greater-than-Class-C disposal. Under the Energy Policy Act of 2005, both DOE and Congress would require additional actions."

And then, you continue to say that the NRC's actions regarding review of the TCEQ request and determination regarding greater-than-Class C are ongoing. This let me know that you are very much aware that there is not the political and financial infrastructure for laying out the roles of these regulating organizations.

In order for TCEQ to have some purview over radioactive waste, they are completely dependent on

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there being a process for state oversight and funding, which includes liability, regulation laid out in federal law, and state agreement from the Governor and the State Legislature.

I think that knowing this poorly supports the Environmental Impact Statement, the draft, and that it lets us know that it needs to be redone in a manner that has all of the support systems which include funding for these oversight and regulatory agencies and exactly how that would work, including emergency response.

It was noted -- I don't remember the section -- in the DEIS that environmental accident response would be dependent upon local emergency response personnel, and that the best that could be offered in this document was that they might be in line for some federal funding or some smaller grants that would help them with the equipment and the training that they needed. But, for an undertaking of this nature, moving 40,000 tons of nuclear reactor waste across the country, there certainly needs to be a better support system and a better plan for emergency response.

I especially noted that, in the opening -- and this is what took me down this track

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of thought -- is that, in the opening pages, it is mentioned three times that the reasoning and the interpreted need for interim storage is, quote, "so the land at these sites," meaning the reactor sites, "is available for other uses." I did sit and think about this for some time and believe that the DEIS needs complete explanation about what these other uses could possibly be. After decades of reactors and nuclear waste sitting at these sites, what possible other uses could be so demanding that we're willing as a country to move this 40,000 tons of nuclear waste around, traveling through major cities, only to be moving it again in 40 years, if that's even possible?

For all of the reasons above, and especially with my experience with the program, I believe that your reported projection of the Department of Energy having a repository, a deep geologic repository, by 2048 is very unrealistic. Please remember that the Nuclear Waste Policy Act was discussed and debated for 20 years before passed in 1982. Now it has been 34 more years since it was amended to exclude all but Nevada. We're talking 54 years just to get to this conversation.

Transporting this spent nuclear fuel to the Waste Control Specialists' site is not directly

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supported by the Nuclear Waste Policy Act and any political infrastructure that would finance and make available for oversight and regulation this attempt at a decision for licensing. And licensing before any congressional action and funding is, quite frankly, very legally reckless.

And I'm going to --

MR. CAMERON: Tanya, I'm going to have to ask you to finish.

MS. KLEUSKENS: Yes, I am very finished. Thank you very much.

I just want to say that I do support the Sierra Club's recommendation for handling of high-level nuclear waste. Back 30 years ago, mostly, it was referred to as onsite dry cask storage, and now, the term HOSS is used, which I think is a much preferable alternative.

Thank you very much.

MR. CAMERON: Okay. You're obviously very knowledgeable about this, and that was an intriguing comment about the lack of a political infrastructure. So, thank you for those comments.

And, Vanessa, who do we have next?

OPERATOR: Steve Poole, your line is open.

MR. POOLE: Hi. Sorry. My name is Steve

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Poole. I live in Austin, Texas. Sorry, allergies.

I oppose Interim Storage Partners' plan to transport and store dangerous high level nuclear waste in Andrews County, Texas.

This is an environmentally unjust plan and would target a largely Latina region of the country with the deadliest nuclear waste.

Also the region is unsuitable for storing nuclear waste because it's prone to earthquakes, sink holes, temperature extremes, wildfires, intense storms and flooding. And the hydrology of the site is uncertain.

The NRC has ignored many key health and safety issues raised in thousands of comments and many legal contentions, many of which were backed by expert testimony and the inadequate DEIS shows that the NRC is still not addressing these concerns.

Some of the concerns which have not been addressed include threats of terrorism, including attacks by drones and transportation routes were not designated and accident risks have been artificially minimized.

The DEIS fails to adequately analyze cumulative impacts of the proposed facility and the storage sites on workers, local people and the

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environment and the risk of creating a dangerous de facto permanent site in moving nuclear waste across the country were not included.

So I think that nuclear waste should be stored in permanent storage sites that are as close as possible to the sites creating the nuclear waste.

So using permanent storage sites like this designed for long-term storage would mitigate the risk of accidental release of nuclear material and also using nearby storage sites would mitigate the risk of long distance transport.

All right. Thank you so much.

MR. CAMERON: Okay, thank you. Thank you, Steve. Vanessa, can you put the next speaker on?

OPERATOR: Yes. We show no further questions at this time. As a reminder, please press star 1 to ask a question.

MR. CAMERON: And we'll give this a few minutes to see if we get anybody else since we're still within our time. So just let us know, Vanessa.

OPERATOR: Kevin, your line is open.

MR. KAMPS: Thank you so much. Hello? Can you hear me?

MR. CAMERON: Yes. Yes, we can, Kevin.

MR. KAMPS: Thanks, Chip. My name is

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Kevin Kamps. And I serve as Radioactive Waste Specialist at Beyond Nuclear and a board member of Don't Waste Michigan.

And I would like to associate myself with the comments made on October 1 and today thus far by 46 opponents to this proposed dump.

And regarding the six dump supporters who have spoken, all of whom are industry representatives, I just wanted to quote Upton Sinclair. And the quote is, "It is difficult to get a man to understand something when his salary depends on his not understanding it."

Now I would point out that the vast majority of the 46 opponents to the dump are volunteer, entirely volunteer. A small number of folks who oppose the dump are paid for their activism.

So I would like to touch on a number of different subject matter areas today with the heads-up to NRC that I will be following up with more comprehensive written statements about the subjects by the November 3 deadline.

The first thing I'd like to touch on is the Ogallala Aquifer. Even during the introductory slide show, the NRC admits that the Ogallala comes within a mile or so of the proposed dump.

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And the name is interesting in and of itself. So the Ogallala stretches from West Texas to South Dakota. In fact, it's named after the Oglala Lakota Nation of South Dakota.

And as became a popular meme in 2016 during the Standing Rock Sioux resistance to the Dakota access oil pipeline, the phrase Mní Wičóni, water is life in Oglala language, became known by millions of people across the United States and around the world. Water is life.

And the Ogallala is one of those national even continental even planetary treasures that should not be put at risk. And it has already been put at risk by the Waste Control Specialists so-called low level national radioactive waste dump taking Class A, Class B and Class C low level so-called radioactive wastes from most states, disposing of it above or very near the Ogallala. Also storing at this point Greater than Class C so-called low level but highly radioactive wastes, and there is a proposal to dump that there, too.

And now icing on the cake, proposing to bring in 40,000 metric tons of irradiated nuclear fuel, highly radioactive waste.

This is all putting the Ogallala and has

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been mentioned today other aquifers' precious, irreplaceable freshwater resources at very high risk, especially over long periods of time as any containers simply degrade and fail and release their contents into the environment.

So that is objectionable and is reason enough to not allow this proposed dump to go forward.

Another area I would like to touch on is just the disparity even between the Holtec CISF proposal proceedings and these ISP ones.

So just right now there are four of these call-in meetings planned for ISP. That is two less than the Holtec proceeding allowed by NRC. Those were all call-ins as well.

But I'd even like to go back to 2018 and before on the environmental scoping stage of these proceedings. In that case, incredibly the ISP proposal got a single in-person public meeting in Texas that was in Andrews. Yes, there was another in-person meeting held in Hobbs, New Mexico. But there was only one meeting held in Texas.

By contrast the Holtec environmental scoping stage got six in-person public meetings in New Mexico and another one was held from NRC headquarters in Maryland. As you can see, there is a disparity

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between these proceedings and that doesn't make a lot of sense.

Another aspect of the scoping stage in ISP was the very short notice that was given for even the in-person meetings in Texas and New Mexico and then an incredibly short notice on the headquarters meeting. Something like two days' notice was given.

So it was nearly impossible for people to respond to such short notice. So there's been a disparity that needs to be rectified between these proceedings.

I'd also like to express my protest at this proceeding taking place at all right now. For one thing as has been mentioned as is the heart of Beyond Nuclear's legal case now before the second highest court in the land on Holtec and probably soon to be joined by this ISP proceeding, this proposal is illegal on its face. It's a violation of the Nuclear Waste Policy Act of 1982, as amended. It also violates the Administrative Procedure Act. We've been raising that objection since 2016 if not longer.

So these proceedings should not be taking place. They should certainly not be taking place amidst a highly contagious deadly national pandemic emergency.

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And I would like to point out that in the U.S. House of Representatives, 14 Democratic Committee chairs wrote to the White House Office of Management and Budget in April as did 25 Democratic U.S. Senators, including Kamala Harris, who is now running for Vice President, calling on the executive branch to suspend any public participation proceedings, be they licensing proceedings, public comment proceedings, especially under the National Environmental Policy Act. That all fell on deaf ears.

Later, an 80 group coalition of environmental groups spearheaded by NIRS asked the NRC to suspend all public participation proceedings, licensing proceedings, public comment proceedings. That was disregarded by the NRC obviously.

And specifically in this proceeding itself on July 8, a coalition of 60 environmental groups wrote to the NRC asking for this proceeding to be suspended.

And obviously that has not happened.

So as the U.S. Senators from New Mexico pointed out in communications with the NRC, you know, if you want to hold these call-in sessions, that's great.

But that does not do away with the need to hold in-person public comment meetings once it is

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safe to do so, once there is an effective safe and universally available vaccine and the COVID-19 pandemic emergency is over. So you still need to hold these in-person meetings.

And as our coalition in July asked for, as we did in the Holtec proceeding as well, those in-person meetings have to take place in the transportation corridor communities.

So on this ISP proposal, we asked for a dozen additional in-person public comment meetings in a dozen states outside of Texas and New Mexico just like we got at the DEIS stage from the U.S. Department of Energy on the Yucca Mountain proposal 20 years ago.

That's all we're asking for is equivalent treatment by the Nuclear Regulatory Commission.

And so regarding that question of transportation impacts, I would just like to point as your ISP DEIS acknowledges, this CISF facility would be located 0.37 miles from the New Mexico state line.

As Rose Gardner testified today, she lives four miles from the facility. In fact, Eunice is much closer than Andrews. Andrews is about 35 miles away.

The water of this site flows back into New Mexico as has been made clear by Waste Control Specialists needing a New Mexico Environment

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Department permit to allow for such water discharges.

So my point here is that, as Rose said, every single shipment, 3,400 giant rail casks, would pass through Eunice, New Mexico, on the way to the ISP CISF.

So in that sense the environmental justice impacts of ISP, which happens to be located a third of a mile into Texas, has to take into consideration all of the environmental justice impacts that have been brought up in the Holtec proceeding because it's so close to New Mexico.

In fact, New Mexico communities are the closest communities. And as the Governor of New Mexico has made clear, she opposes both the Texas and the New Mexico CISFs.

As the Texas governor has made clear, he opposes both CISFs. And as the Michelle Lujan Grisham administration made clear in its Holtec comments, NRC's environmental justice analysis is flawed, badly flawed.

They pointed out that New Mexico's population is over 60%, a combination of indigenous and Latinx. And so for the NRC to find no environmental justice impact or small EJ impact is just mind boggling.

It has to be redone.

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And I would like to touch on the purpose and need as has been mentioned by other opponents to the dump. One major purpose and need for these CISF proposals is to free up the nuclear power plant sites for unrestricted reuse.

And I would like to say as a board member of Don't --

MR. CAMERON: I would ask you to finish up now, okay?

MR. KAMPS: Mm-hmm. My final point is as a Board member of Don't Waste Michigan, I would like to say not in our name.

Big Rock Point, a long shutdown, supposedly fully decommissioned, although still radioactively contaminated site in Northern Michigan, is often invoked by name to justify these CISF proposals. And Don't Waste Michigan would like to say not in our name. We do not wish our problems on anybody else in this country. Thank you.

MR. CAMERON: Thank you, Kevin. Thank you. Vanessa, anybody else?

OPERATOR: Yes. Jan Boudart followed by Patrick Bosold. Thank you.

MS. BOUDART: Is my line open?

MR. CAMERON: Yes, it is.

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MS. BOUDART: Hi. This is Jan Boudart, and she didn't say that my line was open.

But I cannot -- it's very difficult for me to express myself how worthwhile these three hours have been. I'm really knocked out by Tanya Kleusken's testimony. That came out of left for me. I didn't know her. And her thoughtful -- the thoughtful things she said were just great.

And as I go through my notes here, it's amazing to me how -- you know, I've studied this for what I think is a long time and pretty hard. And it's amazing to me how much more other people know that I didn't know and how they're able to bring their thoughts together and express them so beautifully in this, I guess you'll call it a hearing.

I did have a couple of things that really struck me. The first thing I want to say is, you know, this nuclear waste is going to last for 100,000 years and so what's the hurry?

Why are you pushing this like this when we've got a lot of time to decide what to do about this.

And as many people have expressed, you're ignoring HOSS, which I won't go into because other people have said it so much better.

Oh, and another thing, the guy from Orano,

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he mentioned that there's going to be a constant improvement in packing design for these things so that the transportation will become more and more safe.

So exactly the same thing is true of HOSS. HOSS is a system where the radioactive waste will be retrievable and accessible. It would not be like putting it -- well, for example like WIPP, where you put things underground there and then all the salt kind of motions around them and you'll never get them out again without extraordinary effort.

In a HOSS situation, the spent fuel rods would be accessible and the casks would be accessible so that if something happens to a cask, which it will.

I mean, this has been going on for a long, long time.

I mean, we're not in any hurry right at this moment.

And so, say, 100 years from now something happens to a cask, these casks will have improvements in packing designs. And just as the guy talked about -- I'm sorry for calling him a guy. I've got his name written down here, but I don't have it in front me.

They will be improved as time goes on and as people think about better ways to do this.

But if they are all in one place and, you know, they're going to be harder to find if something goes wrong. These things should be hardened. They

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should be surrounded by a concrete and steel casing with a very thick heavy concrete pad, putting the casks on top of that concrete, and then putting around it a containment vessel that's hardened concrete and steel. And then on top of that a bunker so that it won't be that obvious to a terrorist. But there has to be air circulation so that air would come in at the bottom and out at the top because these things are still going to be hot.

They're not taken out of the fuel pool until they get down to 720 degrees Fahrenheit and that's really hot. And that's what they have to get down to before they're allowed to be taken out of the fuel pool.

So hardened on-site storage is a good idea.

And then somebody else mentioned that there has been something like 30 safe refuels this year or something relative to that. And those refuelings were not safe.

At Limerick, there were strong objections to having 1,000 people come into the town of -- well, come into Lacey County, New Jersey. Limerick is in Pennsylvania, but people in Lacey were very concerned because there are -- and I call them itinerant, not in any derogatory way because these are highly trained people.

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But they come into town and they're from all over. And some of them had COVID. And then it became a case of having enough permanent people in the NPP, nuclear plant, you know, in the reactor site, to actually run it that are healthy. And then the horrible requirement that they work 86 hours -- I'm going to get this wrong. But they were required to stay onsite for two weeks and work as much as 16 hours -- the highest amount would be 16 hours a day.

But this is not a safe operation refueling these. And I found out because I live in Chicago that the governor of Illinois was not -- and we have more nuclear power plants, NPPs, than anybody else. The Governor of Illinois was not able to say you can't do this because it's making the people of Illinois unsafe to have people come in, do the refueling and go out.

And then they didn't use COVID as an excuse not to do the refueling, but they used it as an excuse not to do the necessary repairs, that they could be put off.

Anyway, I go on and on. So I just wanted to mention these three things.

The testimonies today have been -- I don't want to get too effusive -- they've been really wonderful.

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And I just want to say also that in the case of HOSS, improvements would be continuously made as time goes on. And the refueling that somebody said this was just a completely safe thing, the refuelings were not safe because COVID was spread around through these small communities that have nuclear power plants in them.

And some of these communities became very upset with this. They couldn't do anything about it.

And our elected officials couldn't do anything about it because nuclear power rules, and it has taken away our democracy. And I am finished. Thank you.

MR. CAMERON: Thank you very much, Jan, very much. Vanessa? Anybody else?

OPERATOR: Patrick Bosold then Karen Douglas followed by Michael Keegan. Thank you.

MR. BOSOLD: Hi. This is Patrick Bosold speaking. And I want to commend the many people who have called in and obviously have really, really done their homework on this matter as I have tried to do, but as the previous speaker said to nowhere near the depth that others have.

I live in Iowa. I live half a mile from a major railroad line that will almost certainly carry some of the waste proposed to be transported under this

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scheme.

And the question I have, and it reflects somewhat on a couple of points other people have made, who is going to be financing this? And what is going to be the situation when, not if, but when, you have something like a derailment of one of these cars, one of these transport facilities?

In a town the size I live in, one of these tips over, you're done. I mean, the value of people's lives, real estate, everything, is just gone. And it's really gone. And what consideration has been made in this impact statement for those kinds of contingencies?

And, please, nobody say, well, sorry, that's beyond the scope of our query. Really? It's just not democratic. It's not fair. It's not economically sound. And it's legally extremely shaky to green light a project like this.

The point has been made time and time again that hardened on-site storage is a viable technology.

The right people know how it works. There are countries outside of ours that are doing this. And nobody is proposing that this waste should not be handled responsibly.

What I would like to see happen is you make a mess, you clean it up. One of the reasons the

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industry is pushing so hard for all of this is because they want to get this stuff out of their backyard. They want to be free of the ongoing expense of maintaining it, taking care of it so that they can go ahead as one of the callers mentioned and do even more of the same.

One of the problems we have, I mean no offense to the Commissioners in saying this, but the Nuclear Regulatory Commission and its predecessor were founded with a mission statement to promote nuclear power in this country. That is a problem.

I am going to have to ask the Commissioners to step back and say, okay, this is the mandate we were given. It's why we were appointed, yada, yada, yada. Times have changed.

And it is time for this Commission, since it has the power to do something about the situation we're facing is to say, you know what? We're just going to have to take a much more holistic look at how we treat this industry. Who is going to pay for the waste that it generates and how this is going to be handled?

And, again, this entire discussion is about nuclear waste. One of the callers who favored this plan said this is a clean power source. Really?

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Well, according to whom?

The Commission really, really needs to take a no action stance on this. Send this Environmental Impact Statement back to the drawing board as so many people have pointed out for so many reasons.

And take a hard look at what the -- you know, when you do stuff like this you insure it. You make arrangements to consider what happens if something that isn't supposed to happen happens, which it almost certainly will.

Forty thousand tons, how many trainloads of this stuff are you transporting? The people close to it very rightly are speaking up and saying no way. I'm farther away. I'm still at risk.

And I'm asking the Commission to step back from what this historical mandate has been and say, look, no action. This is nuts. You know, everybody that has spoken against it has done a really good job of making their case, being very specific, clear and concrete about what the problems are.

So, yes, I'm asking the Commissioners to really, I mean, really step back and say no action on this. You know, more public hearings, all of it.

Those are my comments. Thank you for

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taking the time to hear me out.

MR. CAMERON: Yes. Well, thank you for taking the time to give those comments to us, Patrick. Karen -- Vanessa, can you put Karen Douglas on?

OPERATOR: Karen Douglas, your line is open.

MS. DOUGLAS: Karen Douglas. I'm the director for the League of Women Voters of New Mexico. As mentioned, Eunice, New Mexico, is five miles from the proposed Interim Storage Partners' site and Hobbs, New Mexico, is 15 miles from the site.

The League of Women Voters has a nuclear waste storage advocacy statement, which was approved by our National League of Women Voters Organization in December 2019.

The League of Women Voters of New Mexico supports the storage and disposal of spent nuclear fuel only when it is implemented in the manner that protects public health and safety and the environment.

During the licensing approval process for the proposed Interim Storage Partners Consolidated Interim Storage Facility, the League of Women Voters of New Mexico would urge that licensed approval be withheld unless the NRC one, enters the private ownership of spent nuclear fuel, independent spent fuel

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storage installations and consolidated interim storage facilities must operate according to the safety controls required for licensing of utility owned or government owned spent nuclear fuel.

Two, ensures that the current aging management program for spent nuclear fuel casks in interim storage facilities, some in use since 1986, is also imposed on the proposed Texas Consolidated Interim Storage Facility.

Three, requires that Interim Storage Partners map the subsurface using modern techniques such as 3D seismic imaging to ensure no potential hazards, such as subsurface karsts, hydraulic fracturing or wastewater disposal wells are close to the site.

Four, ensure that there is adequate bonding or other financial guaranties to fund operations in the event of abandonment by ISP.

Five, ensure that private contracting of spent nuclear fuel transportation complies with both the NRC/Department of Transportation/ Agreement State requirement and with the same state and tribal notifications required for government transportation.

Six, ensures that responsibility for transporting the waste, for funding for upgrades to

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rail and roads and for clean-up in case of an accident or all identified prior to license approval for the ISP CISF.

Seven, ensures that the current NRC rulemaking process underway for greater than Class B waste storage at the Interim Storage Partners Consolidated Interim Storage Facility provides adequate protection of the public and the environment until a permanent U.S. solution for spent nuclear fuel and greater than Class B waste disposal is approved.

Eight, ensures that requirements for packaging spent nuclear fuel prior to acceptance at the proposed CISF will be sufficient to resist corrosion so that casks stored at the site will be free of corrosion.

Nine, ensures that prior NRC approval of the URENCO EIS nearby adequately covers the risk factors prior to reducing the extent of the evaluation required for the Texas ISP site.

If the Texas ISP Consolidated Interim Storage Facility license application pending with the NRC is approved, the League of Women Voters of New Mexico asks the NRC to impose a limit on the number of NRC license renewals allowed for Consolidated Interim Storage Facilities until a permanent disposal

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solution for spent nuclear fuel is approved.

Thank you.

MR. CAMERON: Thank you for bringing that to our attention, Karen. Thank you very much. Vanessa, do we have anybody else who wants to talk?

OPERATOR: Patricia Murphy, your line is open.

MS. MURPHY: Thank you. My name is Patricia Murphy. I am a resident of Texas. I have family members here and in New Mexico.

I just wanted to add my voice to all of the strong opposition that's been going on both on this call and the call previous to this. And add my voice to Governor Abbott and to Governor Grisham in opposing this transportation and storage of high level nuclear waste.

The previous speakers have all covered the points that I wanted to make. And I've certainly learned so much more than that from learning about the research and knowledge that they have. So I just wanted to thank them. And that's really all I have to say but thank you.

MR. CAMERON: Thank you. Thank you for that, Patricia. And, Vanessa, do we have anybody else?

OPERATOR: Yes. Diane, your line is open

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followed by Michael Keegan. Thank you.

MS. D'ARRIGO: Hi. It's Diane D'Arrigo.

I have spoken at other calls so I'll just make three quick points here.

At a couple of these phone call meetings, industry experts -- and I apologize to not have caught their names -- have claimed that the shipping casks are tested. And that is simply not true. The only physical testing that has been done was done in the 60s or 70s. And the rest of it is with extrapolation and computer models.

If that is not the case, I would very much welcome the information to be provided from those speakers.

The casks that are certified by the Nuclear Regulatory Commission apparently their certification, the transport casks are out of scope for this procedure.

However, there is no real opportunity for the public, meaningful opportunity, to participate in the safety of those casks because during the certification process, and I have tried, there is no opportunity for hearings or adjudicatory intervention with regard to the certification of the casks that will be transported and stored at the sites.

So the implication that there's another

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way to intervene on that or to have public input is simply not true. You can join in on calls and listen and maybe ask a couple questions, but there's no real opportunity to challenge legally, which is our democratic right.

And also I would point out that we've been told a few times that what we're saying is out of scope.

Perhaps it was out of scope for the nuclear proponents to talk about how terrific nuclear power is and that we need the site so we can have more nuclear power.

That's it for today. Thank you so much.

MR. CAMERON: Okay. Thank you. Thank you, Diane. And, Vanessa, could you put Michael on, please?

OPERATOR: Michael, your line is open.

MR. KEEGAN: Hello. Can you hear me?

MR. CAMERON: Yes, we can, Michael.

MR. KEEGAN: Yes. So this is Michael Keegan in Michigan. I'm with Don't Waste Michigan.

And I happen to be -- my home is near the Fermi. And I just wanted to confirm that there were 300 Fermi COVID cases at the Fermi. And those people, over 1,000 people were living in the community amongst us and now the community has over 1,600 cases of COVID. Mineral is a pretty small community.

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Regarding the climate cell based nuclear power, greenhouse gas out of water vapor coming off these cooling towers, these are not benign clouds. This is greenhouse gas which is 20 times that of CO2.

I'm a sociologist by training. And what we have here is a crisis of legitimacy. The institution has no legitimacy. You're operating a rogue operation. You are not even in compliance with the Nuclear Waste Policy Act. You are proceeding illegally.

The NRC is aiding and abetting a criminal enterprise. This is known as illegal racketeering, okay?

So I want to be real clear on what the dynamics are. Now, I'm in the Detroit area, and I'm very much concerned about transportation. There have been no public hearings of people in this region, no public education, nothing put forth. And we would be an impacted community because we are driving on the roads near the rails nearby.

So there needs to be live in-person, post-COVID hearings for the people impacted communities, New York, Detroit, Chicago.

As I review the record on the dry cost storage in the systems that have been approved, the

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multiple amendments, the modifications being made for the casks that are going to be used, everything is very fragile. There are multiple amendments. What if those casks that got built and got utilized before they just said, oh, we've got to fix something?

And then as Diane D'Arrigo just pointed out, no opportunity for hearings. And transportation has not been reviewed in this EIS, throughout the EIS.

What I believe is needed is a programmatic environmental impact statement because you have all of these little pieces that you seem to be relying on but nobody ever gets to comment on them or do an analysis on them because they are out of scope.

The Department of Energy recognizes that transportation has to be in the NEPA process. You have neglected it, just railroading this through like a Leviathan. And it's time to put on the brakes.

So many moving pieces initiated by this ISP-WSC-Orano proposal. It puts a whole lot of things in motion. Do not do this piecemeal. You need to know from the top in every which way so that a programmatic environmental impact statement is called for.

Now I have concerns about foreign ownership. Orano, who used to be Areva, who bilked the U.S. government out of \$24 billion, where's the

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balance sheet on that?

I really have problems with the integrity of the proposed proponents of this project. Is it going to be for nuclear waste coming in?

We have the Department of Energy in a Memorandum of Understanding with the Department of Transportation and the NRC to be reviewing foreign casks, Canadian casks, Japanese casks, French, German. Why? Is this waste coming our way?

Was the successful mock shipment in 2014 coming across the ocean, utilizing every mode of transportation, wasn't that a wonderful success? No, it's not. We don't want it. Nobody wants it. Stop making it. Do not be bringing foreign waste in here.

That has not been spelled out and that is not in the EIS. So that needs to be reviewed.

I have concerns, as I've said, about foreign ownership. And this is a private company. These are limited liability corporations. When they shit their britches, who is going to pick up the tab? And that is unknown.

Now I feel a moral obligation to speak out today, and I believe what's going on is fragmentation of this DEIS. It's been broken down, chopped up and everything gets neglected that has any merit to be

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investigated.

So you're operating in a proceeding way down the line from even having done the very first steps. There can be no shipment anywhere until you can successfully take a damaged canister, a damaged cask and do a dry cell transfer, a transfer dry cell, which there is not one at the ISP WCS proposal project.

There are none in the United States. There are none at the ISFSIs at every nuclear site.

If one of these canisters starts to leak, there is no way for them to correct it. You have set and put in place the dynamics of a catastrophe. This could be a cataclysm of human making. So do not do it.

Step 1 is you've to have a trans dry cell system in place at each and every ISFSI and there's got to be one in Texas. The assumption, the domain assumption, that start clean, finish clean.

We're going to start it without leaking. It's going to get there. It's not going to leak. It's never going to leak. That is delusional thinking. That is magical thinking.

And I'm not going to engage in it and I'm going to call you on it.

So in summary, I call for no action. No

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action. You're out of bounds. The NRC is a rogue entity. And you need to put the brakes on this. You are operating outside the law, and you have a crisis of legitimacy here.

Thank you. Michael Keegan, Don't Waste Michigan.

MR. CAMERON: Okay. Thank you, Michael. And do we have anybody else? Vanessa, do we have one more person?

OPERATOR: We show no questions at this time.

MR. CAMERON: Okay. Well, you know what? We're over the time. And we're going to have two more meetings. So I'm going to thank everybody from a facilitator's perspective. And I'm going to go to Kevin Coyne to wrap it up for us. Kevin?

MR. COYNE: Okay. Thanks, Chip. I want to thank, everyone, for your participation in today's meeting. We had over 120 folks joining us this afternoon, and we very much appreciate your comments and your perspectives.

Just as a reminder, all of your comments will be captured in the transcript. And we will review and analyze these comments as we prepare the final Environmental Impact Statement.

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I also want to note that the NRC staff takes these meetings very seriously. Your comments provide important information for the environmental review.

To that end, I want to let you know our environmental and safety project managers, front line supervisors and management team actively participate in these meetings and are hearing your perspectives.

And just a reminder that we ask for your comments on the draft EIS by November 3. Thank you very much.

MR. CAMERON: Thank you. I think we are adjourned, then.

(Whereupon, the above-entitled matter went off the record at 5:13 p.m.)

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