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UNITED STATES OF AMERICA

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NUCLEAR REGULATORY COMMISSION

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In the Matter of:) Docket No. 72-22
PRIVATE FUEL STORAGE,) ASLBP No. 97-732-02-ISFSI
L.L.C.)
(Independent Spent Fuel) Limited Edition Hearing
Storage Installation) VOLUME III

COPY

U.S. Nuclear Regulatory Commission
Sheraton Hotel
150 West 500 South, Wasatch Room
Salt Lake City, Utah 84101
Saturday, June 24, 2000

The above-entitled matter came on for hearing,
pursuant to notice, at 1:00 p.m.

BEFORE:

THE HONORABLE G. PAUL BOLLWERK, III
Administrative Judge
Atomic Safety & Licensing Board Panel

DR. JERRY R. KLINE
Administrative Judge
Atomic Safety & Licensing Board Panel

DR. PETER S. LAM
Administrative Judge
Atomic Safety & Licensing Board Panel

1 APPEARANCES:

2 FOR THE STATE OF UTAH, ATTORNEY GENERAL'S OFFICE:

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15 FOR THE U.S. NUCLEAR REGULATORY COMMISSION:

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19 U.S. Nuclear Regulatory Commission
20 Washington, D.C. 20555
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PROCEEDINGS

JUDGE BOLLWERK: Good afternoon. I'd like to begin this afternoon by introducing ourselves. In accordance with the provisions of the Atomic Energy Act and the Regulations of the Nuclear Regulatory Commission, we are three administrative judges appointed to sit as an atomic safety and licensing board to conduct an adjudicatory proceeding in connection with the pending application of Private Fuel Storage, L.L.C., for a license under Part 72, Title 10 of the Code of Federal Regulations to construct and operate an independent spent fuel storage installation, also referred to as an ISFSI, on the reservation of the Skull Valley band of Goshute Indians in Skull Valley, Utah.

To my right is Dr. Jerry R. Kline. Dr. Kline, an environmental scientist, is a part-time member of the Atomic Safety and Licensing Board panel. To my left is Dr. Peter Lam. Judge Lam also is a nuclear engineer and a full-time member of the panel. My name is Paul Bollwerk. I am an attorney, full-time panel member, and the chairman of this licensing board.

As part of our judicial function relative to the Private Fuel Storage proceeding, we are here

1 this afternoon to entertain oral, limited appearance
2 statements. So there will be a common understanding
3 about what is currently involved in the Private Fuel
4 Storage proceeding and with respect to the limited
5 appearance process, I would like to take a few moments
6 to provide some background about both.

7 Since Monday of this week, the board has
8 been hearing testimony and receiving evidentiary
9 materials regarding two of the technical contentions
10 admitted in this proceeding. The first is Contention
11 Utah R, which concerns a challenge by Intervenor State
12 of Utah to the adequacy of the Private Fuel Storage
13 facility emergency plan, in particular its fire
14 protection provisions.

15 The other is Contention
16 Utah E/Confederated Tribes F, which involves financial
17 assurance challenges by Intervenor State of Utah and
18 Confederated Tribes of the Goshute Reservation to the
19 cost estimates for construction, operation,
20 maintenance, and on-site property insurance for the
21 Private Fuel Storage facility.

22 As we indicated in our April 19th and
23 June 7th hearing notices, the sessions on Contention
24 Utah E/Confederated Tribes F have been closed to the
25 public because they involve confidential proprietary

1 commercial information, although the board has
2 established a procedure for party review of all the
3 evidentiary information submitted in the closed
4 sessions to determine what portions can be made
5 publicly available.

6 The board will resume its evidentiary
7 hearing next Tuesday, June 27th, at 9:00 a.m. in this
8 room for the public hearing session regarding
9 Contention Utah S, which concerns the decommissioning
10 plan for the Private Fuel Storage facility, in
11 particular the decommissioning cost estimates.

12 Once the parties have completed their
13 presentations on this contention, which we anticipate
14 will be finished that morning, the board will return
15 to closed session to conclude party presentations on
16 Contention Utah E/Confederated Tribes F and, thus,
17 complete the evidentiary hearing sessions regarding
18 these three contentions.

19 As I also noted at the outset, the issues
20 that are subject to board hearings this week and next
21 concern technical matters. Under our current schedule
22 for this proceeding, we will be holding additional
23 evidentiary sessions in mid to late summer of next
24 year regarding admitted technical contentions on the
25 seismic suitability of the Private Fuel Storage site

1 and the adequacy of Private Fuel Storage consideration
2 of credible accidents caused by events at facilities
3 external to the Private Fuel Storage facility,
4 including commercial and military aircraft overflights
5 and also on a number of admitted contentions relating
6 to the adequacy of the identification and
7 consideration of environmental impacts under the
8 National Environmental Policy Act or NEPA.

9 In connection with NEPA, I would note that
10 recently the NRC staff has issued a Draft
11 Environmental Impact Statement or a DEIS regarding the
12 proposed Private Fuel Storage facility, which is
13 designated as NUREG-1714. This is a copy of the
14 document here. As you can see, it's rather a lengthy
15 tome.

16 This document can be found on the NRC web
17 site at www.nrc.gov/NRC/NUREGS/SR1714/index.html. Let
18 me give you that again in case anyone wants to go in
19 and look at it:

20 www.nrc.gov/NRC/NUREGS/SR1714/index.html.

21 The staff will be conducting public
22 hearings regarding its DEIS on Thursday, July 27th,
23 2000, in Salt Lake City and on Friday, July 28th,
24 2000, in Grantsville, Utah.

25 This in a nutshell describes the NRC

1 adjudicatory process relating to this proceeding.
2 This naturally prompts the question what then are the
3 limited appearances in which the board has invited
4 public participation today?

5 Under Section 2.715(a) of the Commission's
6 Rules of Practice, the board has the discretion to
7 entertain from any person who is not a party to the
8 proceeding a written or oral statement of his or her
9 position on the issues in the proceeding.

10 This provision, which was first adopted as
11 part of the agency's hearing rules back in 1962,
12 recognizes there is a need to provide an opportunity
13 for input from members of the public who, despite not
14 having sought party status, have an interest in the
15 subject matter of the proceeding.

16 As we indicated in the April 19th and
17 June 7th notices, the Federal Register scheduling this
18 and other sessions, although they will be transcribed
19 and placed in the docket of this proceeding, limited
20 appearance statements do not form part of the
21 evidentiary record of the proceeding upon which the
22 board must rely in making any decision on the merits
23 of the issues proffered by the intervening parties.

24 Nonetheless, as we also recognize from
25 that notice, the public's limited appearance

1 statements may help the board and/or the parties in
2 their deliberations in connection with the issues to
3 be considered in this proceeding.

4 Indeed, as you can see, like the board, a
5 number of the parties of this proceeding are here to
6 listen to what is said this afternoon. In this
7 regard, I would like to take a second now to have the
8 representatives and parties identify themselves for
9 the record.

10 Why don't we begin with counsel and
11 representatives for the various intervenors, then
12 Private Fuel Storage, and finally the NRC staff.

13 Ms. Nakahara?

14 MS. NAKAHARA: I am Connie Nakahara
15 representing the State of Utah.

16 MR. DONNELL: I'm John Donnell
17 representing Private Fuel Storage.

18 MS. MARCO: Catherine Marco, representing
19 the NRC staff.

20 JUDGE BOLLWERK: Thank you. In this
21 regard, let me emphasize again this is an opportunity
22 to hear from those interested individuals who are not
23 formally involved in this proceeding as parties.
24 Consequently, the admitted parties will not be making
25 statements here this afternoon. Rather, like the

1 board, they are here to listen.

2 Let me now say just a word about the
3 procedure for making a limited appearance statement.
4 We have some individuals who have pre-registered and
5 will be afforded an opportunity to speak first at this
6 session. Once we have heard from those individuals,
7 we will move on to anyone who registers here this
8 afternoon.

9 For anyone who wishes to make a statement,
10 on the table in the back is a clipboard with a sheet
11 to write your name and affiliation, if any. We will
12 collect those sheets from time to time and call the
13 speakers in the order in which they sign in.

14 If you have not pre-registered, you must
15 sign in if you wish to speak. We will keep a watch on
16 the time each speaker is taking and will advise you
17 when you need to conclude your remarks.

18 Given the number of pre-registrations and
19 the size of the audience presently, we'll begin by
20 permitting statements of up to five minutes. However,
21 if we see that the list of speakers is growing, we
22 reserve the right to shorten the time allotted for
23 each presentation to ensure that everyone who wishes
24 to speak has an opportunity to do so.

25 Additionally, if there comes a point in

1 the session in which all those present desiring to
2 make a statement have been heard from, the board
3 reserves the right to adjourn the session before the
4 notice ending time.

5 Further, to ensure that everyone is
6 provided an opportunity to address the board in the
7 time allotted, those individuals who previously have
8 made presentations to the board in an earlier session
9 will be given an opportunity to make an additional
10 statement after the board has heard from any new
11 speakers.

12 Also, I think it's important to allow the
13 board and the parties to hear fully the remarks of
14 each speaker without intrusions. Accordingly, I would
15 ask that you respect each individual's right to
16 address the board by not interrupting with verbal
17 comments or other sounds, either supporting or
18 opposing the viewpoint being espoused.

19 Two final points: So that everyone is
20 aware of the schedule, this session is to be concluded
21 at approximately 4:00 p.m. Also, as we indicated, in
22 our June 7th notice, limited appearance sessions
23 initially scheduled for Friday, June 30th and
24 Saturday, July 1st in Tooele, Utah, have been
25 postponed and will be rescheduled at a later date.

1 Anyone, however, is free at any time to
2 submit a written limited appearance statement setting
3 forth his or her views regarding this proceeding by
4 mailing it to the NRC Office of the Secretary, The
5 Rule Makings and Adjudication Staff, U.S. Nuclear
6 Regulatory Commission, Washington, D.C. 20555-0001.

7 You can also send it by e-mail to:
8 hearingdocket@nrc.gov or by fax to: (301) 415-1101.

9 We would also request that you send a copy
10 to the chairman of this licensing board at Mail Stop
11 T-3F23, U.S. Nuclear Regulatory Commission,
12 Washington, D.C. 20555-0001, by e-mail at dpb@nrc.gov
13 or by fax at (301) 415-5599.

14 With this explanation, let me turn, then,
15 to either of the judges to see if they have anything
16 they wish to say.

17 Judge Kline?

18 JUDGE KLINE: Nothing at this time.

19 JUDGE BOLLWERK: Judge Lam?

20 JUDGE LAM: I would like to add a comment
21 to Chairman Bollwerk's remarks. We are here to listen
22 to your opinions, views, and concerns. Your
23 participation in this limited appearance session is an
24 important part in the overall proceedings.

25 JUDGE BOLLWERK: All right. If there's

1 nothing further, then let's move to the first speaker.
2 The first individual we had signing up is
3 Alberta Mason, from the Environmental Justice
4 Foundation.

5 MS. MASON: My name is Alberta Mason. I'm
6 a Navaho from Window Rock, Arizona. I am here in
7 Provo, Utah, and I am working with Margene Bulcreek
8 and Sammy Blackbear. And I support their position in
9 that to Native Americans we consider the Earth very
10 sacred, and there are certain sites that are extremely
11 sacred.

12 And the land that has been left to us out
13 of the whole country of the United States, that little
14 tiny -- doesn't matter how big or how small it is, and
15 the Goshute Reservation is a small one -- it's
16 extremely important to us, and we have very spiritual
17 ties to our land.

18 And based on the traditional paradigms and
19 the way we respect our land, it's very, very -- I
20 don't know how to put this. It's very offensive to
21 have to bring something like nuclear waste onto our
22 lands. It's extremely distressing, psychologically,
23 emotionally, and spiritually. Extremely distressing.

24 Contrary to most people, they don't
25 realize how very, very, very important it is that we

1 maintain the sacredness of our land. We consider
2 ourselves stewards of our lands.

3 Traditionally, where I come from, we did
4 ceremonies to our lands. We went to her for life, for
5 our shelter, for our clothing. We went directly to
6 her. We didn't make a stop at the supermarket. We
7 went directly to the Earth, and so we consider her our
8 mother, literally. We have a kinship with the Earth.
9 And to see something as detrimental to life as nuclear
10 waste coming onto our lands, is very, very painful.

11 And in this sense, I can relate and
12 support the Skull Valley Goshutes, Margene, Sammy
13 Bulcreek, and their families. And resisting economic
14 development is extremely important to them. This is
15 the basis for bringing the nuclear waste onto their
16 lands.

17 But there are some of the -- many of the
18 Goshutes who will not sacrifice, even for the money
19 that the PFS is promising to bring in, which is not
20 anywhere near its market value, and even that
21 trade-off is not worth it for a higher standard of
22 living to do this to their land.

23 I don't know if that's five minutes or
24 not. I have a whole lot of things to say, but I'm
25 very emotional right at this point in talking about

1 our mother and how we feel about her. So I'll just
2 end my statement at this point.

3 JUDGE BOLLWERK: All right. Thank you
4 very much.

5 The next speaker we have listed is
6 Ann Sward Hansen from the Environmental Justice
7 Foundation.

8 MS. HANSEN: Good evening. I am coming to
9 you from experience of working with tribal peoples for
10 25 years, with the tribal colleges, also working with
11 indigenous groups all over the world with nuclear-free
12 issues. But basically, I am the average Utah
13 housewife.

14 These are my concerns: It was predicted
15 in the early 1960s that by the year 2000 there would
16 be 40,000 metric tons of spent fuel from the power
17 plants. This prediction is absolutely true. Here we
18 are in the year 2000 with 40,000 metric tons of this
19 waste.

20 So the people from Utah are being asked to
21 accept all of the nation's waste since the Eisenhower
22 administration and when the plants went on line. I
23 don't think this is fair. I think we are being caught
24 in the middle of a political reoccurring nightmare,
25 knowing that it is going to be held here, knowing that

1 it will be kept here with no permanent site for this
2 material. Not one site has yet been established.

3 Utah has already been exposed to radiation
4 and its fair share of its people from radiation
5 poisoning with the Downwinders, with the Upwinders as
6 far as Pleasant Grove, with its children exposed to
7 thyroid disease from all the testing sites, to the
8 Atlas project in Moab, the radioactive material going
9 into the Colorado River.

10 How would you explain to the 3500 Navaho
11 people who are ill from radioactive poisoning from the
12 uranium mines about how the government protected them
13 from the unexpected dangers?

14 Now, do you expect us, the citizens of
15 Utah, to believe that we are to be protected from the
16 inherent dangers of radioactive material when we have
17 been consistently lied to and hanging out to dry for
18 the past 30 years? There are no small mistakes when
19 it comes to radiation leaks. I believe it is the
20 NRC's obligation to the state of Utah to forbid the
21 building of this facility.

22 When you attend the world uranium
23 hearings, for instance, in Moscow or in Geneva, one
24 hears how the nuclear world powers are targeting small
25 tribal groups, whether it's going to be American

1 Indian reservations or African nations or in
2 Australia. The French are putting in it in Africa,
3 and many of the other world powers are putting it to
4 the poorest people of the world. That's
5 unconscionable to me.

6 I would like to ask some questions. After
7 a Utah Federal District Court recognized the
8 allegations of misconduct and misappropriation of
9 funds with members of the Goshute tribe, he had the
10 expectation that the BIA should take care of this.

11 What has been done? Why have there not
12 been any congressional hearings concerning the
13 allegations of the past three years? Why has the BIA
14 waived judiciary responsibility to the Goshute people
15 and not uphold their public trust?

16 Under the authority and law of the federal
17 agency, why does the BIA have the right to waive their
18 judiciary responsibilities to the NRC or to any other
19 entity? Where is the checks and balances? Where are
20 we, as citizens, going to mitigate? And waived rights
21 that the NRC knows that they can't touch, as Alberta
22 had mentioned, cultural, spiritual, and sacred issues
23 concerning their lands.

24 Why are the Goshute tribal members barred
25 from seeing the PFS lease agreement but receiving

1 arbitrary amount of monies? Some people are getting
2 \$1500. Some people are getting \$5,000. But if you
3 signed the lease, you cannot be privy to what is in
4 the lease. Why is that?

5 In December, is it not true, and in 1999,
6 that the NRC had a timeline for this licensing
7 process? Why are we here? Does PFS pay NRC to
8 continue the licensing process? If so, where is PFS
9 getting the money? I would like to know if it's
10 coming from the shareholders or is it coming from the
11 taxpayer's, the base rate. Does Minnesota's citizens
12 know that's their tax money and how it's been spent?

13 Why was there a BIA three-day approval of
14 the license without an Environmental Impact Study?
15 How do you address the conflicting reports about the
16 safety of the cask design, conflicting reports about
17 criticality, neutron embrittlement with the
18 deterioration of the inner core of the casks?

19 Are you asking the people of Utah to once
20 again be the government's guinea pigs? Or for a
21 price? \$40 million to the Goshutes, \$90 to \$300
22 million to the people of Tooele without the security
23 of a limited liability corporation? What happens
24 then? Does the NRC take over? And if so, will these
25 people receive those monies? There has been a lot of

1 questions about safety issues.

2 Now, this is a personal thing for me
3 because what guarantee does my family have? Should I
4 just wrap a film badge around my kid's neck when he
5 goes to school, like they do in West Virginia?

6 Do I have to remember to put iodine
7 tablets in my year's supply? If there is a leak --
8 4,000 casks -- during the transport procedure, will I
9 hear the siren outside my door? Will I know there's a
10 leak? Is it true that if there is exposure or if
11 there is a leaking of the cask, that that cask, the
12 way they repair it, it has to go back to the place of
13 origin to be repaired?

14 Will there be a enough facility to monitor
15 quality control and inspection? And how do you
16 inspect or maintain the inner core of a sealed cask?
17 Are you going to be able to inspect all 4,000 above
18 ground in an open air facility?

19 In closing, my town of Highland doesn't
20 have a paid fire department. Are we expected, the
21 taxpayer, to take that on for emergency response the
22 same way that Los Alamos was? They received a 1960s
23 manual that was ineffective. That's another issue.

24 I want to send a message to this board.
25 The state of Utah, our people, our tribes have endured

1 enough with radioactive materials and being poisoned
2 by them. I want this facility to stay out of Utah,
3 keep it off our reservations and to end the licensing
4 process now. We've paid enough for our nuclear age in
5 Utah. Thank you very much.

6 JUDGE BOLLWERK: Thank you, ma'am.

7 The next speaker we have is
8 Sammy Blackbear, from the Skull Valley band of Goshute
9 Indians Tribal General Council.

10 MR. BLACKBEAR: My name is
11 Sammy Blackbear, and I am a general council member of
12 Skull Valley band of Goshutes.

13 I am here today to try to shed some light
14 on what is really going on. For starters, I really do
15 not know or understand why we are going through this
16 process with the NRC when the band has not voted on
17 this lease properly, and the band really does not know
18 what is going on with this nuclear facility.

19 Let me try and explain. Leon Bear and his
20 associates, as well as Danny Quintana, signed a lease
21 agreement with PFS, which is really Northern States
22 Powers, to bring high-level nuclear waste to Skull
23 Valley Reservation. The lease was passed in three
24 days after its submittal by David Allison, the
25 superintendent of the Bureau of Indian Affairs.

1 Upon signing this lease in three days,
2 there was no environmental impact studies to be
3 considered because Mr. Allison waived them on behalf
4 of the United States government. I think Utah can
5 thank him for that.

6 There was also no National Environmental
7 Policy Act required because Mr. Allison waived them.
8 I do not understand how he could do this because that
9 policy act has several items which has to be complete
10 before you sign a lease agreement.

11 The Bureau of Indian Affairs stated in
12 court that they were going to let the NRC do this
13 policy act, which we feel is illegal.

14 Let me explain. A couple of the items are
15 religious and cultural items, which the NRC are
16 expressly forbidden to not look into. You guys can't
17 look into that stuff. Federal law says you can't.

18 Mr. Allison also waived security and
19 safety issues, as well, on behalf of the United States
20 government. The Bureau of Indian Affairs also waived
21 the band of Skull Valley Goshute's total sovereignty
22 on behalf of the United States government, which is
23 illegal.

24 The reason why I am bringing this to your
25 attention today is because the Bureau of Indian

1 Affairs stated in court that they did not have
2 expertise to complete all of these studies, so they
3 waived them and signed a lease agreement. And that is
4 how they tried to sneak this past the people of Utah,
5 as well as Skull Valley's General Council.

6 The reason there is a lawsuit is because
7 they simply got caught doing these illegal acts and
8 many others.

9 I have been asked by other Skull Valley
10 band members to tell you that they as well do not
11 support this nuclear facility and that there is no way
12 the band would sell its total sovereignty for any
13 amount of money.

14 We know once any bit of nuclear waste gets
15 on the reservation the NRC takes over that
16 reservation. We know this. It is Mr. Bear and his
17 associates as well as Danny Quintana and Mr. Allison
18 that have done so without the tribe's consent.

19 I would like to tell you that there are
20 some tribal members trying to correct the wrongs that
21 these people have done. And in doing so, Leon Bear
22 and his associates have threatened tribal band members
23 by keeping their tribal money and by threatening them
24 with tribal membership within the band, calling it
25 treason if we speak out against this nuclear facility.

1 That's what happens in Skull Valley.

2 On April 8th of this year, myself and my
3 son, that is 15 years old, and my nephew, that is 12
4 years old, we were shot at in Skull Valley while we
5 were riding our horses. I guess anything for a
6 nuclear facility. We reported it to the authorities,
7 and we have yet to find any type of investigation.

8 It is really not a surprise to us that
9 things of this nature are starting to happen in Skull
10 Valley just because we do not like what is going on
11 out there.

12 Tribal band members wanted me to tell you
13 that it is unfortunate that things like this have to
14 happen, but it has not deterred us from doing the
15 right thing.

16 I hope that I've shed a little bit of
17 light on what is really going on here. It's
18 unfortunate.

19 To sum it up, we have a corrupt
20 government. We have a corrupt council and an attorney
21 that the band keeps trying to get rid of. And also we
22 have a corrupt federal agency assisting them. Because
23 let's face it, the government has no place to put this
24 garbage. So let's put it on Indian land and pay them
25 the least amount of money to do so.

1 Whether they admit it or not, they do not
2 have any other place to put this garbage. This
3 facility is not a temporary storage facility. It is a
4 permanent facility. They know it and so do you and so
5 do we. The band members hope that justice is served,
6 not only to the people of Utah, but to us as well.

7 I would like to make one thing perfectly
8 clear. We are not asking the federal government to
9 fix what is wrong in Skull Valley. We feel we can do
10 that ourselves. But what we are asking the government
11 to do is simply one thing: Follow the law and stop
12 interfering in tribal matters.

13 Just one more thing. I sent a declaration
14 to you people allocating wrongdoing in Skull Valley
15 and what is going on in Skull Valley that disputes
16 what you people are being told.

17 I would like to know what has been done
18 with this. I mean, any wrongdoing, you people should
19 be investigating this. You guys should stop this
20 licensing process and say, "Hey, if there are illegal
21 acts going on, maybe we shouldn't support this. Maybe
22 we should actually look into it."

23 How could you be licensing a nuclear
24 facility that was passed in three days? You guys know
25 as well as I do that there are procedures, and there

1 are many laws that have to be followed. All of them
2 were broken. But yet you still are on a licensing
3 process. Thank you.

4 JUDGE BOLLWERK: Thank you for coming
5 today.

6 The next speaker is Margene Bulcreek from
7 the Skull Valley band of Goshute Indians Tribal
8 General Council.

9 Not here. I'll mark it, and if she comes
10 in later, she just needs to let us know.

11 Next speaker we have listed is the
12 Honorable Henry Clayton, residing judge of the First
13 District Court, the NATO Indian Nation.

14 MR. CLAYTON: Greetings from the tribal
15 council of chiefs. I apologize for my voice this
16 morning. I've just returned from Canada. I spent a
17 week up there, and I picked up something on the way.

18 JUDGE BOLLWERK: If you need some water,
19 sir, there's some next to you, if that will help.

20 MR. CLAYTON: First, I want to begin a
21 little bit about explaining who I am. I think that
22 would be appropriate. My ancestry is Choctaw
23 Cherokee, Crete, and Comanche. I am ancestry chief of
24 the Cherokee, Choctaw, and Comanche Nations. My
25 family clan is the Wolf Clan. I have experience in

1 the area of nuclear engineering with a speciality in
2 health physics and radio chemistry, about 30 years
3 ago, but I'm sure that those principals are pretty
4 much the same today.

5 In 1994 I was appointed to serve as the
6 Chief Justice of NATO Indian Nation. I'm sitting
7 judge, presiding judge of the First Federal District
8 Court. I have the responsibility for Indian child
9 welfare cases, criminal cases dealing as well with
10 tribal mediations.

11 Sovereignty issues, our tribe is the
12 country's only unified national body, and so I've been
13 asked to come here to speak on behalf of our people
14 because we see some issues dealing with the Goshutes
15 and sovereignty that are being impaired.

16 There is precedence being set that we are
17 not pleased with, and I have been here and have been
18 watching this for a little over a year now,
19 participating when I could and taking a look at what's
20 happening.

21 One of the things that I would like to
22 establish first -- and I know we've heard from Sammy
23 and we've heard from a lot of people. We derive our
24 authority from our inherent sovereign rights, which we
25 derive by being the first people -- the first people

1 to inhabit the land at Turtle Island or what is
2 normally referred to as North America.

3 This authority being granted first by our
4 Creator, then by human conscience, supported by
5 international law, constitutional law, and laws of the
6 land. Finally, our authorities are justified through
7 the legal constructs of reciprocity, mutuality, and
8 common government to government.

9 I know my time is not as long as I want
10 it, so I'm going to abbreviate a lot that I have to
11 say. But basically the history of how Indian
12 governments have been treated has been one of
13 subservience, one of abuse, misuse, not only from the
14 United States government, but also from our own
15 people.

16 There have been many reports produced,
17 beginning with George Washington, policies pertaining
18 to us in his speeches and in other documents,
19 treaties, and so on. Our identity as human beings has
20 not been adhered to. We have been referred to as
21 animals, compared to dogs, wolves, so on and so forth.
22 And descriptions in federal reports, they are
23 documented, which I have copies of here.

24 In that history, in the foundations of it,
25 dealing with sovereignty, Chief Justice John Marshall

1 established the very first foundation of how we would
2 be dealt with in a judicial system. And in those
3 foundations the terms were used like "disciplinary
4 power" and "domestic dependent nations," which is not
5 how we viewed things, but is how he viewed things.

6 We were not asked to help in making his
7 decisions. We were not asked nor consulted about our
8 land being taken from us, which in our opinions and
9 the way we view it from a jurisdictional view, with
10 the lands that we stand on and that these cities are
11 built upon, are still our ancestry lands. And the
12 Supreme Court has had rulings that validate that,
13 especially when it comes to our sacred burial sites.

14 One of the issues that I see is that the
15 Bureau of Indian Affairs historically derived its
16 authority from the 7th Cavalry in the War Department.
17 It was an outgrowth of that, was never authorized to
18 be an organization or a department; it just set itself
19 up. And eventually somebody in the government decided
20 to go ahead and authorize it.

21 So the relationship we have with the BIA
22 has always been one of warlike. The BIA has taken on
23 more and more responsibilities under the cover of us
24 being self-determined, to be more independent, to
25 manage ourselves, manage our governments better. And

1 in that process have taken on more and more
2 responsibilities and less and less self-determination.

3 So that's basically the reason we are
4 here, to take a look at that, to bring it to your
5 attention.

6 In your department you have policies,
7 procedures, codes of federal regulations, and so on
8 that you are required to adhere to. There are some
9 things referred to that come from precedence and law
10 called "constructs." In the constructs of law there
11 are constructs of Indian law.

12 And when there are conflicts in law with
13 constructs of Indian law, there's a thing referred to
14 as "ambiguity." And the ambiguity is that if they are
15 not specific about these constructs, then any
16 decisions would always lean in the favor of the
17 Indians.

18 Also, if you don't have specific policies
19 that are written in your department dealing with
20 Indian issues and your licensing process, the federal
21 constructs will take precedence, and you are not
22 prohibited from exercising those. And I am here to
23 urge you to exercise those, even though they are not
24 specific in your code and your policies.

25 I want to address the lease for a minute.

1 Sammy brought it up. And I want to read this with
2 you. I have a copy of David Allison's approval, as I
3 see it. Being in the position I see it, I look at it
4 more in the legalistic view than others.

5 He has written here -- dated the 23rd of
6 May, three days after the lease was signed by the
7 alleged council -- executive counsel. It says, "In
8 accordance with the authority vested in me including,
9 without limitation, my powers set forth at 25 CFR,
10 paragraph 1.2, to waive and make exception to my
11 regulations." His regulations. Okay.

12 "I hereby specifically waive and make
13 exceptions to the application of any of the
14 regulations of the Department of the Interior with
15 regard to any privileging of this lease which is
16 inconsistent with any of such regulations. And I find
17 that this waiver, in exception, is permitted by law
18 and is in the best interest of the Skull Valley band
19 of Goshute Indians."

20 From a legal standpoint, I take complete
21 exception to that statement, and here is why: In 1994
22 the Indian Reorganization Act was amended. The
23 gentleman that got the amendment to go through was a
24 personal friend of mine, so I know the history on this
25 regulation, and I would like to read that to you.

1 "Public Law 103-263. Privileges and
2 Immunities of Indian Tribes Existing Regulation. Any
3 regulation or administrative decision or determination
4 of a department or agency of the United States that is
5 in existence or in effect on the date of this act and
6 that classifies, enhances, or diminishes the
7 privileges and immunities available to a federally
8 recognized Indian tribe, relative to the privileges
9 and immunities available to other federally recognized
10 tribes, by virtue of their status as Indian tribes,
11 shall have no force or effect."

12 Let's go back to his statements again.
13 And if I'm not mistaken, I saw a waiver of that
14 specific statute. He says that Mr. Allison says that
15 he has the authority to waive all laws and regulations
16 and administrative policies pertaining to tribes, and
17 I dispute that. I just read the law to you. He
18 doesn't have the authority to do that. No one does.
19 The tribe does. The tribe governs itself. We are
20 sovereign, independent nations.

21 In my dealings with Canada, I just
22 returned --

23 JUDGE BOLLWERK: Can I ask one question?
24 I don't want to cut you off. On the other hand, we do
25 have a lot of people. If I could make a suggestion --

1 how much longer do you think your remarks will be?

2 MR. CLAYTON: Just a few minutes.

3 JUDGE BOLLWERK: Because I would like to
4 give everybody an opportunity to speak, if you are
5 going to go on much longer, we can bring you back
6 after everyone has spoken. What would you prefer?

7 MR. CLAYTON: I'll finish up. That's
8 fine.

9 JUDGE BOLLWERK: Okay. Great.

10 MR. CLAYTON: The other issue I want to
11 bring up to you is that this is not just subject to
12 the United States. In Canada the same things are
13 being considered as you are considering here, and that
14 is putting nuclear waste on tribal lands.

15 And so in discussing this, this is an
16 issue that's pertinent to them in what we are doing
17 here because they are watching us. The Canadian
18 government is watching us, and they are very closely
19 looking at what is happening and what our people are
20 doing and what the government is doing.

21 And so the impact of what is happening
22 here is going to be much greater than what you
23 imagine. And for them it's even worse because their
24 conditions up there are worse than ours.

25 I would like to finish with my closing

1 statement. In the name of our Creator, I bear
2 testimony witness that I have spoken the truth as far
3 as I can understand it. If the path being traveled
4 continues in its present direction, you are setting
5 the stage for your destruction as a people.

6 You now have whole cities in the East that
7 are inhabitable because of radioactive contamination.
8 You have ignored our traditional leader's warnings
9 about the danger of the sacred mountains where you
10 found Yellow Cake. Now, you propose to contaminate
11 past vestiges of our ancestral lands that are used to
12 establish our identity as a people.

13 We, as a sovereign people, will do all we
14 can to seek all remedies and redress with all our
15 resources to prevent this disgrace from taking place.
16 I have spoken. These are my words.

17 JUDGE BOLLWERK: Thank you, sir, for
18 coming to speak with us today.

19 The next speaker is Kerry Cartier, Tribal
20 Speaker for the NATO Indian Nation.

21 MR. CARTIER: I have heard the words of
22 Alberta Mason, Ann Sward Hansen, Sammy Blackbear, and
23 my friend Judge Clayton today, and I agree with all
24 that they have said.

25 I am called Kerry Cartier in English. My

1 ancestry is Seneca Indian, through my mother and my
2 grandmother. I speak to you today as Tribal Speaker
3 of the sovereign NATO Indian Nation.

4 In the interest of time, I'm going to
5 continue where Judge Clayton left off. As Judge
6 Clayton said, we today are standing on Indian lands,
7 and this is true. Your ancestors stole my ancestors'
8 land and murdered many, many of them. You know from
9 history that this is true. The United States
10 government has broken its treaties and has committed
11 violent crimes against American Indians, and you know
12 that this is true.

13 Yet, let us make a distinction here. Can
14 we blame the U.S. government for its actions against
15 my people? If the U.S. government is truly a
16 government of the people, by the people, and for the
17 people, the blame falls upon those of you who hear my
18 words because you are your government.

19 If you do not open your mouth and protest
20 when an injustice occurs, the fault is yours. Each
21 individual American who sits quietly while my people
22 are being murdered, robbed, or stripped of their land
23 and possessions, the fault is yours.

24 The Bureau the Indian Affairs has issued a
25 lease on the Goshute Reservation for the nation's

1 largest nuclear waste dump after considering the
2 request for three whole days.

3 The Bureau of Indian Affairs is a
4 government agency whose purpose is supposed to be
5 watching out for Indians, for their own good. This is
6 the trust relationship. Although, Indians have
7 learned not to trust the Bureau of Indian Affairs.

8 The only reason the NATO Indian Nation can
9 see for the Bureau of Indian Affairs leasing a nuclear
10 waste dump on Goshute lands is that the BIA can
11 legally get away with it on Indian trust lands.
12 That's where there's less paperwork and less public
13 furor. This is not being done for the benefit of the
14 Goshutes, nor is it being done with the informed
15 consent of most of the members of the tribe.

16 The nuclear waste dump is supposed to be
17 temporary, but there is nowhere else to move its
18 contents. That kind of "temporary" means permanent.
19 It doesn't take a rocket scientist to figure out that
20 the containers used for nuclear waste storage can't
21 last as long as their dangerous contents.

22 And siting the nuclear waste dump on a
23 known earthquake fault certainly shows that the
24 designers don't plan to live there. The designers
25 also assume that terrorists, earthquakes, and other

1 natural disasters will never affect the nuclear waste
2 dump. I hope these are good assumptions, but I do not
3 believe them.

4 All I can see is that after the U.S.
5 government has stolen most Indian lands, your
6 government believes that what ever Indian land is left
7 is still good to be used as a garbage dump for your
8 nuclear waste that no one with any good sense wants.

9 I cannot speak the words to tell you how
10 absolutely abhorrent this concept is to me. But I can
11 say three things:

12 First, to the representatives of the
13 Nuclear Regulatory Commission and to those who read or
14 hear my words, I speak to you as representatives of a
15 foreign power squatting illegally on Indian lands. I
16 tell you that you will bear personal responsibility if
17 the nuclear waste dump project proceeds. You cannot
18 duck this responsibility if you have any integrity at
19 all. So it is your responsibility to ensure that it
20 does not take place.

21 Second, if we Indians were the barbarians
22 your people say we are, our ancestors would not have
23 fed yours. We would not have vacated our lands as
24 peacefully as we have. We would not today be
25 peacefully speaking to you as I am doing now.

1 We know what the U.S. government and its
2 people are planning to do on the Goshute Reservation
3 is morally wrong, and we are doing everything we can
4 to prevent it. One of the reasons we do this is our
5 belief in the Creator. We believe that, in time,
6 wrongs will be righted.

7 Third, if we have the moral high ground
8 and your people build a nuclear waste dump on it,
9 remember that the wind blows from the west, from your
10 nuclear waste dump, towards your largest city in Utah.
11 If there were nuclear waste leaks, your government
12 must be trusted to tell you. Your government must
13 warn you faster than the winds can blow death in your
14 direction.

15 Should death come to you in this way, it
16 will not be the fault of us Indians. You will have
17 done it to yourselves. We Indians give you fair
18 warning. Because despite all that your people have
19 done to our people, we do not want you to die from
20 your own incompetence and agreed.

21 In summary, I speak today so that there
22 will be a record made that we Indians are trying --
23 trying to be faithful stewards of the lands that have
24 not yet been stolen from us. It is important that
25 when such matters are judged by the Creator and by our

1 ancestors, we Indians have it on your records that we
2 have done all we could peacefully do. The rest, of
3 course, you will be accountable for. And so may the
4 Creator guide your footsteps.

5 JUDGE BOLLWERK: Thank you, sir, for
6 coming to speak with us today.

7 The next speaker we have is Thomas B.
8 Price.

9 MR. PRICE: Good day. My name is
10 Thomas Price, and I am here today for and on behalf of
11 Kathleen McConkie-Collinwood, democratic candidate for
12 Utah's First Congressional District.

13 Today I want to go on record that I am
14 unapologetically and irrefutably opposed to the
15 Private Fuel Storage, L.L.C. building and operating a
16 high-level nuclear waste storage facility on the Skull
17 Valley Goshute Indian Reservation.

18 I want to state that I am pleasantly
19 surprised that James Hansen is in agreement with me in
20 opposing this nuclear waste facility.

21 While I am empathetic with the landowners
22 and their desire to split their land and their
23 resources for pecuniary gain, allowing PFS to
24 establish the facility is unreasonable, reckless,
25 irresponsible, and certainly imprudent. While the

1 landowners may enjoy a margin of benefit, that benefit
2 does not warrant the terrible risk that is involved to
3 the landowners, their neighbors, Utahns, and
4 Americans.

5 The proposal in its present form is not
6 only bad public policy, but it is unnecessarily
7 dangerous. I have many concerns regarding this
8 proposed facility; however, due to time constraints, I
9 will comment only on the following:

10 There is no guarantee that the storage of
11 this nuclear waste will be temporary. The proposed
12 storage facility at Skull Valley has been described as
13 such. However, I am concerned that if the facility is
14 built and the nuclear waste is collected and stored
15 there, we have no guarantee that the waste will ever
16 be removed from this site.

17 The permanent repository at Yucca
18 Mountain, Nevada, is still undergoing extensive
19 testing to determine whether the site is suitable for
20 geological disposal of the high-level nuclear waste.

21 If construction of the Yucca Mountain site
22 is not completed, then it is likely Skull Valley's
23 temporary storage facility will become the permanent
24 storage site for the nation's high-level nuclear
25 waste, and that is simply unacceptable.

1 There is no need for an away-from-reactor
2 storage facility in Utah. Twelve of the thirteen dry
3 cask storage sites which store the commercial
4 high-level nuclear waste are located within 3300 feet
5 of the waste-originating reactor. Claims by reactor
6 sites that they are running out of existing storage
7 capacity for the waste are suspicious.

8 The communities located near the reactors
9 enjoy the cheap power, but do not want the waste
10 stored near them. "Send it West," they say. The
11 waste creators can build their own dry cask storage at
12 the reactor sites. If the cask's storage is as safe
13 as advertised, then the makers of the waste can
14 confidently store it themselves.

15 PFS has requested to place basically all
16 of the country's nuclear waste in Skull Valley. There
17 is no need to concentrate such a large volume of
18 nuclear waste in one location. The NRC should not
19 give PFS a license to store such a large quantity of
20 nuclear waste.

21 PFS has no history of being able to handle
22 or manage such a vast quantity of waste. It is
23 imprudent to let PFS prove its ability to handle such
24 quantities of nuclear waste on the present proposal
25 with so much at risk. Unnecessary handling and

1 transportation of nuclear waste creates the risks of
2 accidents. 92 percent of the reactors in the U.S. are
3 located east of Colorado.

4 The transportation of nuclear waste will
5 travel across America, prime watershed areas, and
6 population centers here in our state. Obviously, the
7 probability of an accident increases dramatically the
8 more the waste is handled or the further that it is
9 transported.

10 The storage of such a large volume of
11 nuclear waste in a single location is unprecedented.
12 The risks associated with the transportation should be
13 evaluated in the NRC licensing proceeding, but the NRC
14 has not allowed Utah to litigate general
15 transportation issues in the PFS proceeding.

16 The shipments to the PFS site would be
17 private and, as such, are not required to meet the
18 same standards as DOE shipments, for example,
19 financial support for local and state governments to
20 address infrastructure, emergency response, law
21 enforcement, state input to route selection. And PFS
22 can ship the waste in mixed freight, meaning waste can
23 be delayed at various areas across the country,
24 including Ogden and Salt Lake.

25 PFS has not adequately addressed financial

1 responsibility and liability. PFS is organized as a
2 limited liability company and has no assets of its
3 own. As we know, an LLC protects the eight-member
4 utility companies that form PFS from individual
5 liability.

6 To date and, I believe, prior to license
7 issuance to PFS, the NRC will not require PFS to
8 demonstrate that it will be able to obtain sufficient
9 funds to build, operate, and close the proposed
10 facility. Instead, NRC will allow PFS to build a
11 storage facility upon a mere showing that PFS has
12 sufficient commitments rather than actual funds in
13 hand.

14 Moreover, PFS and the NRC have considered
15 the majority of PFS's financial information to be
16 proprietary and not subject to public disclosure.
17 This is disturbing, given the public impact of the
18 proposal.

19 Importantly, the NRC should require
20 nuclear property insurance and off-site liability
21 insurance. Federal Rules do not require any off-site
22 property liability insurance to ensure liability
23 coverage in the event accidents occur at the proposed
24 facility or during transportation of the waste.

25 I also have concerns with the seismic

1 evaluation of the proposed facility site. Although
2 seismic data has been collected and evaluated, there
3 are concerns with the quality of the data and whether
4 the data accurately estimates the seismic potential of
5 the area.

6 In order to construct the facility that is
7 currently proposed, PFS must obtain an exemption from
8 current NRC seismic regulations. From all
9 appearances, NRC is ready to grant that exception to
10 PFS.

11 The nature of this facility warrants a
12 high standard of care and compliance with rigorous
13 requirements, not exemptions from safety standards.
14 The inherent risks involved with nuclear waste warrant
15 strict compliance with prudent safety measures.

16 The proposed facility will be located just
17 east of Utah Test and Training Range, the UTTR. The
18 UTTR space is designed as a military operating area.
19 The activities over the proposed storage facility
20 include air-to-air training, low-altitude training,
21 cruise missile testing, and major military exercises.
22 The UTTR is a training facility, and I have concerns
23 with the potential of accidents, cruise missile
24 crashes, or other into the storage facility.

25 Unfortunately, accidents happen. It is

1 simply reckless and poor public policy to have a
2 nuclear storage facility so close to a vital military
3 training range.

4 In addition to the risks related to
5 military activities, the Air Force may be forced to
6 restrict its use of the UTTR. Even if there are no
7 restrictions with the air space around the proposed
8 storage facility, the Air Force may limit its use of
9 the UTTR due to the risk.

10 The UTTR at Dugway Proving Ground is the
11 largest military training land mass in the world. The
12 Air Force credits its success during Desert Storm and
13 its overall military readiness to its ability to train
14 at the UTTR. Compromising the UTTR hurts Hill Air
15 Force Base. Hill's strong strategic position will be
16 weakened when the next round of base closures come.
17 The loss of Hill Field will hurt all Utahns and weaken
18 American defenses.

19 There are many other concerns I have
20 regarding this, such as dry cask technology, future
21 land use for population growth in Tooele County, the
22 economic impact and security provisions in the
23 transfer and storage of the waste that needs to be
24 addressed in more detail by this board.

25 Utah does not want to be a nuclear dump

1 site for America. This proposal recklessly endangers
2 Americans, directly and indirectly. The proposal is
3 bad from its secretive arrangement between PFS and the
4 landowners, to the exemptions of nuclear materials
5 safety requirements and the unguaranteed status of the
6 facility remaining temporary.

7 I trust this board will review the
8 public's concern and act appropriately. Thank you for
9 your time.

10 JUDGE BOLLWERK: Thank you, sir, for
11 talking with us today.

12 Our next speaker is Chaunce Venuto.

13 MR. VENUTO: My name is Chaunce Venuto,
14 and I'm a resident of Tooele, Utah. I have no
15 affiliation with any group. I am just here as a
16 private citizen. There's a couple of things that
17 really disturb me about this facility and planning for
18 it.

19 To preface, I've lived throughout the
20 country as a Marine Corps officer. I've owned my own
21 business, and I moved to Tooele five years ago to
22 become a teacher in high school here.

23 With that said, the first thing that
24 really bothers me is what I would call "tyranny of the
25 majority." And in this era, when we are so concerned

1 with the rights of minorities, et cetera, I think a
2 big minority that is becoming abused is the
3 Intermountain West.

4 We don't have the congressional votes to
5 swap around to other congressmen. We don't have the
6 electoral votes that are going to be pivotal in
7 national elections. So we have become something to be
8 used by the two coasts, and I think this practice has
9 become consistent and blatant.

10 The people that have made their fortunes
11 in the endless shopping malls and developments on the
12 two coasts, mid-Atlantic states, Southern California,
13 they can't find a place near them where they can drive
14 or walk a mile without hitting pavement, so they want
15 to keep Southern Utah and Drawbridge, Nevada,
16 pristine.

17 Don't let it bother you that the Natives,
18 people in the small communities can't build roads,
19 gravel roads, or maintain them from one community to
20 the other. Let them drive 150 miles further so that
21 the coastal people can jet in and have a pristine area
22 to view a couple times every five or six years.

23 I think the same thing is spilling over
24 now. We've got an area that isn't that scenic in Utah
25 called Skull Valley. "So let's use that for our

1 toilet. Utah, Nevada haven't produced nuclear waste,
2 but let us Easterners ship our stuff out there. It
3 doesn't matter if a few people -- a couple thousand
4 people in Utah glow in the dark. It's safe. Just
5 don't put it in our backyard."

6 But can you imagine that this would even
7 be considered if the area was the Shenandoah Valley or
8 the Pocono Mountains? Do you think this
9 administration would not put a kibosh to any
10 discussion this year of putting such a storage
11 facility in the Adirondack Mountains in New York?
12 "No, let's ship it out to Utah. They don't have the
13 votes to really concern us." I think it's a real
14 tyranny of a majority. "We'll use you and the
15 Intermountain West as just something to use at our
16 whim."

17 Now, do you disagree with what I said?
18 Would this even be considered in a swing state like
19 Pennsylvania or New York? Do you think so?

20 JUDGE BOLLWERK: Sir, I am just here to
21 hear your comments.

22 MR. VENUTO: No. I'm just asking a
23 question.

24 JUDGE BOLLWERK: I don't have anything to
25 say about that.

1 MR. VENUTO: I doubt that it would. But
2 it's so safe. It's safe for you Utahns. Why isn't it
3 safe to be built in the Poconos or the Shenandoah
4 Valley?

5 And when they say they don't have room,
6 they have room out there. I've been on the East
7 Coast. I've been to Illinois. They have got room to
8 squeeze in another shopping mall. Put in a storage
9 facility if it's that safe. It sure would be a lot
10 safer than transporting it a couple thousand miles.

11 One other thing that bothers me, and
12 before I say it, because it may be politically
13 incorrect, let me state that my wife and I adopted
14 three children who were Eskimo, and I mean igloo
15 Eskimo. We've got National Geographics with their
16 grandparents and uncles hunting seals. We've raised
17 them, and they've assimilated.

18 I've got a son who is an engineer in
19 Portland and one that works for the Forest Service.
20 One of them chooses to just be a non-hyphenated
21 American; he just wants to be American. The other one
22 keeps his cultural ties. But they've assimilated.

23 So what I have to say is, I think we have
24 a guilt complex, us Americans, as do-gooders that
25 built this reservation system that's been in effect

1 for over a hundred years. And I think, to a large
2 part, it's a failure. I don't blame the Indians.
3 They're playing it both ways when it's beneficial.
4 They are playing with cards that were dealt to them.

5 But it just bugs me that they are
6 Americans who take federal or local assistance, and
7 they want the schools to serve them, and these are
8 Utah schools. Yet, on the other hand, a handful of
9 the Indians want to sell out, and they all of a sudden
10 are not Americans. "We are a sovereign nation, and to
11 heck with the rest of the Utahns. They don't have a
12 voice." It's the dictates of a few that are going to
13 profit off selling their land, and it's not all of
14 them.

15 But I just don't see how -- I think we've
16 got this system that hasn't worked that well, and they
17 are playing both sides. If they are Americans, then
18 how can they have laws that transcribe what the
19 governor or the rest of the people in the state of
20 Utah want done? What is best for all of us?

21 I also think it's interesting to note
22 there aren't too many speakers today in favor of this
23 storage facility. I guess they probably have a lot of
24 faith in the bureaucratic system that will
25 rubber-stamp the whims of the East Coasters and the

1 West Coasters and to hell with Utah.

2 I just hope if you bring us your nuclear
3 waste, you also bring us a new Statue of Liberty, and
4 we can have words on there, "Bring us your Tired
5 Refuge Yearning Debris Free." Because our new
6 immigration won't be people, it will be the waste from
7 the Easterners and the West Coasters.

8 I just think it's a tyranny of the
9 majority. You wouldn't be doing this to
10 Pennsylvanians or to Virginians or to New Yorkers, but
11 there aren't that many votes in Utah, so to hell with
12 them. Thank you.

13 JUDGE BOLLWERK: Thank you, sir, for
14 speaking with us today.

15 Are you here to speak, or are you just
16 listening?

17 MR. BRANDT: I am here to speak.

18 JUDGE BOLLWERK: What is your name?

19 MR. BRANDT: Ian Brandt.

20 JUDGE BOLLWERK: Okay. You're next.

21 MR. BRANDT: I have my son with me.

22 JUDGE BOLLWERK: That's no problem.

23 MR. BRANDT: That's kind of one of my
24 points here, is that, as citizens and as
25 professionals, in places like this, we don't like to

1 bring our children, but these are the people we should
2 listen to. Okay? So I would like you guys to know
3 that.

4 I don't think any of these people -- are
5 you going to be living here when you bring this
6 nuclear waste? Are you going to live right next to it
7 and feel comfortable with it? Because I don't think I
8 will. And I run a business here, and my business
9 survives on tourists, a hospitality industry type job.

10 And one of the great things about Utah is
11 the beauty of it, like this last gentleman said, and
12 it's a very high paying industry. So how can you put
13 a dollar tag on that as long-term economics
14 development strategy?

15 I think we have to really consider
16 everything that has been said. In the last hearing
17 that was here, I think it was maybe a year and a half
18 ago, two years ago. It was a long time ago. But
19 everything that was said during that hearing and
20 everything that has been said so far makes total
21 sense.

22 I don't know if the people that are going
23 to be voting on this or have a say on this have values
24 or morals. But as godly people on this earth, we
25 really have to consider sustainable methods of

1 development. We have to question what sovereign
2 really means. Does "sovereign" mean when the dollar
3 flys that means we are going to get something out of
4 it? Like when the Navahos want to grow hemp as a
5 totally feasible means of economic sustainable
6 development, we say no?

7 So when we are faced with these decisions,
8 we choose what will pay off more in the short-term,
9 based on short-term capitalism? Do you think that, as
10 a citizens of this country, we are just all of a
11 sudden going to fade in ten years?

12 This stuff is going to be here forever.
13 So I think we have to look at this as a long-term
14 investment in our land. Utah is a beautiful,
15 incredible place. And it just boggles my mind to
16 think that we can just store all of your crap here,
17 like the last gentleman said once again.

18 It's not fair. It's definitely not
19 upholding to the morals, whether it's Native American
20 people that live in Utah or if it's Mormon people or
21 Jewish people. There's a lot of godliness going on in
22 this state. And for them to bring this stuff in is
23 definitely not morally correct, whether or not you are
24 an anarchist or a Christian. So you have to analyze
25 that.

1 We also have to consider the people that
2 aren't even here to speak today because they have five
3 kids to support, and they don't have time to get
4 involved in political issues.

5 Typical Americans work 50 hours week,
6 maybe even 100. Do you think they have time to spend
7 on political issues? No. They are not here. They
8 are watching their five kids. They have one day off a
9 week. They go to church on Sundays. You think they
10 are really going to be here to talk about this? No.
11 They are spending time with their families, like I'm
12 doing.

13 But a lot of people don't feel comfortable
14 bringing their kids to places like this because they
15 run all over the place. But that's something to
16 consider.

17 That's about all I have to say. I have
18 lots to say, but I didn't really write anything down.
19 I just came down here to speak my mind and to bring a
20 little bit of this up and to hear what other people
21 have to say. But that's pretty much it.

22 I'm sorry if it wasn't very organized, but
23 I think the point was said. Thanks a lot.

24 JUDGE BOLLWERK: Thank you for coming to
25 speak with us today.

1 The next speaker is Jerry Schmidt.

2 MR. SCHMIDT: Good afternoon. It's a
3 pleasure to be here today. I just wanted to come up
4 and share some thoughts with you, if I can.

5 Today I stand here before you as a very
6 proud American, actually. I mean, I'm sitting here
7 talking to government officials on a Saturday in a
8 public hearing. And it just makes me grateful for all
9 the veterans in years past that have laid down their
10 lives and sacrificed so much in their lives to provide
11 for democracy here in America, so I'm proud for that.

12 That's obviously not the way things work
13 in the Goshute Nation. And I would like to also
14 publicly recognize and thank the Goshute tribal
15 members who have endured personal hardship and
16 financial hardship to speak out against this issue,
17 and also probably to endure some social hardships as
18 well. And also to many of the environmental activists
19 who have been in on this issue for many years.

20 And I would like to especially thank
21 Cindy King, who has been following issues like this
22 for years and years. And I should probably publicly
23 state in this NRC record that when Ms. King asks you
24 questions and brings up concerns, she's speaking for
25 probably tens of thousands of Utahns, like myself, who

1 are concerned about these issues.

2 But no matter how happy I am about our
3 government hearing and all, this week's hearings have
4 been a sham. And with all due respect to all of you,
5 you have been assigned an impossible task.

6 And no matter the level of your expertise,
7 your witnesses' expertise, the amount of money, the
8 amount of time at your disposal, it is absolutely
9 impossible for you to ascertain whether Private Fuel
10 Storage and their financial backers have the financial
11 and the technological resources to have complete
12 remediation in the case of an accident or a natural
13 disaster occurrence.

14 There has never been an occurrence of this
15 type or of this scale. You could combine the
16 financial wealth of Bill Gates and John Huntsman and
17 all of the other computer people in the stock market,
18 and you may never have enough money to provide for
19 remediation in the case of an accident.

20 And the resources of PFS and their
21 insurance companies are also finite. They do not have
22 infinite resources. They cannot pay all the money
23 that it might take because you have no idea what it
24 will take. You might think Yucca Mountain had
25 earthquake problems. This site is due to go. We all

1 know that here in Salt Lake that some day soon we will
2 have a giant-sized earthquake.

3 This site you're considering in all
4 probability will be part of a major catastrophic
5 event. And no matter the cultural inequalities
6 experienced by the Goshute Tribe, that does not excuse
7 the siting of some of the most dangerous materials
8 known to mankind just 40 miles upwind of a major
9 metropolitan area of the Intermountain West.

10 Not only can you not measure the impact of
11 that disaster on the metropolitan area, but it is
12 absolutely impossible for you to measure and estimate
13 the impacts of a disaster of this type on the Great
14 Salt Lake.

15 This natural wonder is home to thousands
16 of species of migratory birds. If a disaster occurred
17 and affected the lake's ecosystem, it would affect the
18 food chain worldwide, as these birds travel worldwide.
19 And they are also food for many other species in the
20 world. They certainly migrated from the South, in the
21 bottom of South American, to the tip of North America.

22 So in order to determine if Private Fuel
23 Storage has the financial resources to deal with this
24 impact, the Nuclear Regulatory Commission would have
25 to do an EIS to measure the impact costs and the

1 remediation costs, and this EIS would have to
2 encompass half the planet. You haven't done that.

3 It's not very often I have an opportunity
4 to agree with the congressman from the First
5 Congressional District of Utah, Jim Hansen. But I
6 would like to join with him, possibly for the first
7 time ever, in calling for oversight hearings on your
8 process and also on the financial dealings of Private
9 Fuel Storage and the Goshute leaders.

10 The role of the BIA, that also needs to be
11 taken a look at, and also the lack of experience and
12 expertise within the Goshute Tribe and the BIA to
13 monitor and judge these proposals.

14 I mean, three days and no EIS or no NEPA
15 compliance? That's ridiculous. And the fact is that
16 the NRC and you, as its representatives, are acting
17 and aiding and abetting in this process. You have the
18 responsibility. You have the interest of the entire
19 country on your shoulders.

20 Because of the sovereignty that's being
21 claimed by these Native American Nations, you are the
22 only regulatory agency that I'm aware of that these
23 people will have to go through.

24 The state of Utah is being told they don't
25 have the say they would like to have in this matter.

1 So you carry a great responsibility, and I hope that
2 you will understand that responsibility and take it
3 seriously.

4 The character of the Goshute leaders --
5 the current Goshute leaders -- has certainly been
6 called into question. There have been reports of
7 bribery, the inability of people to vote without
8 pressure on this issue, the stories I've heard about
9 favoritism and money being made.

10 I repeat my call that I made last time at
11 the last Nuclear Regulatory hearing a couple years
12 ago, and I would ask you to recognize Margene Bulcreek
13 and the people behind her as the true leaders of the
14 Goshute Tribe.

15 And another thing I think you need to
16 consider is who lives there? When I got into this
17 issue a couple years ago, I took a look at how many
18 people actually lived on the reservation and members
19 of the tribe. And I think if you'll look into that,
20 you'll find it's very revealing that the people who
21 are actually living on the reservation are the ones
22 who don't want it.

23 But many of the Goshutes haven't lived on
24 the reservation for years, and some of them, even
25 their leaders, use their tribal membership as a cash

1 cow. And that's what this is. They are not going to
2 have to deal with the effects of this because they
3 won't be living there.

4 They talk about a temporary storage
5 facility. Well, is this a permanent facility for
6 temporary storage? Because it certainly could be.
7 Does it mean it's temporary storage or it's a
8 temporary facility? We need to know that.

9 I'm also concerned with the transportation
10 to the site, I-80 and the roads that are going through
11 and also possibly on rail lines as well.

12 This gentleman was talking about locating
13 it back East, and I thought of something funny as he
14 was talking about Pennsylvania. The only town in
15 Pennsylvania where it would be appropriate to locate
16 this site, given the way the process has gone, would
17 be Intercourse, Pennsylvania, because talk about a
18 city getting a royal screw job. This is what this is
19 about right here.

20 I would like to quote from a newspaper
21 story today. It was kind of funny. You folks are
22 from the government. The Assistant U.S. Attorney gave
23 an answer to a question about planning efforts from
24 the United States government. And his quote is, "Even
25 though it was a good plan, I don't think the plans of

1 the United States are infallable." And that holds
2 true very much in this particular case too.

3 So in closing, I would just like to say
4 that I think the major point is that you really do not
5 have the expertise, given my respect for all your
6 knowledge and past experience, but you really do not
7 have the expertise to decide whether PFS and the tribe
8 and the insurance companies have enough emergency
9 planning measures set up, financial assurances, and
10 the decommissioning costs.

11 And I would hope that you would turn this
12 application down and not approve the site. Thank you
13 very much for your time here today.

14 JUDGE BOLLWERK: Thank you, sir, for
15 coming and speaking with us.

16 Let's take a ten-minute break and allow
17 additional individuals to sign up. There are sign-up
18 sheets in the back. Please get your name on the list
19 if you wish to speak this afternoon. And we'll be
20 starting again in about ten minutes. Thank you.

21 (There was a short break taken.)

22 JUDGE BOLLWERK: We are back after a break
23 to hear some more limited appearance statements. I
24 should just note that two individuals: Michael
25 Packard and Cheryl Smith, I think, have already

1 spoken, I believe, and I don't know if they are here
2 today. I think Ms. Smith is here. I don't know if
3 Mr. Packard is or not.

4 What I am going to do is move you all to
5 the end of the list because you have already had a
6 chance to speak, but at the end we will acknowledge
7 you, and if you would like to speak again, you are
8 certainly welcome to. But I want to let those
9 individuals who haven't had a chance to address the
10 board speak first.

11 The other thing I should mention is, in
12 looking at the list, we've got about 15 names, I
13 think. So I am going to try to begin, at least,
14 letting people know when they are getting to their
15 five minutes.

16 And as far as I am concerned, if you wish
17 to -- we may begin to shorten things a little bit, but
18 if you want to come back and finish up your statement
19 if you have to go more than five or six minutes, you
20 are certainly welcome to do so at the end. I just
21 want to make sure everybody gets a chance to speak
22 before 4:00.

23 Let's move forward. The next speaker is
24 Eric Wilden.

25 MR. WILDEN: Hi, I am Eric Wilden. I am a

1 resident here in Salt Lake City. I've lived here
2 about six years now. And I'm wearing this costume to
3 show the absurdity -- what I see as the absurdity of
4 the United States trying to force-feed it's nuclear
5 waste to Utah.

6 I was out in front of the hotel this
7 morning protesting this sham that's going on, and so I
8 dressed up like a clown because this is what this is.
9 This is a circus.

10 But I'm going to take this off now, out of
11 respect for you guys because I appreciate your talking
12 to us today, and like Jerry Schmidt said, actually
13 talking to us on a Saturday, which is a rare
14 occurrence as far as I've seen with these hearings.
15 They are usually on weekdays around 3:00 in the
16 afternoon.

17 But I just, as a resident of the Wasatch
18 Front and on behalf of myself and my friends and
19 family who couldn't be here today, I want to say that
20 we don't want America's nuclear waste in our West
21 Desert.

22 I grew up in Pennsylvania. Figure I'd
23 mentioned Pennsylvania one more time. I grew up in
24 Pennsylvania in the shadow of Three-Mile Island and
25 Limerick Nuclear Power Plant. I know what it is like

1 to live near this kind of stuff. It's not something
2 that you enjoy. It's something you think about.
3 Something I used to think about every day when I was
4 in college.

5 I went to college about five minutes away
6 from Limerick Nuclear Power Plant. Every time I
7 walked out my door I would see those cooling towers.
8 The first Monday of every month at 2:00 p.m. they
9 would signal the air raids for about five minutes to
10 test the alarm system in case something went wrong at
11 the nuclear power plant.

12 I came to Utah to get away from that kind
13 of stuff. You expect that on the East Coast. I
14 always did. You grow up expecting that kind of thing.

15 We don't want it here. That's all I'm
16 here to say. We don't want it here. I think it's
17 disrespectful of the rest of America to continue to
18 push their hazardous and nuclear waste on Utah, on the
19 West Desert, on the Goshutes, and on Utahns.

20 It's not healthy. It's not something that
21 we feel comfortable having in our backyards. And I
22 can say this because I grew up in the shadow of this
23 kind of stuff. And Limerick Nuclear Power Plant -- I
24 can't speak for Three-Mile Island -- but Limerick was
25 probably a lot safer than these spent nuclear fuel

1 rods that are going to be sitting in our West Desert.

2 I'm opposed to it because it's in my
3 backyard. I'm opposed to it because it needs to be
4 transported to my backyard from all over the country.

5 It's not a safe bet, and I just want to
6 ask that you don't send your nuclear waste to Utah.
7 We've had enough of America's garbage, and we don't
8 want any more. Thank you.

9 JUDGE BOLLWERK: Thank you for coming to
10 speak with us today.

11 The next speaker is Dave Pacheco.

12 MR. PACHECO: I didn't prepare anything.
13 I came out here today just out of good conscience. I
14 have been a Utah resident for 36 years. I'm a
15 fourth-generation Utahn. I remember some things that
16 my grandpa told me, about the sheep that died out in
17 the West Desert back when we were testing nuclear
18 weapons. And he told me that he was sure happy that
19 he wasn't out there. He was down in another part of
20 Utah.

21 And I echo those words today because I
22 think that Utahns -- and I will admit it. I'm one of
23 them. I think there's a certain naivete here in Utah.
24 I think we believe and trust in the decisions we made
25 elsewhere, and I think that's gotten us into some

1 pretty bad places in the past.

2 We have cancer clusters out in the West
3 Desert by a lot of this nuclear waste. We are
4 attempting to burn the stuff from our old rockets that
5 are laying -- the waste is going out of a stack out
6 there. And now we want to bring the nation's
7 high-level nuclear waste to our backyard, 40 miles
8 from a city that's going to be in the national
9 spotlight here pretty soon for the Olympics in 2002.

10 Everybody is going to be looking at us.
11 And you know what is going to happen? There's going
12 to be people out there on the roads protesting when
13 the nuclear waste is coming down the highway. You
14 know what is going to happen when that -- we don't
15 know. We don't know what is going to happen. That's
16 why we like to come out here and say these things.

17 I know this is a limited appearance. You
18 don't really have to take what we have to say into
19 account, but I hope that you take some of this into
20 consideration, some of this moral talk. And I don't
21 know hardly any of these people here today, but boy, I
22 sure believe what they have to say.

23 Almost every speaker who has come up here
24 I would echo their comments and reaffirm their
25 comments and agree with what they have to say.

1 In particular, I want to point out
2 something that another speaker said, and that was it's
3 amazing how many controversial issues there are out
4 here in Utah. There's a lot of environmental issues.
5 There's a lot of growth sort of issues. And lot of
6 times we find different groups clashing, and this is
7 not something to overlook.

8 Listen to what I have to say here. These
9 groups are all together on this. I couldn't disagree
10 more with the gentleman from Tooele over Drawbridge
11 out there and what is going on. We are united on this
12 thing. We really are.

13 Representative Jim Hansen does no justice
14 for the public lands in this state. I work for an
15 organization that works to protect those lands. I've
16 never been on the same side of the issue as that man,
17 and yet he wants to hold oversight hearings, and I
18 think that's appropriate in this case.

19 I think it's appropriate because this
20 thing is going down really fast, and I don't think
21 that the people of Utah really know about it. And
22 there's very few people who are here today to talk
23 about this. I think it's that Utah naivete again.
24 It's going to be okay. Yeah.

25 What happens when you're up here, up I-80,

1 and you bring your boat down the canyon from a weekend
2 of water skiing at Jordanelle, and you are coming down
3 side by side with a nuclear waste truck that's coming
4 down the mountain? There's a lot of that stuff going
5 on. We are growing bigger. We have a lot more people
6 than we did before, and I just think the opportunity
7 for having an accident is increasing, and I just don't
8 think we should have it here.

9 I don't really have any other details or
10 facts or figures. I'm just here to say, please don't
11 bring that stuff here. If they say it's safe, leave
12 it where it is at. I know that those reactors are
13 continuing to produce more fuel. We've got to do
14 something about that. But why bring it here? It
15 stinks.

16 What it sounds like to me is that some,
17 very few people are getting paid off in a big way, and
18 they are taking it from the American taxpayers, and I
19 don't think that's fair. Let's not do it. Let's hold
20 off. Let's try to figure this out in the long run.

21 They've been debating it at Yucca Mountain
22 for years. Let's not change the direction and all of
23 a sudden ship it all to Utah. It's not a solution,
24 folks. We know it's not a solution. We have to take
25 some time, and let's not ram this down the throats of

1 Utahns. Thank you.

2 JUDGE BOLLWERK: Thank you for coming to
3 speak with us this afternoon.

4 The next speaker we have is Kerry Norton.

5 MS. NORTON: Good afternoon. I'm Kerry
6 Norton. I am a resident here in Salt Lake City, and I
7 represent my family and my friends who could not be
8 here today.

9 I oppose the storage of spent nuclear fuel
10 on the Goshute Reservation. My ancestors came over
11 here on the Mayflower, and before they were even here,
12 we were exploiting and killing, promising Native
13 Americans the fact that this was going to be a benefit
14 to them, telling them we could all work together, and
15 we never told the truth to them. Ever. And now there
16 are so few of them left.

17 And what they have to show us and give to
18 us and teach to us about the land, about our Mother
19 Earth is that we are all sisters and brothers, and
20 that without taking care of the Earth, we cannot
21 survive.

22 We've known the dangers of nuclear fuel
23 for a very long time. We've known that it's bad, and
24 yet we continue to make it. And I don't know why we
25 don't think of other ways to fuel our economy. There

1 are so many ways that are safer, and we need to change
2 the way that the tides are going. If we don't, we are
3 not going to be around much longer.

4 It's really a simple fact. Statistics
5 must show that we have so many nuclear rockets and
6 things that we could destroy the Earth ten times over.
7 And something is going to blow one of these days, and
8 there's no denying that if we don't stop now.

9 And I don't have the power. I don't have
10 the money to buy off all of the folks who are pushing
11 this with their money and tell them that they are
12 wrong.

13 And so I am here, and I'm saying that we
14 are having to pay restitution to the Jews from World
15 War II whose families and homes and business were
16 destroyed. And maybe it's time that we start doing
17 that for the Native Americans. Maybe it's time that
18 we quit taking from them and exploiting them and
19 ignoring them, and maybe it's time that we started
20 giving to them really all of the riches that they have
21 given to us.

22 If there's an accident, I don't believe
23 that there will be any accountability for it. I think
24 it will be brushed under the rug.

25 People in Utah don't even know what this

1 issue is about. It's so kept quiet. It's not even on
2 the front page of our newspapers, and it's just a
3 travesty. It's a disgrace. It's a joke.

4 And people laugh about Utah. I know they
5 do outside of here. "Ha, ha, Utah is the place we can
6 throw our garbage. Utah, that is where all those LDS
7 people are, all those Mormons. Let's just put the
8 chemical weapons incinerator out there. Let's put all
9 of the radioactive waste out there. Now let's put all
10 of our nuclear waste out there because there's nobody
11 out there." But that's not true.

12 There are Native Americans who live out
13 there, who have lived out there longer than I can
14 imagine, and they deserve to be able to keep that
15 land. We shouldn't desecrate it further. We've
16 already done enough.

17 So it's not in my hands; it's in your
18 hands. I hope there's something you can do to stop
19 this. I am afraid because I drive on these freeways
20 every day, and they are our main arteries of
21 transportation in this state, and there is no way that
22 there is not going to be accident. Not when
23 statistically one truck is going to be rolling down
24 I-80 every eight hours for the next 30 years.

25 And so this is where it needs to end. It

1 needs to stop. We need to leave it where it is. If
2 it's safe -- I don't believe it is, and that's why
3 they are shipping it here. I mean, people treat us
4 like we are stupid, but we are not. We just don't
5 have the mechanical, technical expertise, but we are
6 not stupid.

7 So I appreciate the opportunity to come
8 out on a Saturday, as it's been said, because people
9 have to work. So thank you for your time, and please
10 don't bring it here.

11 JUDGE BOLLWERK: Thank you for coming and
12 speaking with us today.

13 The next speaker we have is Kimberly
14 TallBear.

15 MS. TALLBEAR: Hi. Thank you for letting
16 me speak before you today. My name is Kimberly
17 TallBear. I am a senior researcher for the
18 International Institute for Indigenous Resource
19 Management based in Denver, Colorado.

20 I'm not here representing the Institute
21 today. Rather, I'm speaking on behalf of myself as an
22 environmental policy analyst with eight years of
23 experience working on tribal environmental policy
24 issues, including those dealing with the implications
25 for tribes of nuclear waste management.

1 I've worked for the U.S. Environmental
2 Protection Agency and for a private environmental
3 consulting firm working on tribal involvement in a
4 national risk evaluation at the Department of Energy's
5 Nuclear Weapons complex. I've worked directly for
6 tribal governments, for a national tribal
7 organization, and now for Independent Tribal Research
8 Institute.

9 I also speak as a tribal person. I am an
10 enrolled member of the Cheyenne and Arapaho Tribes of
11 Oklahoma, and I am also of Dakota descent. I grew up
12 on a South Dakota Reservation, not like the Goshute
13 Reservation, had few economic opportunities and where
14 we had to endure the patronizing and sometimes
15 outright racist policies and public institutions of a
16 blatantly anti-tribal state government that did not
17 respect the history and legitimacy of tribal
18 sovereignty that is acknowledged in treaties made
19 between the U.S. government and tribal nations that
20 preceded statehood in many cases and that is provided
21 for in federal policy.

22 I share my background with you in order to
23 make it clear to you my biases in the statements I
24 make that neither support nor oppose the actual siting
25 of this facility, but that fully support the Skull

1 Valley Band of Goshute's right and responsibility to
2 make an informed decision about hosting this
3 facility. I am a purist when it comes to supporting
4 the concept and exercise of tribal sovereignty.

5 Helping tribes build their capacity to
6 exercise sovereignty is at the heart of the work that
7 I do. I have no higher calling and this is why:

8 I believe that the exercise and defense of
9 tribal sovereignty is our only means for retaining our
10 landbases. I also believe that whatever cultural
11 autonomy we retain amidst the broader American culture
12 and subcultures is dependent on our retention of our
13 lands.

14 Ours are landbased cultures. Our
15 religions are also tied to specific landbases.
16 Without a landbase, there can be no cultural autonomy;
17 and without exercise of our sovereignty, we cannot
18 retain our lands that comprise our over 300 separate
19 tribal nations.

20 I do believe that anti-tribal state
21 interests understand this very well, and this is why
22 tribes all over this country spend enormous amounts of
23 money to fend off state attacks on tribal rights to
24 governance as well as tribal rights to retain and
25 control ancestral homelands.

1 That said, I want to focus on exactly what I
2 mean by an informed and beneficial decision. If a
3 tribe wants to be sovereign, it must act like a
4 sovereign. In order to act like a sovereign, it must
5 have or seek to develop the regulatory and economic
6 capacity as well as governmental program
7 infrastructure to act in such a manner.

8 Building its capacity to responsibly
9 exercise its sovereign right to make development
10 decisions is imperative to good governance and to
11 providing for the best interest of the people of one's
12 nation.

13 The key to the tribe developing this
14 capacity, if indeed the decision is made to develop
15 the facility, lies in the agreement made between the
16 PFS and the tribe.

17 If the tribe decides to go ahead with this
18 project, it behooves the tribe to negotiate
19 aggressively on behalf of the long-term best interests
20 of its people. Currently, the tribe does not have the
21 regulatory capacity or technical expertise to oversee
22 such a facility.

23 Will the tribe be acting like a sovereign
24 if it permanently abdicates responsibility for such
25 oversight to the federal government or to the PFS

1 itself? I think not.

2 Many, although not all of the objections
3 to the facility that I've heard expressed during this
4 hearing could be addressed in an aggressively
5 negotiated agreement between the tribe and the PFS.

6 First, does the agreement allow for PFS
7 financing of a comprehensive education, training, and
8 employment program for Goshute tribal members in the
9 appropriate technical fields necessary to build tribal
10 expertise for a knowing role in the oversight of this
11 facility? Bringing jobs to the area does nothing for
12 local employment if a people do not have the expertise
13 necessary to perform those jobs.

14 Second, I have heard concerns regarding
15 the ability of local hazardous response in the case of
16 transportation accidents or accidents at the facility.
17 Has the tribe negotiated the agreement so that it
18 provides for PFS funding for the training and
19 deployment of hazardous response teams?

20 If the tribe, the county, and/or the state
21 are required to develop additional expertise and
22 technical capacity in order to participate in the
23 oversight of this facility, the proponent of the
24 facility, the PFS, should pay for the development of
25 expertise by the affected entities.

1 Aside from debates about the safety or
2 dangers of transportation and of the facility itself,
3 ensuring capable hazardous response capabilities would
4 be a gesture that would ease some fears and that would
5 recognize the sincere concern of many citizens about
6 the health and safety of this facility.

7 Third, in regard to the legitimate
8 concerns that this temporary storage facility could
9 become a de-facto permanent facility, are there
10 legally binding clauses in the agreement that hold PFS
11 or the involved utilities responsible for the spent
12 fuel after the 40-year period if a permanent
13 repository is not available?

14 What are the provisions in the agreement
15 that indicate that PFS is serious about a maximum
16 storage time of 40 years, and what is the scope for
17 the tribe and/or the federal government to levy
18 penalties and judgments against PFS and its directors?

19 How aggressively has the tribe negotiated
20 an agreement with PFS that provides for the greatest
21 benefits possible for the tribe and for other local
22 citizens?

23 This leads me to my next point, which
24 addresses the state of Utah's ability to protect its
25 citizens. Congressman Cook yesterday mentioned the

1 state's inability to regulate this facility as a
2 reason for rejection by NRC of the license for this
3 facility.

4 Given federal/tribal policy, the state's
5 ability to regulate is irrelevant. There is no need
6 for the state to regulate as long as federal
7 regulation applies and future tribal regulation is
8 possible. Tribal sovereignty preceded Utah state
9 authority and claims that Utah should have the right
10 to regulate fly in the face of federal and tribal law.

11 That said, the state of Utah has
12 legitimate concerns about the health and safety of its
13 citizens. However, if the state has the welfare of
14 its citizens as its primary reason for opposing this
15 facility as opposed to opposing the facility because
16 of its patronizing and disrespectful disregard of
17 tribal self-determination, the state should focus on
18 pursuing alternative development opportunities with
19 the tribe and/or respectfully pursuing cooperative
20 oversight and safety standards for the facility as
21 well as assisting the tribe with capacity building
22 efforts that would benefit everyone.

23 And how does the tribe in its agreement
24 with PFS account for the financing necessary to
25 develop cooperative agreements with the state and

1 other local governing authorities that recognize the
2 legitimate concerns of the state of Utah and its
3 citizens while still upholding tribal sovereignty?

4 Along with the sincere concerns about
5 human health and safety and the environmental
6 integrity of the area, I urge consideration by NRC of
7 the complex and interdependent long-term ethical,
8 regulatory, financial, and educational implications
9 for the tribe, for the citizens of Utah as well as the
10 nation in siting this facility.

11 I would like to just make one final
12 comment. I've heard a lot of talk yesterday and today
13 about expectations with the Bureau of Indian Affairs
14 who make this decision on behalf of the tribe.

15 Comments like this are reminiscent of
16 archaic and patronizing federal Indian policy that was
17 indeed law from the 1800s to the 1960s. But more
18 recent federal policy on tribal self-determination
19 provides for the tribe to make this decision for
20 themselves. Thank you.

21 JUDGE BOLLWERK: Thank you for coming to
22 speak with us today.

23 Our next speaker is Jason Groenewold.

24 MR. GROENEWOLD: For the record, my name
25 is Jason Groenewold, and I am the director for

1 Families Against Incinerator Risk. We are a locally
2 based, non-profit organization, grassroots
3 organization, working on issues related to toxic
4 emissions. And what we've taken as our mission is to
5 protect public health by reducing toxic emissions.

6 And the reason that we are here speaking
7 today is because of the proposal to turn the West
8 Desert into the nuclear waste dumping ground for the
9 country.

10 I think it's really important for this
11 commission to already understand what it is that we
12 are faced with here because Utah's West Desert has
13 become the largest environmental sacrifice zone in the
14 country. Besides having the largest toxic air
15 polluter in the country, Utah's West Desert is
16 burdened with the largest emitter of toxins into the
17 environment in the U.S.

18 We have two chemical weapons incinerators,
19 two hazardous waste incinerators, a massive
20 radioactive waste landfill, a hazardous waste
21 landfill, half the nation's stockpile of chemical
22 weapons, a proving ground for biological and chemical
23 warfare agents. Much of this area is actually still
24 contaminated with unexploded ordnance and anthrax
25 spores.

1 We have a massive bombing range and an
2 Army depot with a large underground plume of
3 carcinogenic water. What we do know is that these
4 facilities emit toxins like PCB's, dioxins,
5 radioactive curies and mercury that can affect our
6 nervous, immune, and reproductive systems and have
7 been linked to cancer, learning disorders, and birth
8 defects.

9 Now, on top of that we are currently being
10 faced with two proposals, which, if approved, would
11 bring almost all of the nation's nuclear waste into
12 our community. Envirocare of Utah wants to accept all
13 what they call "low-level nuclear waste" at its
14 radioactive landfill located 80 miles west of Salt
15 Lake City.

16 However, in this case the term "low-level"
17 is very misleading. It's basically everything under
18 the sun except for the actual spent fuel rods. But
19 just to ensure that we wouldn't be left out, we now
20 have another proposal to take all of the spent nuclear
21 fuel rods that have been stored in this county for
22 decades at the Skull Valley Goshute Reservation.

23 And, again, if these two proposals go
24 through, it means that almost all of our nation's
25 nuclear waste would end up in Utah and in the West

1 Desert. That's pretty concerning to us for obvious
2 reasons.

3 Utah doesn't produce any nuclear waste.
4 We don't generate it. So why are we being asked to
5 accept it all? This whole proposal is being pitched
6 as, "Well, don't worry. This is as safe as can be.
7 Our scientists have looked at this. There's really no
8 concerns that you should have about the ability to
9 store this lethally radioactive material in the Skull
10 Valley."

11 Well, I guess it just begs the question:
12 If it is so safe, why not just keep it where it's at?
13 I mean, the hypocrisy of saying it's so safe that we
14 are going to go through all of the effort to ship it
15 across the country to store it in this one isolated
16 area is so thick that it's almost hard to see through
17 it all.

18 But it really does get down to a common
19 sense issue, and that is: This is not a safe
20 proposal, and that's why such close scrutiny has to be
21 given to this decision.

22 Some of that does get into the health of
23 our civic environment. And I think our civic
24 environment can be gauged by our capacity to exchange
25 and understand information, our skills at defining

1 problems and describing innovative solutions. It's
2 determined our success at building consensus and
3 fostering creative collaboration. And it's based on
4 our willingness and ability to engage in inclusive and
5 dynamic dialogues about the choices and challenges
6 that our community faces. Because there is a direct
7 relationship between the vitality and capacity of a
8 community's civic environment and the health of its
9 natural environment.

10 People without power and without civic
11 skills and experiences are more likely to have fewer
12 choices and less likely to make wise choices than
13 those who are part of a robust civic environment.

14 All you have to do is look at where toxic
15 dumps and dangerous industries are located and you
16 will also find communities characterized by scarcity,
17 powerlessness, ignorance, anemic leadership, and
18 corruption.

19 Some of that is pretty relevant here
20 because we have a process where we are being asked to
21 trust the system. But yet when it comes to very
22 important information based on the financial
23 capability of Private Fuel Storage to follow through
24 on its commitments to safely transport this waste,
25 handle any remediation that may occur by leaks that

1 are bound to happen, and its ability to close this
2 site, you've closed the doors.

3 Why is the public being excluded from this
4 process? You are asking us in this area, in our
5 community to take this waste from the country, and yet
6 you are not even allowing us to be part of that
7 decision-making process. You are asking us to trust
8 people we don't even know to make this decision for us
9 on important issues like the financial capability of
10 Private Fuel Storage.

11 Why is this a limited liability
12 corporation if they are so confident in their ability
13 to safely transport and store this waste? Why is it
14 that they are not allowing for their assets to be
15 offered for remediation when, again, it's bound to
16 happen? I think it's indicative of this process.

17 They want to rid their hands. They want
18 to get this waste out of their communities and dump it
19 on us here because they figure, "Well, these are
20 people that don't have a lot of power. They are not
21 typically engaged in these types of decisions." But
22 yet by you excluding us from the process, you are
23 ensuring that that in fact is what is going to happen.
24 And I guess that is what happens.

25 By having a dysfunctional civic

1 environment, we not only fail to defend ourself
2 against abuse of our natural environment, it invites
3 that abuse. And you do have to go back to what is
4 happening here in Tooele County, specifically, and
5 Utah, generally, where the West Desert has become the
6 nation's largest environmental sacrifice zone.

7 The closed-door deals and weak oversight
8 that preceded the creation of Utah's desert sacrifice
9 zone were not coincidental, but causal. If we want to
10 stem the destruction of our natural environment, we
11 must resuscitate and invigorate local democracy. This
12 is not only a key to making wise choices for ourselves
13 and our grandchildren here in Utah, it is important
14 for the entire nation and for the world.

15 Because to the extent that we allow Utah's
16 West Desert to become the enabler for a toxic economy,
17 we encourage a collective behavior that is
18 self-destructive, and burying yesterday's hazardous
19 waste so that even more lethal waste can be produced
20 only postpones the day of reckoning.

21 And that's important because this is not
22 the solution to our country's nuclear waste problems.
23 In fact it exacerbates the problem. They knew decades
24 ago when they were building these nuclear reactors
25 that they didn't know what to do with the waste. They

1 said, "We are creative enough. We'll come up with a
2 solution."

3 Well, here we are 40 years later, and you
4 still don't have a solution, and you are coming into
5 our community -- Private Fuel Storage and the federal
6 government as well is coming here saying, "Well, it's
7 only going to be a temporary site."

8 The fact is you still don't have a
9 permanent solution in place. And until you have a
10 permanent solution in place, you should not be in the
11 process of constructing a temporary storage site.
12 What you should be in the process of doing is
13 eliminating the production of this waste.

14 And this is just a fallacy to say that we
15 are only going to keep it here for 40 years. You know
16 it. I know it. Everyone in this room knows it. As
17 soon as this waste gets located somewhere, it's not
18 moving anywhere. I think that's clear by the fact
19 that it's not limited in this whole proposal. They
20 are going to allow even more waste to come here as
21 long as it is continuing to be produced.

22 So I guess I would ask that if you are
23 absolutely certain that this is going to be for just
24 40 years, let's put it in writing, and let's get it
25 entered into the court system. Let's have the assets

1 of these utility companies put on the line to ensure
2 that this waste isn't going to be in our community
3 more than 40 years if they are actually serious about
4 that.

5 And if you are about to permit this
6 facility as a temporary storage site, we would like to
7 see what the final solution is to this. So far the
8 whole proposal at Yucca Mountain is up in the air, and
9 I seriously doubt that's ever going to go through. So
10 you cannot grant a permit for a temporary storage site
11 if you don't have a permanent, final solution in
12 place.

13 There is a clear pattern that has been
14 established that does invite even more toxic waste to
15 Utah, and it was started by the military with the
16 testing grounds and proving ranges. It was
17 capitalized on then. It opened the door for industry
18 to come in and set up its hazardous waste zones in the
19 area.

20 Now, what happens if we bring in all the
21 nuclear debris from all the nuclear reactors? How
22 soon is it going to be before the military follows
23 their suit again and brings all their radioactive
24 waste from Hanford, Rocky Sites, Los Alamos into our
25 community?

1 There's no limit here, and as soon as you
2 open the door you better well expect that everything
3 is coming here. And by reviewing this permit, it's
4 like we are keeping our heads in the sand if this is
5 being pitched as a 40-year storage site. We all know
6 that is not the case.

7 There are a few things that we would ask
8 from this process, and that is all financial
9 information be disclosed to the public. We need to be
10 involved in this decision-making process, and until
11 that information is released and opened and made
12 available, this process is meaningless because we
13 can't make informative decisions.

14 The second thing that we would like to see
15 is that --

16 JUDGE BOLLWERK: How many points are you
17 going to make?

18 MR. GROENEWOLD: About three.

19 The Environmental Impact Statement should
20 be made available to the public. There's only a few
21 copies, from my understanding, that are floating
22 around. And to put it on the web site, I am going to
23 spend four days trying to download this document. It
24 should be in the public libraries. It should be in
25 the State Regulatory, and they should be made

1 available to any individual in this community who
2 requests a copy. That just needs to be a given.

3 The third thing is, that the hearings for
4 the Draft Environmental Impact Statement needs to be
5 extended. To give us 30 days to review this proposal
6 after just releasing the document, is insane. We
7 can't go through and make an informative decision in
8 that short of a time frame. By all means you need to
9 reschedule that date. We need to have more hearings
10 and very successive hearings in order to involve the
11 whole community in this decision, not just tribal
12 members, but also everyone here in Utah.

13 And then the other thing that we would
14 like to see and ask is that either the federal
15 government or Private Fuel Storage put up the money
16 that citizens can access so that we might be able to
17 hire our own experts to review the technical data that
18 has been provided.

19 There is absolutely no way that we are
20 going to trust the scientists that they put forth to
21 evaluate cask storage and their abilities to function
22 over time. We are not going to rely on their studies
23 for the transportation issues, nor the public health
24 and community impacts. So we want money available to
25 us so we can hire our own experts to objectively

1 evaluate this data.

2 And, again, I will say that it's a farce
3 to believe this is only going to be a temporary
4 storage site. And it's a farce to believe that it's
5 only going to be limited to the 40,000 metric tons of
6 uranium that they want to bring here.

7 This is opening the door, and if you don't
8 make that clear and up front in the beginning, then
9 you are selling out our entire community. You are
10 selling out the future of the United States. And so
11 we ask that you keep that in mind when you make your
12 decision.

13 I am going to distribute a map here that I
14 hope you can take a look at just to get a sense of
15 what we do have here in the West Desert and know that
16 we don't want to turn this area into the nuclear waste
17 dumping ground for the United States. Thank you.

18 (Exhibit 1 was entered into the record.)

19 JUDGE BOLLWERK: Thank you, sir, for
20 coming today and speaking with us.

21 The next speaker we have is Joyce Maughan.

22 MS. MAUGHAN: Hello. My name is
23 Joyce Maughan. I'm a Utah native. I'm a lawyer in
24 Salt Lake City, have been for almost 20 years.

25 And 20 years ago, when I was in law

1 school, I was involved in a study about transportation
2 of high-level nuclear waste because we had the same
3 problem then as we do now, that nobody wanted it. And
4 it's the spent fuel rods that were back on the East
5 Coast are still there, and they want to get rid of it,
6 and so nobody wants it because it's so dangerous.

7 I'm concerned about having it moved here,
8 and this is not just a Utah issue. This is a national
9 issue because the safety and health of all Americans
10 along the transportation corridors is at issue and is
11 at stake.

12 And from a legal point of view, I would
13 please encourage you to keep in mind that I believe it
14 would be premature to grant a license for this
15 facility until all of the safety issues have been
16 addressed along all the transportation corridors,
17 whether it's rail or highway.

18 And there should be notice to everybody in
19 all of the states across the nation. I talked about
20 it being silent. I think that it's been hidden and
21 that the public throughout the United States needs to
22 be made aware of this issue being in their backyards.

23 So I think the safest thing to do is keep
24 the fuel. It's not good anywhere, but keep the spent
25 fuel where it is. Have the nuclear power plants that

1 create the spent fuel have their own storage facility
2 and don't endanger the rest the country with it.

3 I support the comments that all of the
4 others have made here today in opposition, the Native
5 Americans who have opposed it and Congresswoman
6 Kathleen McConkie-Collinwood.

7 And I would like a copy of the
8 Environmental Impact Statement. Can that be made
9 available to everybody easily?

10 JUDGE BOLLWERK: Well, as I mentioned at
11 the beginning of the hearing, it is on the NRC web
12 site.

13 MS. MAUGHAN: Can we have a hard copy?

14 JUDGE BOLLWERK: I can't answer that
15 question. I don't know the answer.

16 MS. MAUGHAN: The Forest Service does
17 that. You can go get on a list, and they will mail it
18 to anybody that asks that. But I think, at a minimum,
19 people should have that well in advance of the
20 decision making. So I will end my comments with that.
21 But, again, it's premature to grant a license until --

22 JUDGE BOLLWERK: There is a -- I don't
23 know. There was a PDR at the University of Utah. I
24 don't know what the status of that is. I think it has
25 the information up to a certain point.

1 Ms. Marco, do you know?

2 MS. MARCO: I don't think it's there.

3 JUDGE BOLLWERK: Do you know if it's
4 available from the agency, other than the web site?

5 MS. MARCO: I believe it's being mailed
6 out to those who spoke earlier, at the earlier
7 hearing.

8 MS. MAUGHAN: Is there a telephone number
9 we can ask for a copy?

10 MS. MARCO: Come see me.

11 MS. MAUGHAN: Could you tell everyone?

12 MS. MARCO: I don't have it right here
13 with me.

14 MS. MAUGHAN: If we called directory
15 assistance, what office do we try to reach to get a
16 copy?

17 MS. MARCO: Spent Fuel Project office.

18 MS. MAUGHAN: Spent Fuel Project office?

19 MS. MARCO: That's correct.

20 Mark Delligatti. He's the project manager.

21 MS. MAUGHAN: Where is that? Is that in
22 Salt Lake?

23 MS. MARCO: No. Rockville, Maryland.

24 MS. MAUGHAN: Do you know the area code
25 for the telephone number there?

1 MS. MARCO: Yes.

2 MS. MAUGHAN: It shouldn't be this hard.

3 MS. MARCO: Do you have the number?

4 JUDGE LAM: Right. Let me provide you
5 with the answer. This is the Draft Environmental
6 Impact Statement report. A single copy of each NRC
7 draft report for comment is available free, to the
8 extent of supply, upon written request as follows:
9 Address: Office of the Chief Information Officer,
10 Reproduction and Services Section, U.S. Nuclear
11 Regulatory Commission, Washington, D.C. 20555. You
12 can also e-mail or fax it to the agency at the fax
13 number (301) 415-2289.

14 So the answer to your request is, yes,
15 indeed a single copy will be provided to you free of
16 charge if you would send in a written request to the
17 address I just gave you.

18 MS. MAUGHAN: What is that e-mail address?

19 JUDGE LAM: It would be e-mail,
20 DISTRIBUTION@nrc.gov.

21 MS. MAUGHAN: No telephone number?

22 JUDGE LAM: There's a fax number.

23 MS. MAUGHAN: Thank you.

24 JUDGE BOLLWERK: The next speaker is
25 John Lamb. Mr. Lamb?

1 The next speaker then is Stanley Holmes.

2 MR. HOLMES: Good afternoon. My name is
3 Stan Holmes. I live here in Salt Lake City. And as a
4 concerned Utah resident living downwind of the
5 proposed Private Fuel Storage nuclear facility and as
6 a state and national taxpayer, I insist the following
7 issues be among those fully addressed before you allow
8 PFS to proceed with its project.

9 My first set of concerns deals with the
10 proposed facility's fire safety plan. First, what
11 constitutes the range of types of fires that might
12 possibly be started by the nuclear waste itself, and
13 what measures would be taken to prevent or suppress
14 each possible scenario?

15 Would the facility be hardened against
16 terrorist attacks from the air or on the ground that
17 might generate fires? For example, what fire
18 scenarios might result from the intentional crashing
19 of a light airplane laden with high explosives into
20 some part of the facility? And how would those fires
21 be contained? Does the PFS fire safety plan assume
22 any closure of overhead or adjacent airspace to
23 civilian aircraft?

24 With regard to the potential for downwind
25 radioactive contamination of Utah communities, I would

1 like to know how PFS would deal with the worst-case
2 scenario of a major fire, perhaps involving
3 explosives, on a day when high winds are blowing
4 toward the Wasatch Front.

5 This is not an idle concern. Long-time
6 Utah residents can remember several occasions when the
7 Salt Lake Valley and other nearby valleys have been
8 filled with smoke from range fires many miles upwind.
9 Fortunately, the smoke then was not radioactive. But
10 if PFS is given the go-ahead, it seems possible that
11 we could be dealing with radioactive smoke along the
12 Wasatch Front.

13 In the event of a wind-whipped fire
14 disaster at the PFS nuclear facility, what might be
15 the toll in human damage and death along the Wasatch
16 Front? What kind of radioactive substances might we
17 be contaminated with?

18 Also, I would like to know what fire
19 safety provisions would be made to deal with nuclear
20 waste transport vehicles and casks that catch fire or
21 become radioactively critical while entering or
22 exiting the PFS facility? What specific truck and
23 cask fire scenarios have been considered, and how
24 would they be dealt with in or near the facility?

25 My second set of concerns deals with costs

1 associated with building, maintaining, and shutting
2 down the proposed PFS facility.

3 The nuclear power companies that comprise
4 Private Fuel Storage, Inc., did not expect to be stuck
5 with their radioactive effluent as long as they have.
6 If they succeed in shifting their problem to Utah and
7 Utahns get stuck with it indefinitely, who will pay
8 for the storage and upkeep of the facility after the
9 currently projected 20- or 40-year contract and
10 extension periods have elapsed?

11 What is the possibility that PFS or its
12 subsequent corporate mutations could legally walk away
13 from this nuclear project when the contractual time
14 period expires and leave the financial burden on the
15 backs of Utah and/or all U.S. taxpayer's? What
16 guarantee do Utahns have this would never happen?

17 Also, if Skull Valley would not be the
18 final resting place for the nuclear waste, where would
19 it go next, and who would have to pay to transport it
20 there?

21 Finally, I would like to know who is
22 paying how much for all of the costs associated with
23 developing this scheme for shipping nuclear waste to
24 Utah. How much has been and is being paid by
25 customers of American Electric Power and the other

1 seven nuclear utilities that are part of PFS?

2 How many tax dollars have we already spent
3 on this through the Department of Energy, and how much
4 will we have spent, based on a 40-year term of
5 operation at a PFS facility in Skull Valley?

6 I am reminded that nuclear power was once
7 touted as being "too cheap to meter." We now know
8 that claim to have been grossly untrue. The U.S.
9 Nuclear Regulatory Commission would do American
10 consumers a major service by publicly quantifying the
11 true costs of nuclear power.

12 Thank you for seeing that all these issues
13 raised in this public comment are addressed by the
14 Private Fuel Storage before any approval is given to
15 their Skull Valley nuclear waste project. Thank you.

16 JUDGE BOLLWERK: Thank you, sir, for
17 speaking with us today.

18 The next speaker we have is
19 Kimber Martinson-Sawyer.

20 MS. MARTINSON-SAWYER: I agree with
21 everything that has been said opposed to having this
22 waste put on an Native American Reservation in Utah.
23 I truly respect their respect for the Earth, and I
24 would be very scared to be living next to something so
25 dangerous.

1 I believe that all children everywhere
2 have the right to feel safe. This waste should not
3 have to put on people's land that had nothing to do
4 with its unnatural creation.

5 The truth is, though, that it will be put
6 somewhere. I think it is time that we stop making
7 such dangerous waste, for it must be put somewhere.
8 Some places are better than others, but the more that
9 is made the more places it will need to be put.

10 It is time that we think about what's
11 important for us in this lifetime and what we want all
12 of the children everywhere to face in the future.
13 Thank you.

14 JUDGE BOLLWERK: Thank you for coming to
15 speak with us this afternoon.

16 The next speaker is Greg Dunn.

17 MR. DUNN: Gentlemen, my name is
18 Greg Dunn, Tooele County resident, just retired from
19 the military, and I have a pretty good idea about
20 chemical, biological, and nuclear warfare and how
21 dangerous it really is.

22 Just retiring, I decided to get a job, so
23 I'm on the county commission range in Tooele County.
24 And there's always two questions I'm asked when I say
25 I live in Tooele. One is, how close are you to

1 Wendover, Nevada? And two, you are the hazardous
2 waste dump site of the country. And we are.

3 We have a chemical burn site. We have
4 biological in Dugway. We have a low radioactive
5 nuclear waste site, and we are told how safe it is.

6 It was totally safe as in 1960 down in
7 St. George when it was coming out of the air. We were
8 told it was totally safe. We were told it was totally
9 safe when 6,000 sheep in the late '60s were dumped on.
10 "It was totally safe. It's as totally safe as
11 anthrax."

12 It bothers me that this process has been
13 ran through in three days with hardly any public
14 input. The Tooele County residents are not really
15 that knowledgeable that this is coming out there.
16 There is no paper representatives here. There is no
17 county commission representatives here. It's because
18 they don't know and they are not understanding because
19 if they did know, they would be here.

20 It bothers me that our county commission
21 has come out and said that if we make any noise out of
22 this, we will lose the \$10 to \$300 hundred million PFS
23 has promised us if we keep quiet. If we stay like
24 those three dogs you put in the back of windows that
25 shake their head yes, yes, yes, you will get the

1 money. If you complain, you will not.

2 I feel like PFS is a sugar daddy; our
3 local officials are pimps, and we are being
4 prostituted. And I would ask you, how much more does
5 Tooele County have to be prostituted and become this
6 nation's dumping ground? We have our share.

7 My father died from cancer. My
8 father-in-law died from cancer in Tooele County.
9 Three neighbors of mine have died from cancer. My
10 mother's neighbors have died from cancer. There are
11 cancer clusters out there in Tooele County. It's
12 higher than the rest of the nation. MS is higher.
13 Leukemia is higher. And I would ask you, please,
14 let's make sure everything is dotted if it has to
15 come.

16 And I find it an oxymoron because I can
17 remember in the '80's when they were talking about the
18 chemical burn site and government officials were
19 telling us it's safer to burn it where it's at. Yet,
20 now we are being told to move it to Tooele, move it to
21 Tooele County because it's safer.

22 We are speaking with a forked tongue. If
23 it was safer to burn the chemicals on site, it is
24 safer to store it where it is made. Of course it's
25 safer for an East Coast person to say it's safe when

1 it's not in their backyard.

2 So, please, let's at least have an
3 oversight. Let's see everything is done right, and
4 let's make everybody happy. Thank you.

5 JUDGE BOLLWERK: Thank you, sir, for
6 speaking with us today.

7 The next speaker we have is G. Hayduke.

8 MR. HAYDUKE: Hi. I appreciate you guys
9 coming out on Saturday. I just want to go on the
10 record as saying, I am opposed to this proposed
11 nuclear storage facility.

12 I've lived out on the East Coast. I've
13 only been here in Utah for about two years, and in
14 that time I've seen how a block of Main Street gets
15 sold to a church, how a state highway is banned where
16 during certain hours you can't even drive on a
17 state-owned highway.

18 And what surprises me is not that these
19 things would happen -- I moved out here with my
20 family. I have two young children. And I came out
21 here with my eyes open, and I'm not surprised that
22 these things happened. My surprise has been the lack
23 of public outcry over these things.

24 I was at this building when Orrin Hatch
25 had a little pro-gun rally, a Second Amendment rally

1 here a couple months ago, and there was at least a
2 ten-fold turnout here in response to Orrin Hatch.

3 This lack of turnout today does not
4 surprise me. What I see going on here is that this
5 thing is just being railroaded in here without any
6 real lack of public involvement, and it's going to be
7 like a fox watching the hen house. I urge the panel
8 to oppose this.

9 I can understand the position the
10 Department of Energy is in. I know right now, with
11 the missing hard drives and other things going on,
12 things are rough in that department.

13 But just coming out here, I can see how
14 Utah looks like an inviting place to go, where people
15 don't get involved. And I'm concerned that this is
16 just going to get railroaded through.

17 And in terms of the Indian Nation out
18 there, I think this is very shortsighted. In terms of
19 seven generations -- what I've read about Native
20 Americans making decisions based on how it's going to
21 affect the next seven generations. This stuff is
22 going to be hot much, much longer than that.

23 And I would urge them to use this as some
24 leverage to deal with the state, the way they've been
25 getting messed around and how the West Desert is a

1 dumping ground. The argument is that we've got so
2 many other problems out there. Let's just dump it out
3 there. I don't think that's the right thing to do.

4 If this is so safe, hell, put it out in
5 Washington, put it outside where at least the citizens
6 of the state are going to provide some kind of a watch
7 dog. Out here people just don't get involved, and I
8 would urge the members of the Goshute as well as the
9 gentlemen in front of me here to do what is right.
10 And I do not believe this is right.

11 I believe it's all about money. I can
12 appreciate the problems you have. This stuff is
13 piling up. Nuclear energy is not the panacea we once
14 thought it was going to be. But I just hope you do
15 what is right.

16 I know how in this country the almighty
17 dollar wins out, and I'm afraid that's happening here.
18 And I hope you would take into account the people that
19 live out here that are going to have to put up with
20 this.

21 We are already burning coal, so that
22 Las Vegas can have cheap electricity out there. We've
23 got the damn nerve agents that we are burning out
24 here. We are doing our share for this country as far
25 as shouldering all this waste. I don't think we need

1 this. Thank you.

2 JUDGE BOLLWERK: Thank you, sir, for
3 coming to speak with us.

4 Our next speaker is Kathleen Stats.

5 MS. STATS: My name is Kathleen Stats.
6 I'm from Centerville, Utah. I am a private citizen
7 and a very concerned wife and a very concerned mother.
8 I think it's tragic to consider this shipping and
9 storage of nuclear waste to our state where we are an
10 earthquake area, in a state where I believe the
11 majority clearly do not want to accept this poison and
12 its risks.

13 It appears to me that you think you found
14 a loophole to squeeze through. A sovereign nation
15 still has neighbors, and transportation for this waste
16 goes through those neighbors' yards throughout the
17 nation. And specifically here, we have more waste
18 than we want, and we don't want more.

19 As a mother concerned for her children, I
20 ask you to keep this nuclear waste safe, where it is
21 found, where it is made.

22 I want to thank you for your time. I am
23 very brief, and I know you don't have to consider what
24 we have to say in your decision, but I would urge you
25 to please consider seriously the things that we have

1 to say here today. Thank you.

2 JUDGE BOLLWERK: Thank you very much for
3 speaking with us.

4 The next speaker we have listed is
5 Cynthia of the desert.

6 MS. OF THE DESERT: Good afternoon,
7 gentlemen. I'm a resident of Utah. I represent Utah
8 Peace Test. I helped found this group -- it's an
9 anti-nuclear group -- 13 and a half years ago. I'm
10 also a mother. I have a basic background in physics,
11 and I actively closely have worked with the Shoshoni
12 Nation for 14 years resisting nuclear weapons testing
13 on the test site and also the so-called permanent
14 nuclear storage down at Yucca Mountain. This is all
15 on their sovereign nation lands.

16 I clearly understand tribal sovereignty,
17 but irresponsible decision making cuts across all
18 backgrounds. We only have one Earth, one air, one
19 water. There are no actual boundaries. Everything is
20 connected. It's just human designation.

21 We have names: the West Desert, the Skull
22 Valley Goshute Reservation, Tooele County. They are
23 all names designating certain areas, but everyone is
24 close. They are still neighbors. And at the risk of
25 repeating the prior person's statement -- really,

1 seven generations. Most people don't even think about
2 that. They think about their own children and maybe
3 their grandchildren, but they don't think about
4 long-term consequences.

5 I recognize that the Goshute people have
6 been definitely left out of economic progress in this
7 country. It is true of almost every tribal nation in
8 this country. We have taken everything from them and
9 left them out. The state of Utah does have a
10 responsibility for economic development, but it is not
11 their only responsibility.

12 The questionable representation from the
13 Goshute tribe does not have the sole right to decide.
14 That because of economics, they are going to accept an
15 obscene amount of money to bring something that will
16 affect everyone, not only in Utah, but surrounding
17 states, and ultimately the entire world.

18 Today you've heard much more opposition
19 than you have in the last two days of hearings. Some
20 of it's based scientifically; some of it's emotional.
21 But, again, that's all connected.

22 In my opinion -- I've been watching. I've
23 been witnessing and speaking at these hearings for two
24 and a half years, since the beginning of the public
25 hearings, at least in Utah, up at the University of

1 Utah in January, two and a half years ago.

2 I've spent a lot of time educating myself
3 as much as possible, given my physics background. And
4 I am still completely opposed to this waste dump. As
5 time has shown, this process has not been easily
6 brought to the public's attention. The last hearings
7 almost weren't attended at all because they weren't
8 even announced, except over the Federal Registry, and
9 unless you check that on a regular basis and you have
10 a computer to do it. I'm very heartened to see there
11 are more people here today.

12 But where is the real public open process?
13 Has it been actually bought off? I'm going to use the
14 term "obscene amounts of money" again and again. For
15 an entire week the public has not been allowed in this
16 process, so we have no idea how much money. We've
17 only heard rumors of how much money PFS has offered
18 the Goshute tribe.

19 However, we heard very clearly, more than
20 two weeks ago, \$300 billion offered to Tooele County.
21 This is outrageous. Most people can't even put that
22 many zeros behind it.

23 I want to know -- are you gentlemen on the
24 Nuclear Regulatory Commission, are you prepared to
25 actually stand up and do an independent job, or are we

1 just all talking for a record that will get filed
2 somewhere and nothing will be done?

3 I really hate to think that the process
4 has been bought off, not you individually, but as part
5 of the whole. You are part of the whole system -- the
6 NRC staff, the Goshute tribal leadership, the State of
7 Utah. You're all here. You are all part of the
8 process, and unfortunately the public gets to make
9 token comments.

10 As I understand it, we don't know the
11 money issues on this. Yesterday Representative Allen
12 from Tooele County, who is also the fire chief, made a
13 huge point that there's no fire safety issues being
14 dealt with at all.

15 I haven't heard anyone speak about the
16 earthquake issue. It's sited on three faults, the
17 same as Yucca Mountain, by the way. And I am well
18 aware that the states in which PFS, the consortium of
19 the eight groups, have their companies -- I'm well
20 aware that the states are really pushing this
21 consortium to get the waste out of there.

22 They had agreements that they have blown
23 because they didn't move it because Yucca Mountain is
24 being estopped. Well, that's because Yucca Mountain
25 is not the place to put it, and neither is this part

1 of the Mother Earth which we call, respectively, Skull
2 Valley Goshute Reservation, Tooele County, the state
3 of Utah.

4 I know, because I've talked to a number of
5 scientists that say it can stay where it is. I know
6 it's leaching out. I know dry cask storage is smarter
7 than wet pools, but still Utah doesn't deserve this.
8 Human beings don't deserve this. The Mother Earth
9 doesn't deserve this.

10 I truly urge you all to not just take this
11 as token talk that you are getting paid to listen to
12 us do and truly hear that this process should not be
13 just gone through the motions, grant the license, haul
14 it here. Every route --I think 43 states would be
15 affected.

16 This is not smart. Let's not do business
17 as usual. Let's not create something that our great,
18 great, great, great, great, great, great grandchildren
19 are going to have to clean up, if there's anything
20 left to clean up. Thank you.

21 JUDGE BOLLWERK: Thank you for speaking
22 with us today.

23 The next speaker we have is Craig Cook.

24 MR. COOK: I'm a resident of Utah. I've
25 been here almost 55 years. I'm a lawyer. I'm an Air

1 Force JAG with the International Guard. I'm the
2 president of the Humane Society, so I've had a lot of
3 different experiences.

4 It's interesting to me that if the Goshute
5 Indian tribe had wanted to put a gambling casino out
6 there, that under federal law that wouldn't be allowed
7 because Utah law does not allow gambling.

8 So it's interesting that the gambling
9 aspect of it is actually more important that it allows
10 the state to decide what it wishes on its soil, even
11 on Indian Reservations, but not for nuclear waste. So
12 the irony there is quite large.

13 Yesterday I was at a hearing about wild
14 horses in the Federal District Court. There we had
15 another similar problem. Wild horses had been
16 collected. The county and ranchers there did not want
17 them put back on the land.

18 A billionaire rancher wanted his cattle
19 out there so that the horses would not be consuming
20 the forage of the land. The county was "in bed" with
21 the rancher. They said, "Well, we are going to lose
22 money if these ranchers aren't happy, and they are not
23 going to bring their cattle here."

24 And so basically even though Congress had
25 come up with the Wild Burrow Act to protect the

1 heritage of the wild horses, the ranchers and the
2 counties and the billionaires and all the money came
3 together to fight to keep these horses off.

4 But fortunately, so far, the horses are
5 back, at least some of them. And they, again, have
6 heritage, and they are entitled to their life.

7 In this situation money talks. I've been
8 through many hearings in my life as a lawyer. I never
9 know when I am talking to a judge on an appeal, for
10 example, whether he's made up his mind, that you are
11 just going through the motions, that there is no
12 question. The decision is almost written, and you are
13 just standing there, and everyone is smiling.

14 I'm concerned in this case because,
15 apparently, you have limited scope in these
16 hearings -- these secret hearings -- to three or four
17 issues. And the state, the people of Utah really have
18 had no input whatsoever. I don't know why they are
19 limited. But as far as I know, this could be a done
20 deal. You could just be sitting here smiling for the
21 purpose of listening to us establishing a record,
22 saying we were here, but actually the decision is
23 made. I don't know.

24 And like the other speakers said, I think
25 in a process such as this, the public is entitled to

1 huge amounts of hearings to discuss this without
2 secret hearings. There should be no secret hearings.

3 My wife is from Russia. They have secret
4 hearings in Russia. Decisions were made long before
5 the defendant ever got up into the stand. Everything
6 was taken care of.

7 We shouldn't be that way. There should be
8 no closed doors in these cases. They should all be
9 open. Everybody should hear everything. There should
10 be nothing secret.

11 Finally, these consortiums of the big
12 money again, they are using limited liability
13 corporations. I mean, why is that? To me, a limited
14 liability corporation is a way to protect yourself
15 because you are afraid you are going to be liable.
16 And why do you even allow that? Why does the
17 commission even permit a limited liability corporation
18 to be utilized in this kind of a case?

19 Why don't you require billions of dollars
20 in escrow of these corporations for the stockholders
21 to put up now to cover this if it's going to happen?
22 Why are we allowing these escape routes for these
23 corporations when they of course are a long way from
24 where the liability will be?

25 Finally, I don't know if the question has

1 come up, considering, for example, missiles from the
2 test range. I've been out on those test ranges. I've
3 seen what happens with F-16s, with missiles. If
4 something goes wrong, somehow a missile or an F-16
5 gets disoriented and shoots your casks, what will
6 happen? Has that been discussed?

7 It seems crazy to put nuclear rods by a
8 military test range. I mean, it just seems ludicrous.
9 But these are the things we need to discuss, the state
10 needs to know about.

11 People in Utah, they get upset about
12 casinos; they get upset about drinking; they get upset
13 about gun rights. Well, they haven't had time to get
14 upset about nuclear storage, and maybe we should have
15 more time, more process and not allow this thing just
16 to go through before everybody knows what is
17 happening. And I think due process requires this to
18 happen now, or maybe in five years you gentlemen will
19 be before some federal judge explaining what happened
20 today. Thank you.

21 JUDGE BOLLWERK: Thank you, sir, for
22 coming and speaking with us this afternoon.

23 The next speaker is Bill Soltis.

24 MR. SOLTIS: Thank you for the opportunity
25 to speak today. Some of my points have already been

1 stated, so please forgive any redundancy.

2 As a citizen of Utah, I am gravely
3 concerned about the high-level nuclear waste storage
4 facility proposed for Skull Valley. History supports
5 strong skepticism among Utahns for the government's
6 track record involving nuclear power.

7 Utahns were trusting when the government
8 conducted above-ground nuclear testing in the 50's.
9 The Downwinders paid a terrible price for putting
10 their confidence and their very lives in the hands of
11 government agencies who had their own agendas.

12 People who worked in the uranium mines
13 also met with a similar fate for their blind trust.
14 We trusted the Nuclear Regulatory Commission to
15 resolve the problems with the Atlas tailings adjacent
16 to the Colorado River near Moab, Utah.

17 Despite rather compelling scientific data
18 calling for removal of the tailings, the NRC chose to
19 cap the tailings in place. This solution is not in
20 the best interest of the people of Utah, the Colorado,
21 River, and all downstream users -- human, plant, and
22 animal.

23 Even after all of this, the NRC is now
24 asking Utahns for their trust and confidence in a
25 scheme that would make all the aforementioned

1 tragedies pale in comparison.

2 Private Fuel Storage's proposal to
3 transport and store nuclear waste contains many areas
4 that would leave the public at risk, no guarantee that
5 storage will be temporary, no demonstrated need for an
6 away-from-reactor storage facility.

7 Concerns with storage capacity being too
8 large, unnecessary handling and transportation of
9 spent fuel and the risks of accidents, the uncertainty
10 of dry cask storage, risks associated with an
11 intermodal transfer facility, conflicts and risks
12 associated with the Utah Test and Training Range, no
13 funding for local emergency response training and
14 equipment.

15 Due to PFS being a private entity, they
16 are not required to meet stricter standards that would
17 better safeguard the public. From the lack of
18 requiring waste to be shipped by dedicated service
19 where only spent fuel is allowed to be carried on the
20 train, to building requirement exemptions regarding
21 seismic safety, to the fact that PFS has not
22 adequately addressed its financial responsibility and
23 liability, which is what we are dealing with in
24 regards to the Atlas tailings mess.

25 PFS isn't adequately accountable. This

1 proposal is fraught with risks and dangers for the
2 people of Utah and people of surrounding states. The
3 people of Utah don't want this facility. Our elected
4 officials don't want this facility.

5 The proposal contains far too many risks
6 to merit even serious consideration. This looks very
7 much like an attempt borne from frustration and
8 desperation with Yucca Mountain. Perhaps we should
9 take a long-term look at better sources of renewable
10 energy. In its current state, nuclear power is not
11 the answer for the future. The liabilities involved
12 with the Skull Valley proposal are so unreasonable
13 that half the utilities originally involved with the
14 PFS proposal dropped out.

15 If the risks are that great for the people
16 producing the waste material, what does that say about
17 the risks that can be expected at the storage site and
18 surrounding areas? If the utilities can see the
19 risks, can't the NRC?

20 I sincerely hope that the input from
21 Utahns and our elected officials will have a dramatic
22 impact on your decision-making process. History has
23 shown we need to be skeptical about the government's
24 agenda when it relates to all things nuclear.

25 The NRC has a tremendous opportunity to

1 win back the confidence and trust of the people of
2 Utah. I hope you will do so. Also, its not too late
3 to get rid of the tailings pile. Thank you.

4 JUDGE BOLLWERK: Thank you, sir, for
5 coming to talk with us this afternoon.

6 The next speaker is Russell Allen.
7 Russell Allen just left. All right.

8 At this point it's 4:00. Why don't we
9 take a five-minute break. There's a couple other
10 names on here of individuals that have spoken to us
11 previously. We can go through and allow them an
12 additional opportunity.

13 If anyone else wishes to address the
14 board, this would be the time now to sign up on the
15 sign-up sheet.

16 So let's take a five-minute break, and
17 we'll reconvene and hear from several individuals
18 we've heard from previously. Thank you.

19 (There was a short break taken.)

20 JUDGE BOLLWERK: We have a couple of
21 additional sign-ups. Elena Cook.

22 MS. COOK: Hi. My name is Elena Cook. I
23 am from Russia, but I'm a citizen of the United States
24 now, and I live in Utah, and I love this state. I
25 think it's a very beautiful state, actually, one of

1 the most beautiful in the country. And I strongly
2 resent the fact that we want to create a radioactive
3 dump and basically kill us all in the long run or in
4 the short run because radiation causes cancer.

5 With this huge amount of radioactive waste
6 coming to Utah, the level of radiation in the Salt
7 Lake Valley will rise. It's absolutely
8 unquestionable. Even if everything is perfect and all
9 the safety procedures are done, as they are supposed
10 to be done, the radiation level in the valley will
11 rise.

12 And why do we have to suffer like that?
13 Why do Utah people, hard working, religious,
14 church-going people have to suffer like that? Because
15 somebody sold them out for \$300 million or billion.
16 Well, Judas sold Christ for 30 pieces of silver. How
17 is it different? This is the same kind of
18 traitorship. Somebody gets the money and sells us all
19 down the drain.

20 I also want to address the speech of one
21 gentleman from Tooele who was very right and was
22 saying how dangerous it is, and Tooele County has
23 enough waste from all over the United States, and
24 there are cancer clusters in his county, and people
25 are dying. And yet he says at the end that if it has

1 to come here, let's do it right. Well, I don't agree
2 with that. It doesn't have to come here.

3 The sheep in the West Desert that were
4 killed by the downwind from the nuclear tests didn't
5 have a choice because they were sheep, and they didn't
6 know what the super-intelligent humans were doing.

7 We are not sheep, I hope, and we do have a
8 choice. We don't have to live with that. And whether
9 it's done right or not, I don't care. I don't want it
10 here. I don't think it should be done at all. I
11 think if you want to ship it somewhere, pay more money
12 and ship it to Antarctica. Buy some land from
13 Chile -- Chile owns a lot of Antarctica -- and send
14 the fuel there, where no humans live and will never
15 live. There is no reason to put this in the backyard
16 of anybody.

17 I'm from Russia, and we lived through the
18 horrors of Chernobyl in 1986. I'm originally from
19 Moscow, and I never lived in the Ukraine, and yet
20 radiation was there. It was terrible. People were
21 scared to death.

22 And, of course, now, if some nuclear issue
23 arises, if some bureaucrat corrupt person wants to put
24 nuclear waste in someone's backyard, everybody -- not
25 like one person -- everybody goes out in the street

1 and protests.

2 And you know why we do that? Because
3 we've suffered enough, because we know what it is,
4 because we know how many people died of cancer in
5 Chernobyl and around it. And we know what the Death
6 City is because we have a whole city with carrousel
7 and merry-go-rounds totally dead, and there are no
8 children left. There is nothing, only stray dogs and
9 cats who are basically wild now, and the whole place
10 is going to hell.

11 And how many thyroid cancers we had in the
12 Ukraine, and how many leukemias, and how many children
13 died. For what?

14 And so now if somebody wants to, for some
15 money, for some 30 pieces of -- I don't know what --
16 wants to put that dump into somebody's backyard,
17 Russians all come out and protest.

18 And here they don't do that because they
19 haven't suffered through that. And I envy these
20 people in a way because they don't know what it is. I
21 don't envy their future because they will know what it
22 is.

23 And they tend to have big families, like
24 ten children, and I don't want to see their children
25 deformed because there are many -- in the Ukraine many

1 cats were born with three legs, very many deformities
2 among animals and children.

3 And I don't think it's right, because when
4 the radioactive level -- of course we had an explosion
5 there, and it's only nuclear storage here. But when
6 the radioactive level rises, I mean, it's very scary.
7 You don't understand how scary it is.

8 And people in Utah, of course, being
9 happily unaware right now, will be very concerned
10 later, and that's what I'm talking about. It does not
11 have to come here. Let's not do anything right.
12 Let's not do it at all because we don't want it here.
13 And we are people, and we are not sheep. That's my
14 point.

15 JUDGE BOLLWERK: Thank you for coming and
16 speaking with us today.

17 The next speaker is Russell Allen.

18 MR. ALLEN: I am Russell Allen. I'm with
19 Skull Valley Band of Goshutes. I'm a tribal member.
20 I would like to say to the lady that made that comment
21 about the sheep, that was a nerve agent that they died
22 from, which goes back to all this right here.

23 I mean, where were all these concerned
24 citizens when they were putting in the incinerator in
25 Tooele County? Where were they when they were putting

1 in Envirocare out there and all those other hazardous
2 dumps out in Tooele County?

3 I've studied this personally, this
4 transportation, the safety of it, for at least five
5 years. I've been studying it that long, and it is
6 safe, and I approve of this project 100 percent.
7 That's all I have to say.

8 JUDGE BOLLWERK: Thank you, sir, for
9 coming and speaking with us today.

10 I'm going to go back through the list of a
11 couple speakers that we called on earlier and had not
12 responded and also several people that addressed the
13 board previously, and we'll give them an opportunity
14 to say a few additional words.

15 First one is Margene Bulcreek who
16 pre-registered. Still not here. All right.

17 Michael T. Packard. All right.

18 Cheryl Smith?

19 MS. SMITH: Hello again. I hope you all
20 have been listening. I mean so many words have been
21 spoken today it gets numbing, but there have been some
22 great ideas expressed, and I am just concerned. I
23 really am concerned.

24 Is the Indian Nation prepared to take care
25 of their people when an accident happens? I mean, are

1 you really prepared to take care of your people? Is
2 the consortium prepared to take care of the people
3 that are affected along the routes when an accident
4 happens?

5 I mean, we have Tooele, the incinerator;
6 it was never going to leak. We were promised it was
7 never going to leak. What happened this March
8 happened to the degree that it had to be published.

9 I mean, what effects are we going to
10 experience in the coming years from that leakage that
11 was never supposed to happen? These were promises
12 that this place was safe; emissions couldn't happen.

13 And you say that transporting nuclear
14 waste across three-fourths of our country is
15 absolutely safe? I mean, I'm sorry, but I don't
16 believe you because nothing is perfect, in particular,
17 nothing human made is perfect, and there's always
18 going to be a problem.

19 Who? The consortium? The sovereign
20 nation? The state of Utah? The states that all of
21 this waste will go through? And, of course, I mean
22 eventually the national government. Who is willing to
23 stand up and say, "I'm responsible. I take the
24 responsibility for anything that's going to go wrong"?

25 I propose that since there is an element

1 of safety where these fuels are being stored now, that
2 this be considered: Since they are on the East Coast,
3 so very close to our national space ports, that they
4 be transported the shortest distance to a spacecraft,
5 which we have sent off into the universe safely time
6 after time after time. It's at least as safe as
7 transporting across the United States.

8 We send this waste back to where it came
9 from. We are products of the universe. That is where
10 our sun gets its nuclear fuel. It came to Earth. We
11 took it for our purposes. We unfortunately don't know
12 what to do with it now. It no longer belongs to the
13 Earth. It no longer belongs here. It's been used.
14 It should be sent back where it came from.

15 May I ask your nations, please, consult
16 your ancestors in ceremony. They will tell you what
17 is right to do.

18 Consortiums, the people who have the
19 money, not just the utilities, I mean all of the
20 corporations that own this world, that decide what
21 happens from day to day, let them take the
22 responsibility to give some. They can write it off on
23 their taxes. Give it as a gift. We will spend the
24 money, just send the stuff to the safest place
25 possible. Space.

1 If it's safe enough to transport from
2 where it's being kept now, across the country, it's
3 safe enough to take it a short distance to a proven
4 space vehicle and shot up into space. I mean, if you
5 believe it's that safe to transport, why not that
6 solution? That's all I have to say.

7 Except let's love. Let's remember love
8 that lives in these cells. We love everybody. Let's
9 act it. It's time we act it. Thank you.

10 JUDGE BOLLWERK: Thank you for coming to
11 speak with us again today.

12 The next speaker is Marge Detraz.

13 MS. DETRAZ: Good afternoon. My name is
14 Margery Detraz. I spoke here twice last evening, and
15 so my remarks today will be brief.

16 I live in Alamo, Nevada, just 55 miles
17 from Yucca Mountain. First of all, I would like to
18 bring greetings to the state of Utah from your
19 neighbor, the state of Nevada.

20 When I arrived in Salt Lake a couple days
21 ago, I was wearing this shirt, and it says, "Nevadans
22 Say, Nuclear Waste No Way." And today you can see
23 that I'm saying, "Utahns Say, Nuclear Waste No Way."
24 And on the back, "Don't Waste America."

25 My message today is this: The people of

1 the state of Nevada stand shoulder to shoulder with
2 Corbin Harney, the spiritual leader of the Western
3 Shoshoni Nation. The Western Shoshonis own Yucca
4 Mountain, and we have no intentions of allowing the
5 nuclear industry to place their garbage in Yucca
6 Mountain.

7 Presently, I am in the process of working
8 with the mayor of Las Vegas to organize a meeting in
9 July of the business community in Las Vegas -- the
10 Resort Association and the Realtors Association --
11 just to name two of them.

12 Remember that Las Vegas is the fastest
13 growing city in the nation as well as the
14 entertainment capital of the world. Let's all work
15 together, and we will stop this insane plan to
16 transport nuclear garbage from the East Coast to the
17 West Coast. Thank you very much.

18 JUDGE BOLLWERK: Thank you for coming to
19 speak with us again this afternoon.

20 The last name I had was one we had gone
21 over and no one responded. John G. Lamb? Mr. Lamb?
22 All right.

23 Any other sign-up sheets? If not, then
24 that concludes our limited appearance session for this
25 afternoon.

1 On behalf of the board, I would like to
2 express our thanks to all of you for coming out on a
3 Saturday afternoon. I'm sure there are things you
4 perhaps would have preferred doing.

5 But we do appreciate your coming and
6 talking with us and expressing your concerns and
7 letting us know your feelings with respect to the
8 Private Fuel Storage proceedings.

9 Judge Lam?

10 JUDGE LAM: I second Chairman Bollwerk's
11 remarks. I appreciate your presence here today. You
12 have provided input on many issues that are important
13 to you, and I thank you for that.

14 JUDGE BOLLWERK: Judge Kline?

15 JUDGE KLINE: No comments.

16 JUDGE BOLLWERK: Again, thanks from the
17 board for coming out this afternoon. I would mention
18 again that we will be having a public session with
19 respect to the hearing on Tuesday morning beginning at
20 9:00 here in this room, and the public is welcome to
21 attend.

22 At this point, then, if there is nothing
23 further, we stand adjourned. Thank you again.

24 (The proceedings were adjourned at 4:22 p.m.)

25 -O-

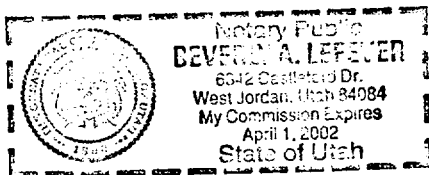
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This is to certify that the attached
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Regulatory Commission in the matter of:

NAME OF PROCEEDING: PRIVATE FUEL STORAGE

CASE NO: 72-22-ISFSI

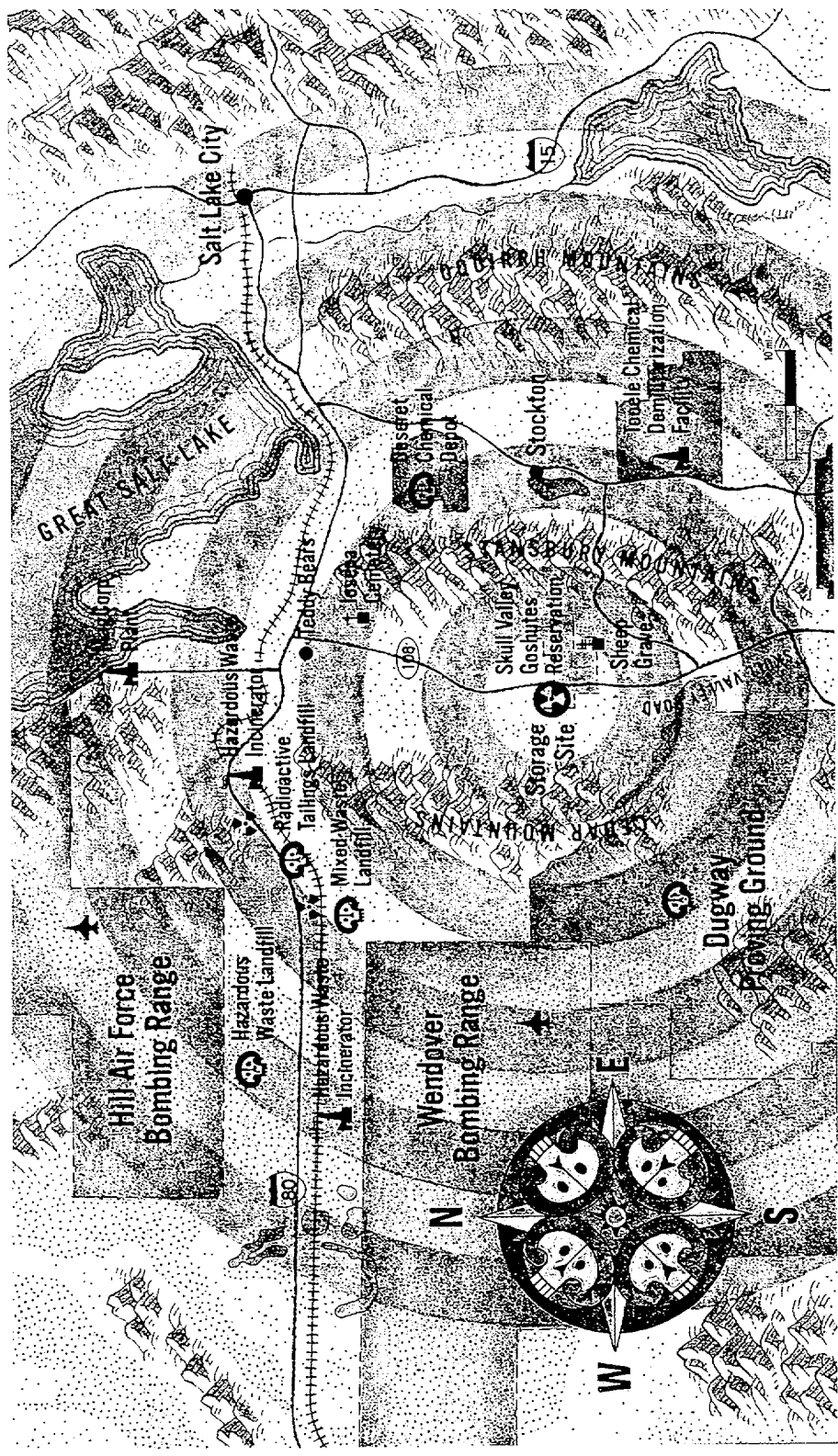
PLACE OF PROCEEDING: Salt Lake City, Utah
were held as herein appears, and that this is the
original transcript thereof for the file of the United
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thereafter reduced to typewriting by me or under the
direction of the court reporting company, and that the
transcript is a true and accurate record of the
foregoing proceedings.



Beverly A. Lefever

Official Reporter

Beverly A. Lefever RPR/CSR



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<p>\$</p> <p>\$10 [1] 98:22 \$1500 [1] 17:2 \$300 [4] 17:21 98:22 106:20 117:15 \$40 [1] 17:21 \$5,000 [1] 17:2 \$90 [1] 17:21</p> <hr/> <p>0</p> <p>0-15 [1] 2:14</p> <hr/> <p>1</p> <p>1 [1] 88:18 1.2 [1] 29:10 1:00 [1] 1:15 10 [1] 3:11 100 [2] 52:6 121:6 103-263 [1] 30:1 12 [1] 22:3 13 [1] 104:9 14 [1] 104:12 15 [2] 22:3 60:12 150 [2] 1:10 45:20 160 [1] 2:5 1800s [1] 77:17 1960 [1] 98:6 1960s [3] 14:15 18:22 77:17 1962 [1] 7:11 1986 [1] 118:18 1994 [2] 25:5 29:21 1999 [1] 17:5 19th [2] 4:22 7:16 1st [1] 10:24</p> <hr/> <p>2</p> <p>2.715(a) [1] 7:5 2:00 [1] 62:8 20 [3] 88:24,25 95:9 2000 [5] 1:12 6:23,24 14:15,18 2002 [1] 64:9 20555 [2] 2:15 92:11 20555-0001 [2] 11:6,12 2300 [1] 2:10 23rd [1] 29:5 24 [1] 1:12 25 [2] 14:10 29:9 27th [2] 5:7 6:22 28th [1] 6:23</p> <hr/> <p>3</p> <p>3:00 [1] 61:15 30 [6] 15:18 25:2 69:24 87:5 117:16 119:15 300 [2] 2:5 72:18 301 [3] 11:8,13 92:13 30th [1] 10:23 3300 [1] 39:4 3500 [1] 15:10 36 [1] 63:14</p> <hr/> <p>4</p> <p>4,000 [2] 18:8,17 4:00 [3] 10:21 60:22 116:8 4:22 [1] 126:24</p>	<p>40 [7] 55:8 64:7 75:16 84:3,15,24 85:3 40,000 [3] 14:16,18 88:5 40-year [4] 75:12 86:5 95:9 96:4 415-1101 [1] 11:8 415-2289 [1] 92:13 415-5599 [1] 11:13 43 [1] 108:14</p> <hr/> <p>5</p> <p>50 [1] 52:5 50's [1] 113:8 500 [1] 1:10 55 [2] 108:25 124:16 5th [1] 2:5</p> <hr/> <p>6</p> <p>6,000 [1] 98:9 60s [1] 98:9</p> <hr/> <p>7</p> <p>72 [1] 3:10 72-22-isfsi [1] 127:10 7th [4] 4:23 7:17 10:22 27:16</p> <hr/> <p>8</p> <p>80 [1] 79:14 80's [1] 99:17 84101 [1] 1:11 84114 [1] 2:6 8th [1] 22:2</p> <hr/> <p>9</p> <p>9:00 [2] 5:7 126:20 92 [1] 40:2</p> <hr/> <p>A</p> <p>a.m [1] 5:7 abbreviate [1] 26:10 abdicates [1] 73:24 abetting [1] 56:17 abhorrent [1] 35:10 abilities [1] 87:21 ability [9] 39:23 43:13 74:15 75:24 76:5 80:8 81:4 82:1,12 able [5] 18:17 39:21 41:8 69:14 87:16 above [2] 1:14 18:17 above-ground [1] 113:8 absolutely [8] 14:17 35:10 54:8 55:12 84:23 87:19 117:7 122:15 absurdity [2] 61:3,3 abuse [3] 26:13 83:2,3 abused [1] 45:2 accept [5] 14:21 79:12 80:5 103:11 105:14 access [1] 87:16 accident [8] 40:7 54:12,19 66:7 68:22 69:22 121:25 122:3 accidents [8] 6:2 40:2 41:23 42:23,25 74:16,16 114:9 accordance [2] 3:4 29:8 accordingly [1] 10:14 account [3] 64:19 76:24 102:18 accountability [1] 68:23 accountable [2] 37:3 114:25</p>	<p>accurate [1] 127:19 accurately [1] 42:4 acknowledge [1] 60:6 acknowledged [1] 71:18 across [8] 40:5,23 80:15 89:19 104:17 122:14 123:7 124:2 act [14] 3:5 6:8 20:7,9,13 29:22 30:5 44:8 73:3,4,7 109:25 124:9,9 acting [2] 56:16 73:23 actions [1] 33:14 actively [1] 104:11 activists [1] 53:18 activities [2] 42:19 43:5 acts [2] 21:7 23:21 actual [4] 41:12 71:24 79:18 104:19 actually [12] 23:22 53:6 57:18,21 61:12 78:23 85:3 106:13,25 109:9 110:22 116:25 add [1] 11:20 addition [1] 43:4 additional [7] 5:22 10:9 59:17 74:21 116:12,21 121:14 additionally [1] 9:25 address [11] 10:6,16 17:15 28:25 40:20 60:9 92:9,17,18 116:13 117:20 addressed [8] 40:25 43:24 74:4 89:16 93:7 96:13 114:22 121:12 addresses [1] 75:24 adequacy [3] 4:12 6:1,6 adequately [3] 40:25 114:22,25 adhere [1] 28:8 adhered [1] 26:20 adirondack [1] 46:11 adjacent [2] 93:22 113:15 adjourn [1] 10:3 adjourned [2] 126:23,24 adjudication [1] 11:5 adjudicatory [2] 3:8 7:1 administration [2] 14:22 46:9 administrative [4] 1:20 3:6 30:3,16 admit [2] 23:1 63:22 admitted [4] 4:10 5:24 6:5 8:24 adopted [2] 7:10 47:13 advance [1] 90:19 advertised [1] 39:13 advise [1] 9:16 affairs [10] 19:25 20:11,20 21:1 27:15 33:24 34:3,7,9 77:13 affect [5] 35:1 55:17 79:5 101:21 105:16 affected [4] 55:17 74:25 108:15 122:3 affiliation [2] 9:11 44:15 afforded [1] 9:5 aforementioned [1] 113:25 afraid [3] 69:19 102:17 111:15 africa [1] 16:2 african [1] 16:1 afternoon [21] 3:2,3 4:1 8:6,25 9:8 53:2 59:19 61:16 67:3,5 93:2 97:15 104:6 112:22 116:5 124:13</p>	<p>125:19,25 126:3,17 age [1] 19:4 agencies [1] 113:11 agency [8] 16:17 22:22 30:4 34:4 56:22 71:2 91:4 92:12 agency's [1] 7:11 agenda [1] 115:24 agendas [1] 113:11 agent [1] 120:21 agents [2] 78:23 102:23 aggressively [3] 73:19 74:4 75:19 ago [14] 25:3 44:21 50:18,18,18 57:12,17 83:24 88:25 101:1 104:9 106:1,20 124:21 agree [5] 32:23 56:4 64:25 96:20 118:1 agreed [1] 36:20 agreement [13] 16:25 19:21 20:10 21:3 37:19 73:15 74:5,6,17 75:10,14,20 76:23 agreements [2] 76:25 107:22 ahead [2] 27:20 73:17 aiding [1] 56:17 air [13] 18:18 43:5,7,8,12,14 62:9 78:14 85:8 93:16 98:7 104:18 108:25 air-to-air [1] 42:20 aircraft [2] 6:4 93:23 airplane [1] 93:19 airspace [1] 93:22 alamo [1] 124:16 alamos [2] 18:22 85:24 alarm [1] 62:10 alberta [4] 12:3,5 16:21 32:22 allegations [2] 16:8,13 alleged [1] 29:7 allen [6] 107:11 116:6,7 120:17,18,18 allison [6] 19:24 20:3,7,18 21:17 30:14 allison's [1] 29:2 allocating [1] 23:14 allotted [2] 9:22 10:7 allow [11] 10:12 41:10 59:16 74:6 83:15 84:20 93:7 109:7 111:16 112:15 116:11 allowed [4] 40:14 106:15 109:6 114:19 allowing [5] 37:23 82:6,14 111:22 125:4 allows [1] 109:9 almighty [1] 102:16 almost [9] 64:23 79:11,24 80:16 88:24 105:7 106:7 108:25 110:12 already [8] 15:3 59:25 60:5 69:16 78:11 96:2 102:21 112:25 alternative [1] 76:18 although [5] 5:1 7:18 34:6 42:1 74:2 amazing [1] 65:3 ambiguity [2] 28:14,14 amended [1] 29:22 amendment [2] 29:23 100:25 america [8] 1:1 26:2 40:5 44:1 53:</p>
--	---	---	---

NRC - LIMITED EDITION HEARING VOLUME III

<p>11 55:21 62:17 124:24 america's [2] 61:20 63:7 american [15] 15:25 33:11,21 43:18 47:21,21 51:19 53:6 55:21 56:21 66:18 72:11 95:25 96:9,22 americans [14] 12:9 38:4 44:2 47:24 48:6,10,17 52:5 67:13 68:17 69:12 89:9 90:5 101:20 amidst [1] 72:11 among [3] 93:7 113:5 120:2 amount [7] 17:1 21:13 22:25 54:7,8 105:15 117:5 amounts [3] 72:22 106:14 111:1 analyst [1] 70:22 analyze [1] 51:24 anarchist [1] 51:24 ancestors [5] 33:7 35:22 37:1 67:10 123:16 ancestors' [1] 33:7 ancestral [1] 72:25 ancestral [1] 32:11 ancestry [4] 24:22,23 27:11 33:1 and/or [5] 8:1 74:20 75:17 76:19 95:15 anemic [1] 81:17 animal [1] 113:22 animals [2] 26:21 120:2 ann [2] 14:6 32:22 announced [1] 106:8 another [7] 18:23 47:8 57:15 63:19 65:2 79:20 109:15 answer [6] 58:23 90:14,15 92:5,14 115:11 antarctica [2] 118:12,13 anthrax [2] 78:24 98:11 anti-nuclear [1] 104:9 anti-tribal [2] 71:16 72:20 anticipate [1] 5:13 anybody [2] 90:18 118:16 apologize [1] 24:15 apparently [1] 110:15 appeal [1] 110:9 appearance [11] 4:1,5 7:20,25 9:3 10:22 11:2,23 59:23 64:17 125:24 appearances [3] 2:1 7:3 42:9 appears [2] 103:13 127:14 application [3] 3:9 29:13 59:12 applies [1] 76:7 appointed [2] 3:7 25:5 appreciate [6] 61:11 70:7 100:8 102:12 126:5,11 appropriate [5] 24:22 58:15 65:18,19 74:9 appropriately [1] 44:8 approval [3] 17:13 29:2 96:14 approve [2] 59:12 121:6 approved [1] 79:10 approximately [1] 10:21 april [3] 4:22 7:16 22:2 arapaho [1] 71:10 arbitrary [1] 17:1 archaic [1] 77:16 area [17] 25:1 42:5,18 45:21,24 46:7 55:9,11 74:11 77:6 78:23 80:16</p>	<p>82:4 85:19 88:16 91:24 103:10 areas [5] 40:5,23 104:23 114:3 115:18 aren't [4] 48:22 49:11 52:2 109:22 argument [1] 102:1 arises [1] 118:23 arizona [1] 12:6 army [1] 79:2 around [8] 18:4 43:7 45:5 61:15 68:3 86:22 101:25 119:5 arrangement [1] 44:3 arrived [1] 124:20 arteries [1] 69:20 ascertain [1] 54:9 aside [1] 75:1 asks [2] 53:23 90:18 aspect [1] 109:9 assets [3] 41:2 82:14 84:25 assigned [1] 54:5 assimilated [2] 47:17,22 assistance [2] 48:6 91:15 assistant [2] 2:4 58:22 assisting [2] 22:22 76:21 associated [5] 40:12 95:1,22 114:10,12 associates [3] 19:20 21:17,22 association [2] 125:10,10 assume [2] 34:25 93:21 assumptions [1] 35:2 assurance [1] 4:17 assurances [1] 59:9 atlas [3] 15:8 113:15 114:24 atomic [5] 1:18,23 3:4,7,18 attached [1] 127:4 attacks [2] 72:23 93:16 attempt [1] 115:7 attempting [1] 64:4 attend [2] 15:22 126:21 attended [1] 106:7 attention [3] 20:25 28:5 106:6 attorney [4] 2:4 3:21 22:20 58:22 audience [1] 9:19 australia [1] 16:2 authorities [3] 22:6 26:6 77:1 authority [8] 16:16 25:24 26:3 27:16 29:8 30:15,18 76:9 authorize [1] 27:20 authorized [1] 27:17 autonomy [2] 72:11,16 available [11] 5:5 30:7,9 75:13 86:12,20 87:1,24 90:9 91:4 92:7 average [1] 14:12 aware [5] 10:20 56:22 89:22 107:18,20 away [5] 34:11 62:5,12 95:12 111:23 away-from-reactor [2] 39:1 114:6</p> <p style="text-align: center;">B</p> <p>b18 [1] 2:14 back [21] 7:11 9:10 18:12 30:12 31:5 58:13 59:18,22 60:18 63:17 83:3 89:4 98:24 109:17 110:5 116:1</p>	<p>120:22 121:10 123:8,14 124:24 backers [1] 54:10 background [4] 4:6 71:22 104:10 106:3 backgrounds [1] 104:18 backs [1] 95:15 backyard [8] 46:5 63:3,4 64:7 100:1 118:15,24 119:16 backyards [2] 62:21 89:22 bad [4] 38:6 44:3 64:1 67:23 badge [1] 18:4 balances [1] 16:19 band [17] 3:14 19:8,12,16,17 20:21 21:10,12,22,24 22:12,21 23:5 24:7 29:18 72:1 120:19 banned [1] 100:15 barbarians [1] 35:21 barred [1] 16:24 base [3] 17:11 43:15,16 based [9] 12:18 51:9 70:19 78:2 81:3,22 96:4 101:20 105:20 basic [1] 104:10 basically [8] 14:12 26:11 28:3 39:15 79:17 109:24 117:3 119:9 basis [2] 13:15 106:9 bear [5] 19:19 21:16,21 32:1 35:16 beautiful [3] 51:14 116:25 117:1 beauty [1] 50:11 become [10] 38:23 44:22 45:7,9 75:9 78:13 83:5,16 94:21 99:5 becoming [1] 45:2 bed [1] 109:20 begin [6] 3:3 8:10 9:19 24:20 60:13,17 beginning [5] 26:17 88:8 90:11 105:24 126:19 begs [1] 80:11 behalf [10] 20:3,19,22 25:13 37:10 61:18 70:21 73:19 77:14 126:1 behavior [1] 83:17 behind [2] 57:13 106:22 behooves [1] 73:18 beings [2] 26:19 108:8 belief [1] 36:5 believe [23] 15:15,19 35:3 36:5 41:6 60:1 63:24 64:22 68:22 70:2 72:8,10,20 88:3,4 89:13 91:5 97:1 102:10,11 103:10 122:16 124:5 believes [1] 35:6 belongs [2] 123:12,13 beneficial [2] 48:3 73:2 benefit [5] 34:13 38:1,1 67:13 76:22 benefits [1] 75:21 besides [1] 78:14 best [5] 29:18 48:20 73:11,19 113:20 bet [1] 63:5 better [5] 27:25 86:2 97:8 114:17 115:9 between [5] 44:3 71:19 73:15 74:5 81:7 beverly [1] 127:24 bia [9] 16:10,13,17 17:13 27:21,22</p>	<p>34:10 56:10,12 biases [1] 71:23 big [5] 12:14 45:2 66:17 111:11 119:23 bigger [1] 66:5 bill [2] 54:16 112:23 billion [2] 106:20 117:15 billionaire [1] 109:18 billionaires [1] 110:2 billions [1] 111:19 binding [1] 75:10 biological [3] 78:22 97:20 98:4 birds [2] 55:16,18 birth [1] 79:7 bit [5] 21:14 22:16 24:21 52:20 60:17 blackbear [5] 12:8 19:8,10,11 32:22 blame [3] 33:14,17 48:2 blatant [1] 45:9 blatantly [1] 71:16 blind [1] 113:13 block [1] 100:14 blow [2] 36:13 68:7 blowing [1] 94:3 blown [1] 107:22 blows [1] 36:9 board [31] 1:18,23 3:8,18,23 4:7 5:1,6,14,20 7:3,6,22 8:1,4 9:1 10:2,6,8,10,13,16 11:10 18:24 43:24 44:7 60:10 116:14 121:13 126:1,17 boat [1] 66:1 body [1] 25:12 boggles [1] 51:15 bollwerk [51] 1:17 3:2,21 8:20 11:19,25 14:3 19:6 24:4,18 30:23 31:3,9 32:17 37:5 44:10 46:20,24 49:13,18,20,22 52:24 59:14,22 63:9 67:2 70:11 77:21 86:16 88:19 90:10,14,22 91:3 92:24 96:16 97:14 100:5 103:2 104:2 108:21 112:21 116:4,20 120:15 121:8 124:10 125:18 126:14,16 bollwerk's [2] 11:21 126:10 bombing [1] 79:1 born [1] 120:1 borne [1] 115:7 both [3] 4:6 48:3,17 bother [1] 45:17 bothers [4] 44:24 47:11 98:12,20 bottom [1] 55:21 bought [2] 106:13 107:4 bound [2] 82:1,15 boundaries [1] 104:19 boy [1] 64:21 brandt [5] 49:17,19,19,21,23 break [6] 59:16,21,22 116:9,16,19 bribery [1] 57:7 brief [2] 103:23 124:15 bring [24] 12:21 13:19 19:22 28:4 31:5,11 49:2,3,4 50:1,5 51:22 52:19 64:6 66:1,11,14 70:10 79:11 85:20 88:6 105:15 109:23 124:18</p>
---	---	---	--

NRC - LIMITED EDITION HEARING VOLUME III

<p>bringing [4] 13:15 20:24 52:14 74:11</p> <p>brings [2] 53:24 85:23</p> <p>broader [1] 72:11</p> <p>broken [2] 24:2 33:10</p> <p>brothers [1] 67:19</p> <p>brought [2] 29:1 106:6</p> <p>brushed [1] 68:24</p> <p>bugs [1] 48:5</p> <p>build [7] 36:8 39:11 41:9,10 45:18 72:5 74:9</p> <p>building [9] 15:21 37:15 73:8 76:21 81:2 83:24 95:1 100:24 114:20</p> <p>built [4] 27:11 38:14 47:3,25</p> <p>bulcreek [5] 12:7 13:13 24:6 57:12 121:15</p> <p>burden [1] 95:14</p> <p>burdened [1] 78:16</p> <p>bureau [10] 19:25 20:11,20,25 27:15 33:24 34:3,7,9 77:13</p> <p>bureaucrat [1] 118:23</p> <p>bureaucratic [1] 48:24</p> <p>burial [1] 27:13</p> <p>burn [5] 64:4 98:3 99:18,19,23</p> <p>burning [2] 102:21,23</p> <p>burrow [1] 109:25</p> <p>burying [1] 83:18</p> <p>business [6] 44:21 50:8,8 68:15 108:16 125:9</p> <p>buy [2] 68:10 118:12</p>	<p>carried [1] 114:19</p> <p>carrousels [1] 119:6</p> <p>carry [1] 57:1</p> <p>cartier [3] 32:19,21,25</p> <p>case [12] 6:18 54:12,19 59:2 62:10 65:18 74:15 79:16 86:6 110:14 111:18 127:10</p> <p>cases [4] 25:9,9 71:20 111:8</p> <p>cash [1] 57:25</p> <p>casino [1] 109:5</p> <p>casinos [1] 112:12</p> <p>cask [1] 17:16 18:11,11,16 39:3,11 43:20 87:21 94:23 108:6 114:10</p> <p>cask's [1] 39:12</p> <p>casks [4] 17:18 18:8 94:20 112:5</p> <p>catastrophic [1] 55:4</p> <p>catch [1] 94:20</p> <p>catherine [2] 2:13 8:18</p> <p>cats [2] 119:9 120:1</p> <p>cattle [2] 109:18,23</p> <p>caught [2] 14:23 21:7</p> <p>causal [1] 83:9</p> <p>caused [1] 6:2</p> <p>causes [1] 117:4</p> <p>cells [1] 124:8</p> <p>centers [1] 40:6</p> <p>centerville [1] 103:6</p> <p>ceremonies [1] 13:4</p> <p>ceremony [1] 123:16</p> <p>certain [6] 12:10 63:23 84:23 90:25 100:16 104:23</p> <p>certainly [7] 34:23 37:25 55:20 57:5 58:6 60:8,20</p> <p>certificate [1] 127:2</p> <p>certify [1] 127:4</p> <p>cetera [1] 45:1</p> <p>cfr [1] 29:9</p> <p>chain [1] 55:18</p> <p>chairman [4] 3:22 11:10,21 126:10</p> <p>challenge [1] 4:11</p> <p>challenges [2] 4:17 81:5</p> <p>chance [3] 60:6,9,21</p> <p>change [2] 66:22 68:1</p> <p>character [1] 57:4</p> <p>characterized [1] 81:16</p> <p>charge [1] 92:16</p> <p>chaunce [2] 44:12,13</p> <p>cheap [3] 39:9 96:7 102:22</p> <p>check [1] 106:9</p> <p>checks [1] 16:19</p> <p>chemical [7] 69:8 78:18,21,22 97:20 98:3 99:18</p> <p>chemicals [1] 99:23</p> <p>chemistry [1] 25:2</p> <p>chernobyl [2] 118:18 119:5</p> <p>cherokee [2] 24:23,24</p> <p>cheryl [2] 59:25 121:18</p> <p>cheyenne [1] 71:10</p> <p>chief [5] 24:23 25:6 26:25 92:9 107:12</p> <p>chiefs [1] 24:15</p> <p>child [1] 25:8</p>	<p>children [13] 15:6 47:14 50:1 97:1,12 100:20 103:19 105:2 119:8,12,24,24 120:2</p> <p>chile [2] 118:13,13</p> <p>choctaw [2] 24:22,24</p> <p>choice [2] 118:5,8</p> <p>choices [4] 81:5,12,12 83:12</p> <p>choose [1] 51:8</p> <p>chooses [1] 47:20</p> <p>chose [1] 113:18</p> <p>christ [1] 117:16</p> <p>christian [1] 51:24</p> <p>church [2] 52:9 100:15</p> <p>church-going [1] 117:14</p> <p>cindy [1] 53:21</p> <p>circus [1] 61:9</p> <p>cities [2] 27:10 32:6</p> <p>citizen [4] 44:16 103:6 113:2 116:23</p> <p>citizens [15] 15:14 16:20 17:11 49:24 51:10 75:5,22,25 76:13,14 77:3,9 87:16 102:5 120:24</p> <p>city [15] 1:11 2:6 6:23 36:10 58:18 61:1 64:8 67:6 79:15 88:24 93:3 119:6,6 125:13 127:13</p> <p>civic [6] 80:23,23 81:8,10,13 82:25</p> <p>civilian [1] 93:23</p> <p>claim [1] 96:8</p> <p>claimed [1] 56:21</p> <p>claims [2] 39:5 76:9</p> <p>clan [2] 24:25,25</p> <p>clashing [1] 65:6</p> <p>classifies [1] 30:6</p> <p>clauses [1] 75:10</p> <p>clayton [9] 24:12,14,20 31:2,7,10 32:23 33:5,6</p> <p>clean [2] 108:19,20</p> <p>clear [5] 23:8 71:23 84:18 85:13 88:8</p> <p>clearly [3] 103:11 104:16 106:19</p> <p>clipboard [1] 9:10</p> <p>close [7] 41:9 43:2 80:20 82:1 97:25 104:24 123:3</p> <p>closed [5] 4:24 5:3,15 82:2 111:8</p> <p>closed-door [1] 83:7</p> <p>closely [2] 31:18 104:11</p> <p>closing [3] 18:19 31:25 59:3</p> <p>closure [1] 93:22</p> <p>closures [1] 43:16</p> <p>clothing [1] 13:5</p> <p>clown [1] 61:8</p> <p>clusters [3] 64:2 99:11 117:24</p> <p>coal [1] 102:21</p> <p>coast [8] 47:7 62:13 89:5 99:25 100:12 123:2 125:16,17</p> <p>coastal [1] 45:21</p> <p>coasters [3] 48:25 49:1,7</p> <p>coasts [2] 45:8,12</p> <p>code [3] 3:11 28:24 91:24</p> <p>codes [1] 28:7</p> <p>coincidental [1] 83:9</p> <p>collaboration [1] 81:3</p> <p>collect [1] 9:12</p> <p>collected [3] 38:14 42:2 109:16</p>	<p>collective [1] 83:17</p> <p>college [2] 62:4,5</p> <p>colleges [1] 14:10</p> <p>colorado [5] 15:9 40:3 70:19 113:16,20</p> <p>comanche [2] 24:23,24</p> <p>combine [1] 54:15</p> <p>come [22] 13:3 25:13 28:9 36:15 43:16 53:3 60:18 64:16,23 70:7 84:1,20 85:18 91:10 98:21 99:15 109:25 112:1 118:1,2 119:17 120:11</p> <p>comes [6] 9:25 15:19 24:9 27:13 72:3 81:21</p> <p>comfortable [3] 50:7 52:13 62:21</p> <p>coming [37] 13:10 14:8 17:10,10 24:4 32:18 37:6 52:24 59:15 63:9 64:13 66:2,3 67:2 70:11 77:21 84:4,6 86:3 88:20 97:14 98:7,15 100:9 101:13 103:3 112:22 116:5 117:6 120:15 121:9 122:10 124:10 125:18 126:2,5,17</p> <p>comment [6] 11:20 38:9 77:12 92:7 96:13 120:20</p> <p>comments [9] 10:17 46:21 64:24,25 77:15 90:3,20 107:9 126:15</p> <p>commercial [3] 5:1 6:4 39:3</p> <p>commission [19] 1:2,8 2:12 3:6 11:6,11 35:13 55:24 78:11 92:11 96:9 97:23 98:17,20 106:24 111:17 113:14 127:6,16</p> <p>commission's [1] 7:5</p> <p>commitments [2] 41:12 81:24</p> <p>committed [1] 33:10</p> <p>common [3] 4:2 26:8 80:18</p> <p>communities [5] 39:8 45:18 81:16 82:18 93:25</p> <p>community [12] 45:19 79:12 81:6 82:5 84:5 85:2,25 87:1,11,24 88:9 125:9</p> <p>community's [1] 81:8</p> <p>companies [6] 41:4 54:21 59:8 85:1 95:3 107:19</p> <p>company [2] 41:2 127:18</p> <p>compared [1] 26:21</p> <p>comparison [1] 114:1</p> <p>compelling [1] 113:17</p> <p>complain [1] 99:1</p> <p>complete [5] 5:17 20:9 21:2 29:20 54:11</p> <p>completed [2] 5:12 38:22</p> <p>completely [1] 106:4</p> <p>complex [3] 47:24 71:5 77:7</p> <p>compliance [3] 42:12,15 56:15</p> <p>comprehensive [1] 74:7</p> <p>comprise [2] 72:18 95:3</p> <p>compromising [1] 43:14</p> <p>computer [2] 54:17 106:10</p> <p>concentrate [1] 39:17</p> <p>concept [2] 35:10 72:4</p> <p>concern [5] 5:21 44:8 46:13 75:5 94:5</p> <p>concerned [17] 38:13 44:25 54:1 58:9 60:16 89:7 93:4 101:15 103:</p>
--	--	---	--

C

cake [1] 32:10

california [1] 45:12

call [5] 9:12 44:24 57:10 79:13 108:1

called [6] 28:10 32:25 45:25 57:6 91:14 121:11

calling [4] 21:24 56:7 72:7 113:18

calvary [1] 27:16

came [10] 1:14 52:19 62:12 63:13 67:10 100:20 110:2 123:8,10,14

canada [3] 24:16 30:21 31:12

canadian [1] 31:17

cancer [10] 64:2 79:7 99:7,8,9,10,11 117:4,24 119:4

cancers [1] 119:11

candidate [1] 37:11

cannot [7] 17:3 35:9,17 54:22 67:20 72:17 85:10

canyon [1] 66:1

cap [1] 113:19

capabilities [1] 75:3

capability [2] 81:23 82:9

capable [1] 75:3

capacity [1] 39:7 72:5 73:6,8,14,21 74:22 76:21 80:24 81:7 114:7

capital [1] 125:14

capitalism [1] 51:9

capitalized [1] 85:17

carcinogenic [1] 79:3

cards [1] 48:4

care [8] 16:10 42:12 67:20 111:6 118:9 121:24 122:1,2

NRC - LIMITED EDITION HEARING VOLUME III

<p>7,7,19 110:14 113:3 120:9,23 121:22,23</p> <p>concerning [3] 16:12,23 80:1</p> <p>concerns [20] 4:11 5:9 11:22 14:14 38:7 41:25 42:3,22 43:19 53:24 74:14 75:8 76:12 77:2,4 80:8 93:9 94:25 114:7 126:6</p> <p>conclude [2] 5:15 9:17</p> <p>concluded [1] 10:20</p> <p>concludes [1] 125:24</p> <p>conditions [1] 31:24</p> <p>conduct [1] 3:8</p> <p>conducted [1] 113:8</p> <p>conducting [1] 6:21</p> <p>confederated [1] 4:18</p> <p>confidence [3] 113:10,24 116:1</p> <p>confident [1] 82:12</p> <p>confidential [1] 4:25</p> <p>confidently [1] 39:14</p> <p>conflicting [2] 17:15,16</p> <p>conflicts [2] 28:12 114:11</p> <p>congress [1] 109:24</p> <p>congressional [4] 16:12 37:12 45:4 56:5</p> <p>congressman [2] 56:4 75:25</p> <p>congressmen [1] 45:5</p> <p>congresswoman [1] 90:5</p> <p>connected [2] 104:20 105:21</p> <p>connection [3] 3:9 6:9 8:2</p> <p>connie [1] 8:14</p> <p>conscience [2] 26:4 63:13</p> <p>consensus [1] 81:2</p> <p>consent [2] 21:18 34:15</p> <p>consequences [1] 105:4</p> <p>consequently [1] 8:24</p> <p>consider [11] 12:9 13:1,7 50:15,25 52:1,16 57:16 103:8,23,25</p> <p>consideration [5] 6:1,7 64:20 77:6 115:6</p> <p>considered [8] 8:3 20:3 31:13 41:14 46:7,18 94:23 123:2</p> <p>considering [4] 31:13 34:1 55:3 112:1</p> <p>consistent [1] 45:9</p> <p>consistently [1] 15:17</p> <p>consortium [4] 107:18,21 122:2,19</p> <p>consortiums [2] 111:11 123:18</p> <p>constitutes [1] 93:11</p> <p>constitutional [1] 26:5</p> <p>constraints [1] 38:8</p> <p>construct [2] 3:12 42:6</p> <p>constructing [1] 84:11</p> <p>construction [2] 4:19 38:21</p> <p>constructs [7] 26:7 28:10,10,11,13,15,21</p> <p>consult [1] 123:15</p> <p>consulted [1] 27:7</p> <p>consulting [1] 71:3</p> <p>consumers [1] 96:10</p> <p>consuming [1] 109:19</p> <p>contained [1] 93:21</p> <p>containers [1] 34:20</p> <p>contains [2] 114:3 115:5</p>	<p>contaminate [1] 32:10</p> <p>contaminated [2] 78:24 94:17</p> <p>contamination [2] 32:7 93:25</p> <p>contention [6] 4:10,15,23 5:9,13,16</p> <p>contentions [4] 4:9 5:18,24 6:5</p> <p>contents [2] 34:18,21</p> <p>continue [4] 17:8 33:5 62:17 67:24</p> <p>continues [1] 32:4</p> <p>continuing [2] 66:13 84:21</p> <p>contract [1] 95:9</p> <p>contractual [1] 95:13</p> <p>contrary [1] 12:24</p> <p>control [2] 18:15 72:25</p> <p>controversial [1] 65:3</p> <p>cook [6] 75:25 108:23,24 116:21,22,22</p> <p>cooling [1] 62:7</p> <p>cooperative [2] 76:19,25</p> <p>copies [2] 26:23 86:21</p> <p>copy [10] 6:13 11:9 29:2 87:2 90:7,13 91:9,16 92:6,15</p> <p>corbin [1] 125:2</p> <p>core [2] 17:18 18:16</p> <p>corporate [1] 95:12</p> <p>corporation [4] 17:23 82:12 111:14,17</p> <p>corporations [4] 111:13,20,23 123:20</p> <p>corps [1] 44:20</p> <p>correct [3] 21:20 51:23 91:19</p> <p>corridors [2] 89:10,16</p> <p>corrupt [4] 22:19,20,22 118:23</p> <p>corruption [1] 81:18</p> <p>cost [2] 4:19 5:11</p> <p>costs [6] 55:25 56:1 59:10 94:25 95:22 96:11</p> <p>costume [1] 61:2</p> <p>couldn't [3] 61:19 65:9 122:12</p> <p>council [7] 19:9,11 21:5 22:20 24:8,15 29:7</p> <p>counsel [2] 8:10 29:7</p> <p>counties [1] 110:2</p> <p>country [21] 12:13 40:23 44:20 51:10 56:19 63:4 72:22 78:9,14,15 80:15 82:5 90:2 98:2 102:16,24 105:7,8 117:1 122:14 124:2</p> <p>country's [3] 25:12 39:16 83:22</p> <p>county [24] 43:21 74:20 79:21 83:4 97:18,23,23 98:14,17,20 99:5,8,11,21 104:22 106:20 107:12 108:2 109:16,20 117:22,24 120:25 121:2</p> <p>couple [12] 20:14 44:16 45:22 46:3 47:10 57:11,17 101:1 116:9,20 121:11 124:20</p> <p>course [7] 37:3 99:24 111:23 118:22 120:4,8 122:21</p> <p>court [9] 16:7 20:12 21:1 24:13 25:8 27:12 84:25 109:14 127:18</p> <p>cover [2] 27:23 111:21</p> <p>coverage [1] 41:23</p> <p>cow [1] 58:1</p>	<p>craig [1] 108:23</p> <p>crap [1] 51:16</p> <p>crashes [1] 42:24</p> <p>crashing [1] 93:18</p> <p>crazy [1] 112:7</p> <p>create [3] 90:1 108:17 117:2</p> <p>creates [1] 40:1</p> <p>creation [2] 83:8 97:4</p> <p>creative [2] 81:3 84:1</p> <p>creator [5] 26:4 32:1 36:5,25 37:4</p> <p>creators [1] 39:11</p> <p>credible [1] 6:2</p> <p>credits [1] 43:12</p> <p>crete [1] 24:23</p> <p>crimes [1] 33:11</p> <p>criminal [1] 25:9</p> <p>critical [1] 94:21</p> <p>criticality [1] 17:17</p> <p>cruise [2] 42:21,23</p> <p>cultural [6] 16:22 20:15 47:22 55:5 72:10,16</p> <p>culture [1] 72:11</p> <p>cultures [1] 72:14</p> <p>curies [1] 79:5</p> <p>current [4] 5:21 42:8 57:5 115:10</p> <p>currently [5] 4:3 42:7 73:20 79:9 95:9</p> <p>customers [1] 95:25</p> <p>cut [1] 30:24</p> <p>cuts [1] 104:17</p> <p>cynthia [1] 104:5</p>	<p>dealt [4] 27:2 48:4 94:24 107:14</p> <p>death [5] 36:13,15 94:15 118:21 119:5</p> <p>debates [1] 75:1</p> <p>debating [1] 66:21</p> <p>debris [2] 49:5 85:21</p> <p>decades [2] 79:22 83:23</p> <p>december [1] 17:5</p> <p>decide [4] 59:7 105:13 109:10 123:20</p> <p>decided [2] 27:19 97:22</p> <p>decides [1] 73:17</p> <p>decision [17] 7:22 30:3 72:2 73:2,14 77:14,19 80:21 82:8 87:7,11 88:12 90:20 103:24 104:17 110:12,22</p> <p>decision-making [3] 82:7 86:10 115:22</p> <p>decisions [9] 27:7 28:16 51:7 63:24 73:10 82:21 86:13 101:20 111:4</p> <p>declaration [1] 23:13</p> <p>decommissioning [3] 5:9,11 59:10</p> <p>dedicated [1] 114:18</p> <p>defects [1] 79:8</p> <p>defend [1] 83:1</p> <p>defendant [1] 111:5</p> <p>defense [1] 72:8</p> <p>defenses [1] 43:18</p> <p>defining [1] 80:25</p> <p>definitely [3] 51:18,23 105:6</p> <p>deformed [1] 119:25</p> <p>deformities [1] 120:1</p> <p>degree [1] 122:8</p> <p>deis [2] 6:11,22</p> <p>delayed [1] 40:23</p> <p>deliberations [1] 8:2</p> <p>delligatti [1] 91:20</p> <p>democracy [2] 53:11 83:11</p> <p>democratic [1] 37:11</p> <p>demonstrate [1] 41:8</p> <p>demonstrated [1] 114:5</p> <p>denver [1] 70:19</p> <p>denying [1] 68:8</p> <p>department [11] 18:20 27:16,18 28:6,19 29:14 30:4 71:4 96:3 101:10,12</p> <p>dependent [2] 27:4 72:12</p> <p>deployment [1] 74:19</p> <p>depot [1] 79:2</p> <p>derive [2] 25:23,25</p> <p>derived [1] 27:15</p> <p>descent [1] 71:11</p> <p>described [1] 38:12</p> <p>describes [1] 6:25</p> <p>describing [1] 81:1</p> <p>descriptions [1] 26:22</p> <p>desecrate [1] 69:15</p> <p>desert [19] 43:12 61:21 62:19 63:1,17 64:3 78:8,12,15 80:1 83:5,8,16 88:15 101:25 104:5,6,21 118:3</p> <p>deserve [4] 69:14 108:7,8,9</p> <p>design [1] 17:16</p>
---	---	--	--

D

d.c [4] 2:15 11:6,12 92:11

daddy [1] 99:2

dakota [2] 71:11,12

damage [1] 94:15

damn [1] 102:23

danger [1] 32:9

dangerous [9] 34:21 38:7 55:7 81:15 89:6 96:25 97:7,21 117:22

dangers [5] 15:13,16 67:22 75:2 115:1

danny [2] 19:20 21:17

dark [1] 46:4

data [6] 42:2,3,4 87:17 88:1 113:17

date [4] 10:25 30:5 41:6 87:9

dated [1] 29:5

dave [1] 63:11

david [2] 19:24 29:2

day [9] 37:9 52:8 55:1 62:3 69:20 83:20 94:3 123:21,21

days [12] 19:24 20:1 23:24 29:6 34:2 56:14 68:7 86:23 87:5 98:13 105:19 124:20

de-facto [1] 75:9

dead [1] 119:7

deal [6] 55:23 58:2 94:1,19 101:24 110:20

dealing [7] 25:9,14 26:25 28:19 70:24 94:11 114:23

dealings [2] 30:21 56:8

deals [3] 83:7 93:9 94:25

NRC - LIMITED EDITION HEARING VOLUME III

<p>designated [1] 6:13</p> <p>designating [1] 104:23</p> <p>designation [1] 104:20</p> <p>tesigned [1] 42:18</p> <p>designers [2] 34:24,24</p> <p>desire [1] 37:22</p> <p>desiring [1] 10:1</p> <p>desperation [1] 115:8</p> <p>despite [3] 7:13 36:18 113:17</p> <p>destroy [1] 68:6</p> <p>destroyed [1] 68:16</p> <p>destruction [2] 32:5 83:10</p> <p>detail [1] 43:24</p> <p>details [1] 66:9</p> <p>deterioration [1] 17:18</p> <p>determination [1] 30:3</p> <p>determine [3] 5:4 38:19 55:22</p> <p>determined [1] 81:2</p> <p>deterred [1] 22:14</p> <p>detraz [3] 124:12,13,14</p> <p>detrimental [1] 13:9</p> <p>develop [4] 73:5,14 74:21 76:25</p> <p>developing [2] 73:13 95:23</p> <p>development [8] 13:14 50:14 51:1,6 73:9 74:24 76:18 105:10</p> <p>developments [1] 45:11</p> <p>dialogues [1] 81:5</p> <p>dictates [1] 48:12</p> <p>die [1] 36:19</p> <p>died [8] 63:16 99:7,8,9,10 119:4,13 120:21</p> <p>different [3] 65:6 109:3 117:17</p> <p>diminishes [1] 30:6</p> <p>dioxins [1] 79:4</p> <p>direct [1] 81:6</p> <p>direction [4] 32:4 36:14 66:22 127:18</p> <p>directly [4] 13:5,7 44:2 71:5</p> <p>director [1] 77:25</p> <p>directors [1] 75:18</p> <p>directory [1] 91:14</p> <p>disagree [2] 46:17 65:9</p> <p>disaster [5] 54:13 55:11,13,16 94:14</p> <p>disasters [1] 35:1</p> <p>disciplinary [1] 27:3</p> <p>disclosed [1] 86:9</p> <p>disclosure [1] 41:16</p> <p>discretion [1] 7:6</p> <p>discuss [2] 111:1 112:9</p> <p>discussed [1] 112:6</p> <p>discussing [1] 31:15</p> <p>discussion [1] 46:10</p> <p>disease [1] 15:7</p> <p>disgrace [2] 32:15 69:3</p> <p>disorders [1] 79:7</p> <p>disoriented [1] 112:5</p> <p>disposal [2] 38:20 54:8</p> <p>dispute [1] 30:17</p> <p>disputes [1] 23:15</p> <p>disregard [1] 76:16</p> <p>disrespectful [2] 62:17 76:16</p> <p>distance [2] 123:4 124:3</p> <p>distinction [1] 33:13</p>	<p>distressing [2] 12:22,23</p> <p>distribute [1] 88:13</p> <p>distribution@nrc.gov [1] 92:20</p> <p>district [6] 16:7 24:13 25:7 37:12 56:5 109:14</p> <p>disturb [1] 44:17</p> <p>disturbing [1] 41:17</p> <p>do-gooders [1] 47:24</p> <p>docket [1] 7:19</p> <p>document [4] 6:14,16 86:23 87:6</p> <p>documented [1] 26:23</p> <p>documents [1] 26:18</p> <p>doe [1] 40:18</p> <p>dog [1] 102:7</p> <p>dogs [3] 26:21 98:24 119:8</p> <p>doing [15] 21:7,21 22:14 31:16,20,20 35:25 36:3 49:9 52:12 68:16 84:12 102:24 118:6 126:4</p> <p>dollar [3] 50:13 51:2 102:17</p> <p>dollars [2] 96:2 111:19</p> <p>domestic [1] 27:4</p> <p>done [19] 16:11 21:18,21 23:17 34:13,14 36:17,19 37:2 48:20 56:2 69:16 100:3 107:2 110:19 117:9,10 118:9,10</p> <p>donnell [2] 8:16,16</p> <p>door [5] 18:9 62:7 85:17 86:2 88:7</p> <p>doors [2] 82:2 111:8</p> <p>dotted [1] 99:14</p> <p>doubt [2] 47:1 85:9</p> <p>down [17] 52:18,19 53:9 59:12 63:19 64:13 65:20 66:1,2,4,25 69:23 80:18 95:2 98:6 104:14 117:19</p> <p>download [1] 86:23</p> <p>downstream [1] 113:21</p> <p>downwind [3] 93:4,24 118:4</p> <p>downwinders [2] 15:5 113:9</p> <p>dpb@nrc.gov [1] 11:12</p> <p>draft [4] 6:10 87:4 92:5,7</p> <p>drain [1] 117:19</p> <p>dramatic [1] 115:21</p> <p>dramatically [1] 40:7</p> <p>drawbridge [2] 45:15 65:10</p> <p>dressed [1] 61:8</p> <p>drinking [1] 112:12</p> <p>drive [4] 45:13,20 69:19 100:16</p> <p>drives [1] 101:11</p> <p>dropped [1] 115:14</p> <p>dry [6] 15:17 39:2,11 43:20 108:6 114:10</p> <p>duck [1] 35:18</p> <p>due [6] 38:8 43:9 54:4,25 112:17 114:15</p> <p>dugway [2] 43:10 98:4</p> <p>dump [16] 34:1,10,16,22 35:2,7,17 36:8,10 43:25 82:18 98:2 102:2 106:4 117:3 119:16</p> <p>dumped [1] 98:9</p> <p>dumping [4] 78:8 88:17 99:6 102:1</p> <p>dumps [2] 81:15 121:2</p> <p>dunn [3] 97:16,17,18</p> <p>during [6] 18:8 41:24 43:12 50:19 74:3 100:16</p>	<p>dying [1] 117:25</p> <p>dynamic [1] 81:5</p> <p>dysfunctional [1] 82:25</p> <hr/> <p style="text-align: center;">E</p> <hr/> <p>e-mail [5] 11:7,12 92:12,18,19</p> <p>e/confederated [3] 4:16,24 5:16</p> <p>each [7] 9:16,23 10:14,15 33:20 92:6 93:14</p> <p>earlier [4] 10:8 91:6,6 121:11</p> <p>early [1] 14:15</p> <p>earth [13] 12:9 13:7,8 50:24 67:19,20 68:6 96:23 104:18 108:1,8 123:10,13</p> <p>earthquake [5] 34:23 54:25 55:2 103:10 107:16</p> <p>earthquakes [1] 34:25</p> <p>ease [1] 75:4</p> <p>easily [2] 90:9 106:5</p> <p>east [13] 2:5 32:6 40:3 42:17 47:6 48:25 58:13 62:13 89:4 99:25 100:12 123:2 125:16</p> <p>easterners [2] 46:2 49:7</p> <p>echo [2] 63:21 64:24</p> <p>economic [7] 13:13 43:22 51:5 71:13 73:5 105:6,10</p> <p>economics [2] 50:13 105:14</p> <p>economy [2] 67:25 83:16</p> <p>ecosystem [1] 55:17</p> <p>educating [1] 106:2</p> <p>education [1] 74:7</p> <p>educational [1] 77:8</p> <p>effect [3] 30:5,11 47:25</p> <p>effects [2] 58:2 122:9</p> <p>effluent [1] 95:5</p> <p>effort [1] 80:14</p> <p>efforts [2] 58:23 76:22</p> <p>eight [3] 69:24 70:22 107:19</p> <p>eight-member [1] 41:3</p> <p>eis [3] 55:25 56:1,14</p> <p>eisenhower [1] 14:21</p> <p>either [3] 10:17 11:15 87:14</p> <p>elapsed [1] 95:10</p> <p>elected [2] 115:3,21</p> <p>elections [1] 45:7</p> <p>electoral [1] 45:6</p> <p>electric [1] 95:25</p> <p>electricity [1] 102:22</p> <p>element [1] 122:25</p> <p>elena [2] 116:21,22</p> <p>eliminating [1] 84:13</p> <p>elsewhere [1] 63:25</p> <p>embrittlement [1] 17:17</p> <p>emergency [5] 4:13 18:21 40:20 59:8 114:13</p> <p>emissions [3] 78:4,5 122:12</p> <p>emit [1] 79:4</p> <p>emitter [1] 78:16</p> <p>emotional [2] 13:25 105:20</p> <p>emotionally [1] 12:23</p> <p>empathetic [1] 37:21</p> <p>emphasize [1] 8:21</p> <p>employment [2] 74:8,12</p> <p>enabler [1] 83:16</p>	<p>encompass [1] 56:2</p> <p>encourage [2] 83:17 89:13</p> <p>end [9] 14:2 19:3 60:5,6,20 69:25 79:25 90:20 117:25</p> <p>endanger [1] 90:2</p> <p>endangers [1] 44:1</p> <p>ending [1] 10:4</p> <p>endless [1] 45:11</p> <p>endure [2] 53:17 71:14</p> <p>endured [2] 18:25 53:15</p> <p>energy [5] 3:4 96:3 101:10 102:13 115:10</p> <p>energy's [1] 71:4</p> <p>enforcement [1] 40:21</p> <p>engage [1] 81:4</p> <p>engaged [1] 82:21</p> <p>engineer [2] 3:20 47:18</p> <p>engineering [1] 25:1</p> <p>english [1] 32:25</p> <p>enhances [1] 30:6</p> <p>enjoy [3] 38:1 39:9 62:2</p> <p>enormous [1] 72:22</p> <p>enough [12] 18:14 19:1,4 54:18 59:8 63:7 69:16 84:1 117:23 119:3 124:1,3</p> <p>enrolled [1] 71:10</p> <p>ensure [6] 9:23 10:5 35:19 41:22 79:19 85:1</p> <p>ensuring [2] 75:3 82:23</p> <p>entered [2] 84:25 88:18</p> <p>entering [1] 94:21</p> <p>entertain [2] 4:1 7:7</p> <p>entertainment [1] 125:14</p> <p>entire [5] 56:18 83:14 88:9 105:17 106:15</p> <p>entities [1] 74:25</p> <p>entitled [3] 1:14 110:6,25</p> <p>entity [2] 16:19 114:15</p> <p>envirocare [2] 79:12 121:1</p> <p>environment [9] 78:17 80:23,24 81:8,9,13 83:1,2,10</p> <p>environmental [22] 3:17 6:7,8,11 12:3 14:6 17:14 20:2,6 53:18 65:4 70:22,23 71:1,2 77:5 78:13 83:6 86:19 87:4 90:8 92:5</p> <p>envy [2] 119:19,21</p> <p>equipment [1] 114:14</p> <p>era [1] 44:25</p> <p>eric [2] 60:24,25</p> <p>escape [1] 111:22</p> <p>escrow [1] 111:20</p> <p>eskimo [2] 47:14,15</p> <p>especially [2] 27:13 53:20</p> <p>espoused [1] 10:18</p> <p>esq [1] 2:13</p> <p>establish [3] 25:22 32:12 37:24</p> <p>established [4] 5:2 15:2 27:1 85:14</p> <p>establishing [1] 110:21</p> <p>estimate [1] 55:12</p> <p>estimates [3] 4:19 5:11 42:4</p> <p>estopped [1] 107:24</p> <p>et [1] 45:1</p> <p>ethical [1] 77:7</p>
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NRC - LIMITED EDITION HEARING VOLUME III

<p>evaluate [2] 87:21 88:1</p> <p>evaluated [2] 40:13 42:2</p> <p>evaluation [2] 42:1 71:4</p> <p>even [30] 13:18,20 28:23 31:23 43:6 46:6,18 52:2,6 57:24 58:24 67:11 68:25 69:1 82:6,8 83:19 84:20 85:14 100:16 105:1 106:8,21 109:10,24 111:16,17 113:23 115:6 117:8</p> <p>evening [2] 14:8 124:14</p> <p>event [3] 41:23 55:5 94:13</p> <p>events [1] 6:2</p> <p>eventually [2] 27:19 122:22</p> <p>everybody [11] 31:4 60:21 64:10 89:18 90:9 100:4 111:9 112:16 118:24,25 124:8</p> <p>everyone [11] 9:23 10:5,19 31:6 76:22 84:16 87:12 91:11 104:23 105:16 110:13</p> <p>everything [14] 36:3 50:16,19,20 79:17 86:2 96:21 99:14 100:3 104:19 105:8 111:5,9 117:8</p> <p>everywhere [2] 97:1,12</p> <p>evidentiary [6] 4:8 5:3,6,17,23 7:21</p> <p>exacerbates [1] 83:23</p> <p>exactly [1] 73:1</p> <p>example [4] 40:18 93:17 110:10 112:1</p> <p>except [3] 79:18 106:8 124:7</p> <p>exception [4] 29:10,17,21 42:9</p> <p>exceptions [1] 29:13</p> <p>exchange [1] 80:24</p> <p>excluded [1] 82:3</p> <p>excluding [1] 82:22</p> <p>excuse [1] 55:6</p> <p>executive [1] 29:7</p> <p>exemption [1] 42:7</p> <p>exemptions [3] 42:13 44:4 114:20</p> <p>exercise [6] 28:23 72:4,6,8,17 73:9</p> <p>exercises [1] 42:21</p> <p>exercising [1] 28:22</p> <p>exhibit [1] 88:18</p> <p>existence [1] 30:5</p> <p>existing [2] 30:2 39:6</p> <p>exiting [1] 94:22</p> <p>expect [4] 15:14 62:13 86:2 95:4</p> <p>expectation [1] 16:10</p> <p>expectations [1] 77:13</p> <p>expected [2] 18:20 115:17</p> <p>expecting [1] 62:14</p> <p>experience [6] 14:9 24:25 56:11 59:6 70:23 122:10</p> <p>experienced [1] 55:6</p> <p>experiences [2] 81:11 109:3</p> <p>expertise [12] 21:2 54:6,7 56:12 59:5,7 70:5 73:21 74:10,12,21,25</p> <p>experts [2] 87:17,25</p> <p>expires [1] 95:14</p> <p>explain [3] 15:10 19:19 20:14</p> <p>explaining [2] 24:21 112:19</p> <p>explanation [1] 11:14</p>	<p>exploiting [2] 67:12 68:18</p> <p>explosion [1] 120:4</p> <p>explosives [2] 93:19 94:3</p> <p>exposed [2] 15:3,6</p> <p>exposure [1] 18:10</p> <p>express [1] 126:2</p> <p>expressed [2] 74:3 121:22</p> <p>expressing [1] 126:6</p> <p>expressly [1] 20:16</p> <p>extended [1] 87:5</p> <p>extension [1] 95:10</p> <p>extensive [1] 38:18</p> <p>extent [2] 83:15 92:8</p> <p>external [1] 6:3</p> <p>extremely [5] 12:10,16,22,23 13:14</p> <p>eyes [1] 100:21</p>	<p>favor [2] 28:16 48:22</p> <p>favoritism [1] 57:9</p> <p>fax [5] 11:8,13 92:12,12,22</p> <p>fears [1] 75:4</p> <p>feasible [1] 51:5</p> <p>fed [1] 35:23</p> <p>federal [26] 3:11 7:17 16:7,16 20:17 22:22 23:8 25:7 26:22 28:7,20 41:21 48:6 71:21 73:25 75:17 76:6,10 77:16,18 84:5 87:14 106:8 109:6,14 112:19</p> <p>federal/tribal [1] 76:4</p> <p>federally [2] 30:7,9</p> <p>feel [8] 14:1 20:13 23:9 50:7 52:13 62:21 97:2 99:2</p> <p>feelings [1] 126:7</p> <p>feet [1] 39:4</p> <p>fend [1] 72:23</p> <p>few [11] 4:5 31:2 46:3 48:12 65:22 66:17 67:16 71:13 86:7,20 121:14</p> <p>fewer [1] 81:11</p> <p>field [1] 43:17</p> <p>fields [1] 74:9</p> <p>fight [1] 110:3</p> <p>figure [4] 34:19 61:22 66:20 82:19</p> <p>figures [1] 66:10</p> <p>file [1] 127:15</p> <p>filed [1] 107:1</p> <p>filled [1] 94:8</p> <p>film [1] 18:4</p> <p>final [5] 10:19 77:11 85:7,11 95:18</p> <p>finally [5] 8:12 26:6 95:21 111:11,25</p> <p>financial [17] 4:16 40:19,25 41:15 53:16 54:10,10,16 55:23 56:8 59:9 77:8 81:22 82:9 86:8 95:14 114:22</p> <p>financing [2] 74:7 76:24</p> <p>find [7] 22:7 29:16 45:13 57:20 65:6 81:16 99:16</p> <p>fine [1] 31:8</p> <p>finish [3] 31:7,25 60:18</p> <p>finished [1] 5:14</p> <p>finite [1] 54:21</p> <p>fire [12] 4:13 18:20 93:10,17,21 94:2,13,18,20,23 107:12,13</p> <p>fires [4] 93:11,17,20 94:8</p> <p>firm [1] 71:3</p> <p>first [25] 4:10 7:10 9:5 12:1,2 24:12,20 25:7,22,25,25 26:3 27:1 35:12 37:12 44:23 56:4,6 60:10 62:8 74:6 93:9,10 121:15 124:17</p> <p>five [12] 9:20 13:23 44:21 45:22 52:2,8 60:15,19 62:5,9 112:18 121:4</p> <p>five-minute [2] 116:9,16</p> <p>fix [1] 23:9</p> <p>floating [1] 86:21</p> <p>floor [1] 2:5</p> <p>fly [1] 76:10</p> <p>flies [1] 51:3</p> <p>focus [2] 73:1 76:17</p> <p>folks [3] 58:21 66:24 68:10</p> <p>follow [2] 23:11 81:23</p> <p>followed [1] 24:1</p>	<p>following [3] 38:9 53:21 93:6</p> <p>follows [2] 85:22 92:8</p> <p>food [2] 55:18,19</p> <p>footsteps [1] 37:4</p> <p>forage [1] 109:20</p> <p>forbid [1] 15:20</p> <p>forbidden [1] 20:16</p> <p>force [6] 30:11 43:5,8,12,15 109:1</p> <p>force-feed [1] 61:4</p> <p>forced [1] 43:5</p> <p>foregoing [1] 127:20</p> <p>foreign [1] 35:15</p> <p>forest [2] 47:19 90:16</p> <p>forever [1] 51:12</p> <p>forgive [1] 113:1</p> <p>forked [1] 99:22</p> <p>form [3] 7:20 38:5 41:4</p> <p>formally [1] 8:23</p> <p>forth [4] 11:3 26:21 29:9 87:20</p> <p>fortunately [2] 94:9 110:4</p> <p>fortunes [1] 45:10</p> <p>forward [1] 60:23</p> <p>fostering [1] 81:3</p> <p>found [5] 6:16 32:10 103:13,21 104:8</p> <p>foundation [3] 12:4 14:7 27:1</p> <p>foundations [2] 26:24 27:3</p> <p>four [2] 86:23 110:16</p> <p>fourth-generation [1] 63:15</p> <p>fox [1] 101:7</p> <p>frame [1] 87:8</p> <p>fraught [1] 115:1</p> <p>free [4] 11:1 49:5 92:7,15</p> <p>freeways [1] 69:19</p> <p>freight [1] 40:22</p> <p>french [1] 16:2</p> <p>friday [2] 6:23 10:23</p> <p>friend [2] 29:24 32:23</p> <p>friends [2] 61:18 67:7</p> <p>front [8] 61:6,18 69:2 88:8 94:4,12,16 102:9</p> <p>frustration [1] 115:7</p> <p>fuel [46] 3:10,12,25 4:3,12,21 5:10,25 6:1,3,12 8:12,17 14:16 37:15 54:9 55:22 56:9 62:25 66:13 67:9,22,25 75:12 79:18,21 81:23 82:10 84:5 87:15 89:4,24,25 90:1 91:17,18 93:5 95:4 96:14 114:2,9,19 118:14 123:10 126:8 127:7</p> <p>fuels [1] 123:1</p> <p>full-time [2] 3:20,21</p> <p>fully [3] 10:13 71:25 93:7</p> <p>function [2] 3:24 87:21</p> <p>funding [2] 74:18 114:13</p> <p>funds [3] 16:9 41:9,12</p> <p>funny [2] 58:13,21</p> <p>furor [1] 34:13</p> <p>further [6] 10:5 12:1 40:8 45:20 69:15 126:23</p> <p>future [6] 43:20 76:7 88:10 97:12 115:11 119:21</p>
<div>F</div>			
<p>f-16 [1] 112:4</p> <p>f-16s [1] 112:3</p> <p>face [3] 22:23 76:10 97:12</p> <p>faced [3] 51:7 78:12 79:10</p> <p>faces [1] 81:6</p> <p>facilities [2] 6:2 79:4</p> <p>facility [82] 4:13,21 5:10 6:3,12 15:21 18:14,18 19:2,18 21:11,25 22:6 23:3,3,4,24 37:16,20,24 38:8,12,13,23 39:2 41:10,11,24 42:1,6,11,16,19,22,24 43:2,8 44:6,17 46:11 47:9 48:23 58:5,5,8 71:25 72:3 73:15,22 74:3,11,16,23,24 75:2,6,8,9 76:1,3,15,15,20 77:10 85:6 89:15 90:1 93:5,15,20 94:14,22,24 95:2,8 96:5 100:11 113:4 114:6,11 115:3,4</p> <p>facility's [1] 93:10</p> <p>fact [9] 56:15 67:13 68:4 82:23 83:23 84:8,18 114:21 117:2</p> <p>facts [1] 66:10</p> <p>fade [1] 51:11</p> <p>fail [1] 83:1</p> <p>failure [1] 48:2</p> <p>fair [5] 14:23 15:4 36:17 51:18 66:19</p> <p>faith [1] 48:24</p> <p>faithful [1] 36:23</p> <p>fallacy [1] 84:14</p> <p>falls [1] 33:17</p> <p>families [5] 13:13 52:11 68:15 78:1 119:23</p> <p>family [5] 18:3 24:25 61:19 67:7 100:20</p> <p>far [10] 15:6 32:2 50:20 60:16 61:14 85:7 102:24 110:4,19 115:5</p> <p>farce [2] 88:2,4</p> <p>fast [1] 65:20</p> <p>faster [1] 36:13</p> <p>fastest [1] 125:12</p> <p>fate [1] 113:13</p> <p>father [1] 99:7</p> <p>father-in-law [1] 99:8</p> <p>fault [4] 33:20,23 34:23 36:16</p> <p>faults [1] 107:16</p>	<div>G</div>		
<p>gain [1] 37:23</p>			

<p>gambling [3] 109:5,7,8 garbage [7] 22:24 23:2 35:7 63:7 69:6 125:5,16 gates [1] 54:16 gauged [1] 80:24 gave [2] 58:22 92:17 general [6] 2:4 19:9,11 21:5 24:8 40:14 generally [1] 83:5 generate [2] 80:4 93:17 generations [3] 101:19,21 105:1 geneva [1] 15:23 gentleman [6] 29:23 50:11 51:17 58:12 65:10 117:21 gentlemen [5] 97:17 102:9 104:7 106:23 112:18 geographics [1] 47:15 geological [1] 38:20 george [2] 26:17 98:7 gesture [1] 75:4 gets [9] 21:14 60:21 84:17 100:14 107:8 112:5 117:18 121:21 123:10 getting [8] 17:1,2,9 58:18 60:14 66:17 101:25 108:11 giant-sized [1] 55:2 gift [1] 123:23 give [9] 6:18 31:4 36:17 39:19 67:17 87:5 121:13 123:22,23 given [12] 9:18 10:9 41:17 58:16 59:5 68:21 76:4 80:21 87:2 94:10 96:14 106:3 jiving [1] 68:20 glow [1] 46:4 go-ahead [1] 94:10 godliness [1] 51:21 godly [1] 50:24 goshute [33] 3:14 4:18 12:15 16:9,14,24 19:8 24:7 29:19 33:25 34:10 36:2 37:17 53:13,14 55:6 56:9,12 57:4,5,14 67:10 71:12 74:8 79:22 102:8 104:22 105:5,13 106:18 107:6 108:2 109:4 goshute's [2] 20:21 72:1 goshutes [9] 13:12,18 17:21 19:12 25:14 34:14 57:23 62:19 120:19 got [13] 21:7 29:23 45:24 47:7,15,18 48:16 57:16 60:12 66:13 102:1,23 111:5 gotten [1] 63:25 governance [2] 72:24 73:10 governing [1] 77:1 government [39] 15:12 20:4,20,22 22:20,23 23:8,10 26:8,8,14 27:19 31:18,20 33:10,14,15,16,18 34:4 35:5,6 36:1,11,12 53:7 54:3 58:22,24 71:16,19 73:25 75:17 84:6 87:15 99:18 113:7,11 122:22 government's [3] 17:20 113:5 115:23 governmental [1] 73:6 governments [4] 26:12 27:25 40:19 71:6</p>	<p>governor [1] 48:19 governs [1] 30:19 grandchildren [3] 83:13 105:3 108:18 grandmother [1] 33:2 grandpa [1] 63:16 grandparents [1] 47:16 grant [5] 42:9 85:10 89:14 90:21 108:13 granted [1] 26:3 grantsville [1] 6:24 grassroots [1] 78:2 grateful [1] 53:8 gravel [1] 45:19 gravely [1] 113:2 great [13] 31:9 50:10 55:13 57:1 108:17,18,18,18,18,18 115:15 121:22 greater [1] 31:22 greatest [1] 75:20 greetings [2] 24:14 124:18 greg [2] 97:16,18 grew [4] 61:22,23 62:22 71:11 groenewold [4] 77:23,24,25 86:18 grossly [1] 96:8 ground [9] 18:18 36:7 43:10 78:8,22 88:17 93:16 99:6 102:1 grounds [1] 85:16 group [3] 44:15 104:8,9 groups [5] 14:11 15:25 65:6,9 107:19 grove [1] 15:6 grow [2] 51:4 62:14 growing [3] 9:21 66:5 125:13 growth [2] 43:21 65:5 guarantee [5] 18:3 38:10,15 95:16 114:4 guard [1] 109:1 guess [5] 22:5 48:23 80:11 82:24 84:22 guide [1] 37:4 guilt [1] 47:24 guinea [1] 17:20 gun [1] 112:13 guys [6] 20:16 23:19,24 50:2 61:11 100:8</p>	<p>111:21 112:6,18 122:11,12 happened [4] 100:22 112:19 122:7,8 happening [6] 25:20 31:19,21 83:4 102:17 112:17 happens [9] 17:23 22:1 65:25 82:24 85:20 112:3 121:25 122:4 123:21 happily [1] 120:9 happy [4] 54:2 63:18 100:4 109:22 hard [5] 80:16 90:13 92:2 101:11 117:13 hardened [1] 93:15 hardly [2] 64:21 98:13 hardship [2] 53:15,16 hardships [1] 53:17 harney [1] 125:2 hatch [2] 100:24 101:2 hate [1] 107:3 haul [1] 108:13 hayduke [2] 100:7,8 hazardous [10] 62:18 74:15,19 75:3 78:19,20 83:18 85:18 98:1 121:1 head [1] 98:25 heads [1] 86:4 health [9] 25:2 75:6 76:12 77:5 78:5 80:22 81:8 87:23 89:9 healthy [1] 62:20 hear [11] 8:22 10:13 18:9 33:17 35:14 46:21 52:20 59:23 108:12 111:9 116:17 heard [15] 9:6 10:2,10 25:22,23 32:21 57:8 74:3,14 77:12 105:18 106:17,19 107:15 116:18 hearing [17] 1:15 4:8,23 5:7,8,17 7:11 50:16,19 53:8 54:3 57:11 74:4 90:11 91:7 109:13 126:19 hearingdocket@nrc.gov [1] 11:8 hearings [22] 5:20 6:22 15:23 16:12 54:3 56:7 61:14 65:17 87:3,9,10 105:19,23,25 106:6 110:8,16,16 111:1,2,2,4 hears [1] 15:24 heart [1] 72:6 heartened [1] 106:10 heck [1] 48:11 held [2] 14:25 127:14 hell [4] 49:1,11 102:4 119:10 hello [2] 88:22 121:19 help [3] 8:1 24:19 27:6 helped [1] 104:8 helping [1] 72:5 hemp [1] 51:4 hen [1] 101:7 henry [1] 24:12 hereby [1] 29:12 herein [1] 127:14 heritage [2] 110:1,6 hi [4] 60:25 70:15 100:8 116:22 hidden [1] 89:20 high [6] 36:7 42:12 44:22 50:12 93:19 94:3</p>	<p>high-level [8] 19:22 37:16 38:20,24 39:4 64:7 89:2 113:3 higher [5] 13:21 72:7 99:12,12,13 highland [1] 18:19 highway [4] 64:13 89:17 100:15,17 hill [2] 43:14,17 hill's [1] 43:15 hire [2] 87:17,25 historically [1] 27:15 history [8] 26:11,24 29:24 33:9 39:21 71:17 113:4 115:22 hitting [1] 45:14 hold [3] 65:17 66:19 75:10 holding [1] 5:22 holds [1] 59:1 holmes [3] 93:1,2,3 home [1] 55:15 homelands [1] 72:25 homes [1] 68:15 honorable [2] 1:17 24:12 hope [15] 22:16 23:5 35:2 49:2 57:1 59:11 64:19 69:18 88:14 102:14,18 115:20 116:2 118:7 121:19 horrors [1] 118:18 horses [7] 22:5 109:14,15,19 110:1,3,4 hospitality [1] 50:9 hosting [1] 72:2 hot [1] 101:22 hotel [2] 1:9 61:6 hours [3] 52:5 69:24 100:16 house [1] 101:7 housewife [1] 14:13 however [7] 9:20 11:1 38:8,13 76:13 79:16 106:19 huge [3] 107:13 111:1 117:5 human [8] 26:4,19 77:5 94:15 104:20 108:8 113:21 122:17 humane [1] 109:2 humans [2] 118:6,14 hundred [2] 48:1 98:22 hunting [1] 47:16 hunter [1] 54:16 hurt [1] 43:17 hurts [1] 43:14 hypocrisy [1] 80:13</p>
	<p>H</p> <p>ha [2] 69:5,5 half [7] 50:17 56:2 78:21 104:9 105:24 106:1 115:13 hand [3] 30:24 41:13 48:8 handful [1] 48:8 handle [3] 39:21,23 81:25 handled [1] 40:8 handling [2] 39:25 114:8 hands [4] 69:17,18 82:17 113:10 hanford [1] 85:24 hanging [1] 15:17 hansen [6] 14:6,8 32:22 37:19 56:5 65:13 happen [16] 22:9,14 42:25 64:11,14,15 82:1,16,23 95:16 100:19</p>		<p>I</p> <p>i-80 [3] 58:10 65:25 69:24 ian [1] 49:19 idea [3] 54:23 97:19 106:16 ideas [1] 121:22 identification [1] 6:6 identify [1] 8:8 identity [2] 26:19 32:12 idle [1] 94:5 igloo [1] 47:14 ignorance [1] 81:17 ignored [1] 32:8 ignoring [1] 68:19 ii [1] 68:15 iii [1] 1:17 ill [1] 15:11</p>

<p>illegal [4] 20:13,23 21:7 23:20 illegally [1] 35:15 illinois [1] 47:7 imagine [3] 31:23 46:6 69:14 immigration [1] 49:6 immune [1] 79:6 immunities [3] 30:2,7,9 impact [14] 6:11 17:14 20:2 31:21 41:17 43:22 55:10,24,25 86:19 87: 4 90:8 92:6 115:22 impacts [3] 6:7 55:13 87:24 impaired [1] 25:15 imperative [1] 73:10 implications [2] 70:24 77:8 important [14] 10:12 11:24 12:16, 25 13:14 36:24 78:10 81:22 82:9 83:13,21 97:11 109:9 126:12 importantly [1] 41:19 impossible [3] 54:5,9 55:12 imprudent [2] 37:25 39:23 inability [2] 57:7 76:1 inc [1] 95:4 incinerator [4] 69:8 78:1 120:24 122:5 incinerators [2] 78:18,19 include [1] 42:20 including [4] 6:4 29:8 40:24 70:24 inclusive [1] 81:4 incompetence [1] 36:20 inconsistent [1] 29:16 incorrect [1] 47:13 increases [1] 40:7 increasing [1] 66:7 incredible [1] 51:15 indeed [4] 8:4 73:14 77:17 92:15 indefinitely [1] 95:7 independent [5] 3:12 27:24 30:20 71:7 106:25 indian [38] 16:1 19:25 20:11,20,25 22:24 24:13 25:6,8 26:11 27:15 28:11,13,20 29:22 30:2,8,10 32: 20 33:1,3,6,24 34:3,7,8,9,11 35:5, 6,15 37:17 77:13,16 101:17 109:5, 11 121:24 indians [15] 3:15 19:9 24:7 28:17 29:19 33:11 34:5,6 35:21 36:16, 17,22 37:1 48:2,9 indicate [1] 75:15 indicated [3] 4:22 7:16 10:21 indicative [1] 82:16 indigenous [2] 14:11 70:18 indirectly [1] 44:2 individual [4] 12:2 33:21 41:4 87: 1 individual's [1] 10:15 individually [1] 107:4 individuals [9] 8:22 9:4,6 10:7 59: 17,24 60:9 116:10,17 industries [1] 81:15 industry [4] 50:9,12 85:17 125:5 ineffective [1] 18:23 inequalities [1] 55:5 infallable [1] 59:1 infinite [1] 54:22</p>	<p>information [9] 5:1,3 41:15 80:25 81:22 86:9,11 90:25 92:9 informative [2] 86:13 87:7 informed [3] 34:14 72:2 73:2 infrastructure [2] 40:20 73:7 inhabit [1] 26:1 inhabitable [1] 32:7 inherent [3] 15:16 25:24 42:14 initially [1] 10:23 injustice [1] 33:20 inner [2] 17:18 18:16 innovative [1] 81:1 input [6] 7:13 40:21 98:14 110:18 115:20 126:12 insane [2] 87:6 125:15 insist [1] 93:6 inspect [2] 18:16,17 inspection [1] 18:15 installation [2] 1:6 3:13 instance [1] 15:23 instead [1] 41:10 institute [3] 70:18,20 71:8 institutions [1] 71:15 insurance [6] 4:20 41:20,21,22 54: 21 59:8 integrity [2] 35:18 77:6 intentional [1] 93:18 intentions [1] 125:4 intercourse [1] 58:17 interdependent [1] 77:7 interest [6] 7:14 29:18 33:4 56:18 73:11 113:20 interested [1] 8:22 interesting [3] 48:21 109:4,8 interests [2] 72:21 73:19 interfering [1] 23:12 interior [1] 29:14 intermodal [1] 114:11 intermountain [3] 45:3 46:15 55: 9 international [3] 26:5 70:18 109:1 interrupting [1] 10:16 intervening [1] 7:23 intervenor [2] 4:11,17 intervenor's [1] 8:11 introducing [1] 3:3 intrusions [1] 10:14 investigating [1] 23:19 investigation [1] 22:7 investment [1] 51:14 invigorate [1] 83:11 invite [1] 85:14 invited [1] 7:3 invites [1] 83:2 inviting [1] 101:14 involve [2] 4:25 87:10 involved [12] 4:3 8:23 38:2 42:14 52:4 75:11 86:10 89:1 101:15 102: 7 115:11,13 involvement [2] 71:3 101:6 involves [1] 4:16 involving [2] 94:2 113:6 iodine [1] 18:6 irony [1] 109:12</p>	<p>irrefutably [1] 37:14 irrelevant [1] 76:5 irresponsible [2] 37:25 104:17 isfsi [1] 3:13 island [3] 26:1 61:24 62:24 isn't [4] 45:24 47:2 85:2 114:25 isolated [1] 80:15 issuance [1] 41:7 issue [16] 18:23 31:10,16 53:16,19 57:8,17 65:16 69:1 80:19 89:8,9, 10,22 107:16 118:22 issued [2] 6:10 33:24 issues [31] 5:19 7:9,23 8:2 14:12 16:22 18:1 20:19 25:11,14 27:14 28:20 40:15 52:4,7 53:21 54:1 65: 3,4,5 70:24 78:3 82:9 87:23 89:15 93:7 96:12 107:11,13 110:17 126: 12 items [3] 20:9,14,15 itself [5] 27:18 30:19 74:1 75:2 93: 12</p>	<p>K kathleen [4] 37:11 90:6 103:4,5 keep [13] 9:15 19:3 45:15 69:14 80: 12 84:15 88:11 89:13,23,24 98:23 103:20 110:3 keeping [2] 21:23 86:4 keeps [2] 22:21 47:22 kept [3] 15:1 69:1 124:2 kerry [4] 32:19,25 67:4,5 key [2] 73:13 83:12 kibosh [1] 46:9 kid's [1] 18:4 kids [3] 52:3,8,14 kill [1] 117:3 killed [1] 118:4 killing [1] 67:12 kimber [1] 96:19 kimberly [2] 70:13,16 kind [11] 34:18 49:23 58:21 62:1, 12,14,23 94:16 102:6 111:18 117: 17 king [2] 53:21,23 kinship [1] 13:8 kline [6] 3:16,17 11:17,18 126:14, 15 knowing [3] 14:25,25 74:10 knowledge [1] 59:6 knowledgeable [1] 98:15 known [4] 34:23 55:8 67:22,23 knows [3] 16:21 84:16 112:16</p>
		<p>J jag [1] 109:1 james [1] 37:19 january [1] 106:1 jason [2] 77:23,25 jerry [3] 3:16 53:1 61:12 jet [1] 45:21 jewish [1] 51:21 jews [1] 68:14 jim [2] 56:5 65:13 job [4] 50:9 58:18 97:22 106:25 jobs [2] 74:11,13 john [5] 8:16 26:25 54:16 92:25 125:21 join [1] 56:6 joke [1] 69:3 jordanelle [1] 66:2 joyce [2] 88:21,23 judas [1] 117:16 judge [71] 1:20 3:2,19 8:20 11:17, 18,19,19,20,25 14:3 19:6 24:4,12, 18 25:7,7 30:23 31:3,9 32:17,23 33:5,5 37:5 44:10 46:20,24 49:13, 18,20,22 52:24 56:13 59:14,22 63: 9 67:2 70:11 77:21 86:16 88:19 90:10,14,22 91:3 92:4,19,22,24 96:16 97:14 100:5 103:2 104:2 108:21 110:9 112:19,21 116:4,20 120:15 121:8 124:10 125:18 126: 9,10,14,14,15,16 judged [1] 36:25 judges [2] 3:6 11:15 judgments [1] 75:18 judicial [2] 3:24 27:2 judiciary [2] 16:14,18 july [4] 6:22,23 10:24 125:9 june [6] 1:12 4:23 5:7 7:17 10:22, 23 jurisdictional [1] 27:9 justice [6] 12:3 14:6 23:5 25:6 26: 25 65:13 justified [1] 26:6</p>	<p>L l.i.c [3] 1:5 3:10 37:15 lack [5] 56:11 100:22 101:3,6 114: 17 laden [1] 93:19 lady [1] 120:20 laid [1] 53:9 lake [16] 1:11 2:6 6:23 40:24 55:1, 14 61:1 67:6 79:15 88:24 91:22 93:3 94:7 117:7 124:20 127:13 lake's [1] 55:17 lam [10] 1:22 3:19,19 11:19,20 92: 4,19,22 126:9,10 lamb [4] 92:25,25 125:21,21 land [23] 12:12,17,19 13:1,22 22: 24 26:1,6 27:8 33:8,22 35:6 37:22 43:11,21 48:13 51:14 67:18 69:15 97:3 109:17,20 118:12 landbase [1] 72:16 landbased [1] 72:14 landbases [2] 72:10,15 landfill [3] 78:20,21 79:14 landowners [4] 37:21 38:1,3 44:4 lands [22] 12:22 13:2,4,10,16 16: 23 27:10,11 31:14 32:11 33:6 34: 10,11 35:5,15,23 36:23 65:14,15 72:13,18 104:15 large [7] 39:17,19 40:10 48:1 79:2 109:12 114:8 largest [7] 34:1 36:10 43:11 78:13, 14,16 83:6 las [4] 102:22 125:8,9,12</p>

last ^[10] 34:21 50:11,16 51:17 57:10,11 105:19 106:6 124:14 125:20	28:20 40:13	25 47:9 48:23 51:21 52:13,23 62:25 64:3 65:4,5,5 66:4,5 77:12 82:20 106:2 109:2 118:13	material ^[5] 15:2,8,16 80:9 115:16
late ^[3] 5:23 98:9 116:2	lied ^[1] 15:17	lots ^[1] 52:18	materials ^[4] 4:9 19:1 44:4 55:7
later ^[4] 10:25 24:10 84:3 120:10	lies ^[1] 73:15	love ^[4] 116:24 124:7,7,8	matter ^[10] 1:4,14 7:15 12:14 46:3 54:2,6 55:5 56:25 127:6
laugh ^[1] 69:4	life ^[4] 13:4,9 110:6,8	low ^[1] 98:4	matters ^[3] 5:21 23:12 36:25
law ^[19] 16:16 20:17 23:11 26:5,5 28:9,10,11,12,13 29:17 30:1,17 40:20 76:10 77:17 88:25 109:6,7	lifetime ^[1] 97:11	low-altitude ^[1] 42:20	maughan ^[15] 88:21,22,23 90:13,16 91:8,11,14,18,21,24 92:2,18,21,23
laws ^[4] 24:1 26:5 30:15 48:18	limerick ^[4] 61:25 62:6,23,24	low-level ^[2] 79:13,16	maximum ^[1] 75:15
lawsuit ^[1] 21:6	limit ^[2] 43:8 86:1	ludicrous ^[1] 112:8	mayflower ^[1] 67:11
lawyer ^[3] 88:23 108:25 110:8	limitation ^[1] 29:9		mayor ^[1] 125:8
laying ^[1] 64:5	limited ^[22] 4:1,4 7:3,19,25 9:3 10:22 11:2,23 17:23 41:2 59:23 64:17 82:11 84:19 88:5 110:15,19 111:12,13,17 125:24	M	mcconkie-collinwood ^[2] 37:11 90:6
lds ^[1] 69:6	line ^[2] 14:22 85:1	ma'am ^[1] 19:6	mean ^[21] 23:18 47:14 51:2 53:6 56:14 58:7 70:3 73:2 80:13 111:13 112:8 120:6,23 121:20,25 122:5,9,15,21 123:19 124:4
leaching ^[1] 108:6	lines ^[1] 58:11	made ^[26] 5:4 10:8 36:22 45:10 57:9,10 63:24 71:18 73:14,15 86:11,20,25 89:22 90:4,8 94:19 97:9 99:24 103:21 107:12 110:10,23 111:4 120:20 122:17	meaning ^[1] 40:22
leader ^[1] 125:2	linked ^[1] 79:7	mail ^[3] 2:14 11:10 90:17	meaningless ^[1] 86:12
leader's ^[1] 32:8	list ^[6] 9:21 59:18 60:5,12 90:17 121:10	mailed ^[1] 91:5	means ^[7] 34:18 51:2,3,5 72:9 79:24 87:8
leaders ^[5] 56:9 57:4,5,13,25	listed ^[3] 14:5 24:11 104:4	mailing ^[1] 11:4	measure ^[3] 55:10,12,25
leadership ^[2] 81:17 107:6	listen ^[6] 8:6 9:1 11:21 50:2 65:8 108:11	main ^[2] 69:20 100:14	measures ^[3] 42:15 59:9 93:13
leads ^[1] 75:23	listening ^[3] 49:16 110:21 121:20	maintain ^[3] 13:1 18:16 45:19	mechanical ^[1] 70:5
leak ^[4] 18:7,10 122:6,7	literally ^[1] 13:8	maintaining ^[1] 95:1	mediations ^[1] 25:10
leakage ^[1] 122:10	litigate ^[1] 40:14	maintenance ^[1] 4:20	meet ^[2] 40:17 114:16
leaking ^[1] 18:11	little ^[7] 12:13 22:16 24:21 25:18 52:20 60:17 100:25	major ^[6] 42:21 55:4,8 59:4 94:2 96:10	meeting ^[1] 125:8
leaks ^[3] 15:19 36:11 81:25	live ^[13] 34:24 50:6 51:20 62:1 69:12 93:3 97:25 102:19 116:24 118:8,14,15 124:16	majority ^[5] 41:15 44:25 46:14 49:9 103:11	member ^[6] 3:18,20,22 19:11 71:10 120:19
lean ^[1] 28:16	lived ^[8] 44:19 57:18,23 61:1 69:13 100:12 118:17,19	makers ^[1] 39:13	members ^[14] 7:13 16:9,24 21:10,20,22 22:12 23:5 34:15 53:15 57:18 74:8 87:12 102:8
learned ^[1] 34:7	lives ^[5] 53:10,10 57:16 113:10 124:8	makings ^[1] 11:5	membership ^[2] 21:24 57:25
learning ^[1] 79:7	living ^[6] 13:22 50:5 57:21 58:3 93:4 96:24	mall ^[1] 47:8	mention ^[2] 60:11 126:17
lease ^[13] 16:25 17:3,4 19:17,20,23 20:1,10 21:3 28:25 29:6,15 33:25	lives ^[5] 53:10,10 57:16 113:10 124:8	malls ^[1] 45:11	mentioned ^[4] 16:22 61:23 75:25 90:10
leasing ^[1] 34:9	lived ^[8] 44:19 57:18,23 61:1 69:13 100:12 118:17,19	man ^[1] 65:16	mercury ^[1] 79:5
least ^[9] 22:25 60:13 100:2 101:1 102:5 105:25 110:5 121:4 123:6	lives ^[5] 53:10,10 57:16 113:10 124:8	manage ^[3] 27:25,25 39:22	mere ^[1] 41:11
leave ^[4] 66:11 70:1 95:14 114:4	living ^[6] 13:22 50:5 57:21 58:3 93:4 96:24	management ^[2] 70:19,25	merit ^[1] 115:6
lefever ^[1] 127:24	lives ^[5] 53:10,10 57:16 113:10 124:8	manager ^[1] 91:20	merits ^[1] 7:22
left ^[11] 3:19 12:12 33:5 35:6 67:16 79:19 105:6,9 108:20 116:7 119:8	lives ^[5] 53:10,10 57:16 113:10 124:8	mankind ^[1] 55:8	merry-go-rounds ^[1] 119:7
legal ^[3] 26:7 29:20 89:12	lives ^[5] 53:10,10 57:16 113:10 124:8	manner ^[1] 73:7	mess ^[1] 114:24
legalistic ^[1] 29:4	lives ^[5] 53:10,10 57:16 113:10 124:8	manual ^[1] 18:23	message ^[2] 18:24 124:25
legally ^[3] 34:11 75:10 95:12	lives ^[5] 53:10,10 57:16 113:10 124:8	many ^[39] 13:17 16:3 21:8 24:1 26:16 33:8,8 38:7 43:19 48:22 49:11 53:18,19 55:19 57:17,23 65:3 68:1,5 71:20 74:2 75:5 86:16 94:8 96:2 102:2 106:22 110:8 114:3 115:5 119:4,11,12,12,25,25 120:1 121:20 126:12	messed ^[1] 101:25
legitimacy ^[1] 71:17	lives ^[5] 53:10,10 57:16 113:10 124:8	map ^[1] 88:13	met ^[1] 113:13
legitimate ^[3] 75:7 76:12 77:2	lives ^[5] 53:10,10 57:16 113:10 124:8	march ^[1] 122:7	meter ^[1] 96:7
legs ^[1] 120:1	lives ^[5] 53:10,10 57:16 113:10 124:8	marco ^[13] 2:13 8:18,18 91:1,2,5,10,12,17,19,23 92:1,3	methods ^[1] 50:25
lengthy ^[1] 6:14	lives ^[5] 53:10,10 57:16 113:10 124:8	marge ^[1] 124:12	metric ^[3] 14:16,18 88:5
leon ^[2] 19:19 21:21	lives ^[5] 53:10,10 57:16 113:10 124:8	margene ^[5] 12:7 13:12 24:6 57:12 121:15	metropolitan ^[2] 55:9,11
less ^[5] 28:2,2 34:12,12 81:12	lives ^[5] 53:10,10 57:16 113:10 124:8	margin ^[1] 124:12	michael ^[2] 59:24 121:17
lethal ^[1] 83:19	lives ^[5] 53:10,10 57:16 113:10 124:8	marine ^[1] 44:20	mid ^[1] 5:23
lethally ^[1] 80:9	lives ^[5] 53:10,10 57:16 113:10 124:8	mark ^[2] 24:9 91:20	mid-atlantic ^[1] 45:12
letting ^[3] 60:14 70:15 126:7	lives ^[5] 53:10,10 57:16 113:10 124:8	market ^[2] 13:20 54:17	middle ^[1] 14:24
leukemia ^[1] 99:13	lives ^[5] 53:10,10 57:16 113:10 124:8	marshall ^[1] 26:25	might ^[8] 54:23,24 87:16 93:11,17,18 94:14,16
leukemias ^[1] 119:12	lives ^[5] 53:10,10 57:16 113:10 124:8	martinson-sawyer ^[2] 96:19,20	migrated ^[1] 55:20
level ^[5] 54:6 117:6,10 120:4,6	lives ^[5] 53:10,10 57:16 113:10 124:8	maryland ^[1] 91:23	migratory ^[1] 55:16
leverage ^[1] 101:24	lives ^[5] 53:10,10 57:16 113:10 124:8	mass ^[1] 43:11	mile ^[1] 45:14
levy ^[1] 75:17	lives ^[5] 53:10,10 57:16 113:10 124:8	massive ^[2] 78:19 79:1	miles ^[7] 45:20 47:10 55:8 64:7 79:14 94:8 124:16
liabilities ^[1] 115:11	lives ^[5] 53:10,10 57:16 113:10 124:8		military ^[11] 6:4 42:18,21 43:2,5,11,13 85:15,22 97:19 112:8
liability ^[13] 17:23 41:1,2,5,20,22,22 82:11 111:12,14,17,24 114:23	lives ^[5] 53:10,10 57:16 113:10 124:8		million ^[4] 17:21,22 98:22 117:15
liable ^[1] 111:15	lives ^[5] 53:10,10 57:16 113:10 124:8		mind ^[5] 51:15 52:19 88:11 89:13
liberty ^[1] 49:3	lives ^[5] 53:10,10 57:16 113:10 124:8		
libraries ^[1] 86:24	lives ^[5] 53:10,10 57:16 113:10 124:8		
license ^[8] 3:10 17:14 39:19 41:6 6:2 89:14 90:21 108:13	lives ^[5] 53:10,10 57:16 113:10 124:8		
licensing ^[14] 1:18,23 3:7,18,22 11:10 17:6,8 19:3 23:20,23 24:2	lives ^[5] 53:10,10 57:16 113:10 124:8		

<p>110:10 mine [2] 29:24 99:9 mines [2] 15:12 113:12 minimum [1] 90:18 minnesota's [1] 17:11 minorities [1] 45:1 minority [1] 45:2 minute [1] 28:25 minutes [8] 9:20 13:23 31:2 59:20 60:15,19 62:5,9 misappropriation [1] 16:8 misconduct [1] 16:8 misleading [1] 79:17 missile [3] 42:21,23 112:4 missiles [2] 112:1,3 missing [1] 101:11 mission [1] 78:4 mistaken [1] 30:13 mistakes [1] 15:18 misuse [1] 26:13 mitigate [1] 16:20 mixed [1] 40:22 moab [2] 15:8 113:16 moments [1] 4:5 monday [2] 4:7 62:8 money [3] 13:18 17:9,12 21:13,23 22:25 54:7,18,22 57:9 68:10,11 72:23 87:15,24 99:1 102:11 105: 15 106:14,16,17 107:11 109:22 110:2,7 111:12 117:18 118:11 119:15 123:19,24 monies [2] 17:1,25 monitor [2] 18:14 56:13 month [1] 62:8 months [1] 101:1 moral [2] 36:7 64:20 morally [2] 36:3 51:23 morals [2] 50:24 51:19 moreover [1] 41:14 mormon [1] 51:20 mormons [1] 69:7 morning [4] 5:14 24:16 61:7 126: 19 moscow [2] 15:23 118:19 most [7] 12:24 34:15 35:5 55:7 105:1 106:21 117:1 mother [9] 13:8 14:1 33:1 67:18 103:7,19 104:10 108:1,8 mother's [1] 99:10 motions [2] 108:13 110:11 mountain [14] 38:18,21 54:24 66: 4,21 85:8 104:14 107:17,23,24 115:8 124:17 125:4,6 mountains [3] 32:9 46:8,11 mouth [1] 33:19 move [8] 9:7 12:1 34:17 60:4,23 99:20,20 107:23 moved [3] 44:21 89:7 100:19 moving [1] 84:18 ms [39] 8:13,14,18 12:5 14:8 53:23 60:2 67:5 70:15 88:22 90:13,16 91:1,2,5,8,10,11,12,14,17,18,19, 21,23,24 92:1,2,3,18,21,23 96:20 99:12 103:5 104:6 116:22 121:19</p>	<p>124:13 much [26] 14:4 19:5 25:4 31:1,5, 22 39:25 52:21 53:10 59:2,13 68: 3 78:23 95:22,24 96:3 99:4 101: 22,22 104:2 105:18 106:3,16,17 115:7 125:17 murdered [2] 33:8,22 must [10] 7:22 9:14 36:12,12 42:7 68:5 73:3,4 83:11 97:7 mutations [1] 95:12 mutuality [1] 26:7 myself [5] 22:2 53:25 61:18 70:21 106:2</p> <hr/> <p style="text-align: center;">N</p> <hr/> <p>n.w [1] 2:10 naivete [2] 63:23 65:23 nakahara [3] 8:13,14,14 name [20] 3:21 9:11 12:5 19:10 32: 1 37:9 44:13 49:18 59:18 70:16 77:24 88:22 93:2 97:17 103:5 116: 22 124:13 125:11,20 127:7 names [4] 60:12 104:21,23 116:10 nation [22] 24:13 25:6 32:20 33:3 34:8 48:10 53:13 73:12 77:10 83: 14 89:19 99:12 101:17 103:14,17 104:12,15 105:7 121:24 122:20 125:3,13 nation's [9] 14:21 33:25 38:24 64: 6 78:21 79:11,24 83:6 99:6 national [12] 6:8 20:6 25:12 45:7 47:15 64:8 71:4,6 89:8 93:6 122: 22 123:3 nations [8] 16:1 24:24 27:4 30:20 56:21 71:19 72:19 123:15 native [10] 12:9 51:19 56:21 67:12 68:17 69:12 88:23 90:4 96:22 101: 19 natives [1] 45:17 nato [5] 24:13 25:6 32:20 33:3 34: 8 natural [6] 35:1 54:12 55:15 81:9 83:2,10 naturally [1] 7:2 nature [2] 22:9 42:11 navaho [2] 12:6 15:10 navahos [1] 51:4 near [7] 13:20 39:8,10 45:13 62:1 94:24 113:16 nearby [1] 94:7 necessary [3] 74:9,13 76:24 neck [1] 18:4 need [18] 7:12 9:17 24:18 39:1,17 57:15 58:8 68:1 70:1 76:5 86:9 87: 8,9 97:9 102:25 112:9 114:5 115: 23 needs [10] 24:10 43:23 56:10 63:3 69:25 70:1 87:2,4 89:21 112:10 negotiate [1] 73:18 negotiated [3] 74:5,17 75:19 neighbor [1] 124:19 neighbors [5] 38:3 99:9,10 103: 15 104:24 neighbors' [1] 103:16</p>	<p>neither [2] 71:24 107:25 nepa [3] 6:8,9 56:14 nephew [1] 22:3 nerve [2] 102:23 120:21 nervous [1] 79:6 neutron [1] 17:17 nevada [7] 38:18 45:15 46:1 98:1 124:16,19 125:1 nevadans [1] 124:21 never [13] 27:17 35:1 54:14,18 65: 16 67:15 95:16 110:8 118:14,19 122:6,7,11 new [6] 10:10 46:11,19 49:3,5,10 newspaper [1] 58:20 newspapers [1] 69:2 next [38] 5:7,20,23 14:5 19:7 24:6, 11,19 32:19 37:7 43:16 44:12 49: 20 50:6 53:1 60:23 63:11 67:4 69: 24 70:13 75:23 77:23 88:21 92:24 93:1 95:19 96:18,24 97:16 100:7 101:21 103:4 104:4 108:23 112: 23 116:6 120:17 124:12 nightmare [1] 14:24 nobody [3] 69:10 89:3,6 noise [1] 98:21 non-hyphenated [1] 47:20 non-profit [1] 78:2 nonetheless [1] 7:24 nor [4] 27:7 34:14 71:24 87:23 normally [1] 26:2 north [2] 26:2 55:21 northern [1] 19:21 norton [3] 67:4,5,6 note [3] 6:9 48:21 59:24 noted [1] 5:19 nothing [10] 11:18 12:1 74:11 97: 3 107:2 111:10 119:8 122:16,17 126:22 notice [5] 1:15 7:25 10:4,22 89:18 notices [2] 4:23 7:17 nowhere [1] 34:17 nrc [35] 6:10,16,25 8:12,19 11:4 16: 18,21 17:6,7,24 19:16 20:12,15 21:15 39:18 40:13,13 41:7,10,14, 19 42:8,9 53:23 56:16 76:2 77:6 90:11 92:6 107:6 113:18,23 115: 19,25 nrc's [1] 15:20 nuclear [135] 1:2,8 2:12 3:5,20 11: 5,11 12:21 13:9,15 15:24 19:4,18, 22 21:11,14,25 22:6 23:23 25:1 31:14 34:1,9,16,20,22 35:1,8,13, 17 36:8,10,11 37:16,20 38:11,14, 20,24 39:4,16,18,20,24 40:1,4,11 41:20 42:14 43:2,25 44:4 46:1 49: 2 50:6 55:24 57:11 61:4,20,25 62: 6,11,18,23,25 63:6,17 64:3,7,13 66:3 67:9,22 68:5 69:10 70:25 71: 5 78:8 79:11,13,20,25 80:3 83:22, 24 85:21,21 88:16 89:2,25 92:10 93:5,12 94:14,19 95:3,13,18,23 96:1,6,9,11,15 97:20 98:5 100:11 102:13 103:9,20 104:12,14 106: 24 109:11 112:7,14 113:3,6,8,14</p>	<p>114:3 115:10,24 118:4,22,24 120: 5 122:13 123:10 124:22,23 125:5, 16 127:5,16 nuclear-free [1] 14:11 number [10] 6:5 8:5 9:18 91:8,25 92:3,13,21,22 108:4 numbing [1] 121:21 nureg-1714 [1] 16:13 nutshell [1] 6:25</p> <hr/> <p style="text-align: center;">O</p> <hr/> <p>objections [1] 74:2 objectively [1] 87:25 obligation [1] 15:20 obscene [2] 105:15 106:14 obtain [2] 41:8 42:7 obvious [1] 80:1 obviously [2] 40:6 53:12 occasions [1] 94:6 occur [2] 41:23 81:25 occurred [1] 55:16 occurrence [3] 54:13,14 61:14 occurs [1] 33:20 off-site [2] 41:20,21 offensive [1] 12:20 offered [3] 82:15 106:17,20 office [5] 11:4 91:15,17,18 92:9 officer [2] 44:20 92:9 official [1] 127:23 officials [5] 53:7 99:3,18 115:4,21 often [1] 56:3 ogden [1] 40:24 okay [5] 29:11 31:9 49:20 50:2 65: 24 oklahoma [1] 71:11 old [3] 22:3,4 64:4 olympics [1] 64:9 on-site [1] 4:20 once [7] 5:12 9:6 17:19 21:14 51: 17 96:6 102:13 one [40] 12:15 15:2,23 23:7,11,13 25:21 26:12,13 27:14,22 30:18,23 35:8 36:4 39:18 45:19 47:11,19, 20,21 49:23 50:10 52:8 61:23 63: 22 68:7 69:23 77:11 80:15 97:25 104:18,18,18 116:25 117:20 118: 25 121:15 125:20,21 one's [1] 73:11 ones [1] 57:21 only [26] 23:6 25:12 26:13 34:8 38: 6,9 55:10 56:22 58:14 72:9 83:1, 12,20 84:7,15 86:20 88:3,5 100: 13 104:18 105:11,16 106:17 114: 19 119:8 120:5 open [6] 18:18 33:19 86:2 100:21 106:12 111:9 opened [2] 85:17 86:11 opening [1] 88:7 operate [2] 3:12 41:9 operating [2] 37:15 42:18 operation [2] 4:19 96:5 opinion [1] 105:22 opinions [2] 11:22 27:8 opportunities [2] 71:13 76:18</p>
---	--	--	--

opportunity ⁽¹⁴⁾ 7:12 8:21 9:5,24 10:6,9 31:4 56:3 66:6 70:7 112:24 115:25 116:12 121:13 oppose ⁽³⁾ 67:9 71:24 101:8 opposed ⁽⁸⁾ 37:14 63:2,3 76:15 90:5 96:21 100:10 106:4 opposing ⁽⁴⁾ 10:18 37:20 76:14, 15 opposition ⁽²⁾ 90:4 105:18 oral ⁽²⁾ 4:1 7:8 order ⁽⁷⁾ 9:13 42:6 55:22 71:22 73: 4 74:22 87:10 ordnance ⁽¹⁾ 78:24 organization ⁽⁵⁾ 27:18 65:15 71:7 78:2,3 organize ⁽¹⁾ 125:8 organized ⁽²⁾ 41:1 52:22 origin ⁽¹⁾ 18:13 original ⁽¹⁾ 127:15 originally ⁽²⁾ 115:13 118:18 orin ⁽²⁾ 100:24 101:2 other ⁽³⁷⁾ 4:15 7:18 10:17 16:3,18 21:9 23:2 26:18 30:9,24 31:10 34: 25 42:24 43:19 45:5,20 47:11,21 48:8 52:20 54:17 55:19 60:11 66: 9 67:25 75:21 77:1 87:13 91:4 94: 7 95:25 101:11 102:2 110:24 116: 9 121:1 125:23 others ⁽⁴⁾ 21:8 29:4 90:4 97:8 ourself ⁽¹⁾ 83:1 ourselves ⁽⁵⁾ 3:3 13:2 23:10 27: 25 83:12 out ⁽⁷⁶⁾ 12:12 15:17 19:2 21:25 22: 11 34:5,19 39:6 46:2,12 47:6 48:9 51:3 53:16 61:6,10 62:7 63:13,13, 16,19 64:2,5,5,12,16 65:1,3,11 66: 20 69:8,9,10,11,12,13 70:8 79:19 82:18 88:9,10 91:6 98:7,15,21,21 99:11 100:9,12,19,20 101:13,17 102:2,2,4,7,17,19,22,23 105:6,9 107:21 108:6 109:5,19 112:2 115: 14 117:15 118:25 119:17 121:1,2 126:2,17 outcry ⁽¹⁾ 100:23 outgrowth ⁽¹⁾ 27:17 outrageous ⁽¹⁾ 106:21 outright ⁽¹⁾ 71:15 outset ⁽¹⁾ 5:19 outside ⁽³⁾ 18:9 69:5 102:5 over ⁽¹⁹⁾ 14:11 17:24 21:15 25:18 42:19 45:23 48:1 52:15 63:4 65: 10 67:10 68:6 72:18,22 87:22 100: 23 106:8 117:23 125:21 overall ⁽²⁾ 11:24 43:13 overflights ⁽¹⁾ 6:4 overhead ⁽¹⁾ 93:22 overlook ⁽¹⁾ 65:7 oversee ⁽¹⁾ 73:21 oversight ⁽⁸⁾ 56:7 65:17 73:25 74: 10,23 76:20 83:7 100:3 own ⁽¹³⁾ 26:14 34:5 36:20 39:11 41:3 44:20 87:17,25 90:1 105:2 113:11 123:20 125:3 owned ⁽¹⁾ 44:20	owns ⁽¹⁾ 118:13 oxymoron ⁽¹⁾ 99:16 <p style="text-align: center;">P</p> p.m ⁽⁴⁾ 1:15 10:21 62:8 126:24 pacheco ⁽²⁾ 63:11,12 packard ⁽³⁾ 59:25 60:3 121:17 page ⁽¹⁾ 69:2 paid ⁽⁶⁾ 18:20 19:4 66:17 95:24 108:11 113:9 painful ⁽¹⁾ 13:10 pale ⁽¹⁾ 114:1 panacea ⁽¹⁾ 102:13 panel ⁽⁶⁾ 1:18,23 3:18,20,22 101:7 paper ⁽¹⁾ 98:16 paperwork ⁽¹⁾ 34:12 paradigms ⁽¹⁾ 12:18 paragraph ⁽¹⁾ 29:10 part ⁽¹⁶⁾ 3:10,24 7:11,20 11:24 48: 2 55:4 63:19 81:13 82:6 93:20 96: 1 107:4,5,7,25 part-time ⁽¹⁾ 3:17 participate ⁽¹⁾ 74:22 participating ⁽¹⁾ 25:19 participation ⁽²⁾ 7:4 11:23 particular ⁽⁵⁾ 4:13 5:11 59:2 65:1 122:16 parties ⁽⁸⁾ 5:12 7:23 8:1,5,8,23,24 10:13 party ⁽⁴⁾ 5:2,15 7:7,14 passed ⁽²⁾ 19:23 23:24 past ⁽⁷⁾ 15:18 16:13 21:4 32:11 53: 9 59:6 64:1 path ⁽¹⁾ 32:3 patronizing ⁽³⁾ 71:14 76:16 77:16 pattern ⁽¹⁾ 85:13 paul ⁽²⁾ 1:17 3:21 pavement ⁽¹⁾ 45:14 pay ⁽⁹⁾ 17:7 22:24 51:8 54:22 68: 14 74:24 95:7,19 118:11 paying ⁽²⁾ 50:12 95:22 pcb's ⁽¹⁾ 79:4 pdr ⁽¹⁾ 90:23 peace ⁽¹⁾ 104:8 peacefully ⁽³⁾ 35:24,25 37:2 pecuniary ⁽¹⁾ 37:23 penalties ⁽¹⁾ 75:18 pending ⁽¹⁾ 3:9 pennsylvania ⁽⁷⁾ 46:19 58:14,15, 17 61:22,23,24 pennsylvanians ⁽¹⁾ 49:10 people ⁽¹¹⁰⁾ 12:24 14:20 15:4,11 16:4,14 17:1,2,19,22,25 18:25 21: 4,21 23:6,14,16,18 25:13,23,25,25 26:15 30:25 31:19 32:5,12,13 33: 15,16,16,17,21 35:22 36:2,8,18,19 45:10,18,21 46:3,4 48:19 49:6 50: 1,4,22,24 51:20,20,21 52:1,13,20 54:17 56:23 57:7,13,18,20 60:14 64:12,21 65:21,22 66:5,17 68:25 69:4,7 70:3,8 73:11,20 74:12 81: 10 82:8,20 90:19 101:14 102:7,18 105:1,5 106:11,21 110:17 112:11 113:12,20 115:2,2,3,15 116:1 117: 13,14,24 118:20 119:4,20 120:8, 13 121:12,25 122:1,2 123:18 124: 25 people's ⁽¹⁾ 97:3 peoples ⁽¹⁾ 14:9 percent ⁽²⁾ 40:2 121:6 perfect ⁽³⁾ 117:8 122:16,17 perfectly ⁽¹⁾ 23:7 perform ⁽¹⁾ 74:13 perhaps ⁽³⁾ 94:2 115:8 126:4 period ⁽²⁾ 75:12 95:14 periods ⁽¹⁾ 95:10 permanent ⁽¹²⁾ 15:1 23:4 34:18 38:17,23 58:5 75:9,12 84:9,10 85: 11 104:13 permanently ⁽¹⁾ 73:24 permit ⁽⁴⁾ 85:5,10 86:3 111:17 permitted ⁽¹⁾ 29:17 permitting ⁽¹⁾ 9:20 person ⁽⁵⁾ 7:7 71:9 99:25 118:23, 25 person's ⁽¹⁾ 104:25 personal ⁽⁴⁾ 18:2 29:24 35:16 53: 15 personally ⁽¹⁾ 121:3 pertaining ⁽²⁾ 26:17 30:16 pertinent ⁽¹⁾ 31:16 peter ⁽²⁾ 1:22 3:19 pfs ⁽⁵⁵⁾ 13:19 16:25 17:7,8 19:21 37:23 39:15,19,21,23 40:15,16,21, 25 41:1,4,7,7,10,11,14 42:7,10 44: 3 54:20 59:7 73:16,25 74:5,6,18, 24 75:10,15,18,20 76:24 93:8,21 94:1,10,14,22 95:2,11 96:1,5 98: 22 99:2 106:17 107:18 114:15,21, 25 115:14 pfs's ⁽¹⁾ 41:15 physics ⁽³⁾ 25:2 104:10 106:3 picked ⁽¹⁾ 24:17 pieces ⁽¹⁾ 117:16 119:15 pigs ⁽¹⁾ 17:20 pile ⁽¹⁾ 116:3 piling ⁽¹⁾ 102:13 pimps ⁽¹⁾ 99:3 pitched ⁽²⁾ 80:5 86:5 pittman ⁽¹⁾ 2:9 pivotal ⁽¹⁾ 45:6 place ⁽²²⁾ 18:12 22:23 23:2 32:15 35:20 39:15 45:13 51:15 52:15 69: 5 84:9,10 85:12 95:18 101:14 107: 25 113:19 119:9 122:12 123:24 125:5 127:13 placed ⁽¹⁾ 7:19 places ⁽⁵⁾ 49:25 52:14 64:1 97:8,9 plan ⁽⁷⁾ 4:13 5:10 34:24 58:25 93: 10,21 125:15 planet ⁽¹⁾ 56:2 planning ⁽⁴⁾ 36:2 44:17 58:23 59: 9 plans ⁽¹⁾ 58:25 plant ⁽⁵⁾ 61:25 62:6,11,23 113:21 plants ⁽³⁾ 14:17,22 89:25 playing ⁽³⁾ 48:3,4,17 pleasant ⁽¹⁾ 15:6	pleasantly ⁽¹⁾ 37:18 please ⁽⁹⁾ 59:18 66:10 70:9 89:13 99:13 100:2 103:25 113:1 123:15 pleased ⁽¹⁾ 25:17 pleasure ⁽¹⁾ 53:3 plume ⁽¹⁾ 79:2 pocono ⁽¹⁾ 46:8 poconos ⁽¹⁾ 47:3 point ⁽¹³⁾ 9:25 13:25 14:2 52:23 59:4 65:1 75:23 89:12 90:25 107: 13 116:8 120:14 126:22 points ⁽⁴⁾ 10:19 49:24 86:16 112: 25 poison ⁽¹⁾ 103:11 poisoned ⁽¹⁾ 19:1 poisoning ⁽²⁾ 15:5,11 policies ⁽⁶⁾ 26:17 28:6,18,24 30: 16 71:15 policy ⁽¹²⁾ 6:8 20:7,9,13 38:6 43:1 70:22,23 71:21 76:4 77:16,18 political ⁽³⁾ 14:24 52:4,7 politically ⁽¹⁾ 47:12 polluter ⁽¹⁾ 78:15 pools ⁽¹⁾ 108:7 poor ⁽¹⁾ 43:1 poorest ⁽¹⁾ 16:4 population ⁽²⁾ 40:6 43:21 portions ⁽¹⁾ 5:4 portland ⁽¹⁾ 47:19 ports ⁽¹⁾ 123:3 position ⁽⁵⁾ 7:9 12:8 29:3 43:15 101:9 possessions ⁽¹⁾ 33:23 possibility ⁽¹⁾ 95:11 possible ⁽⁶⁾ 75:21 76:8 93:14 94: 10 106:3 123:25 possibly ⁽³⁾ 56:6 58:11 93:12 postponed ⁽¹⁾ 10:25 postpones ⁽¹⁾ 83:20 potential ⁽³⁾ 42:4,23 93:24 potts ⁽¹⁾ 2:9 power ⁽¹⁸⁾ 14:16 27:4 35:15 39:9 61:25 62:6,11,23 68:9 81:10 82: 20 89:25 95:3,25 96:6,11 113:6 115:10 powerlessness ⁽¹⁾ 81:17 powers ⁽⁴⁾ 15:24 16:3 19:22 29:9 practice ⁽²⁾ 7:6 45:8 pre-registered ⁽³⁾ 9:4,14 121:16 pre-registrations ⁽¹⁾ 9:18 preceded ⁽³⁾ 71:20 76:8 83:8 precedence ⁽³⁾ 25:16 28:9,21 predicted ⁽¹⁾ 14:14 prediction ⁽¹⁾ 14:17 preface ⁽¹⁾ 44:19 prefer ⁽¹⁾ 31:6 preferred ⁽¹⁾ 126:4 premature ⁽²⁾ 89:14 90:21 prepare ⁽¹⁾ 63:12 prepared ⁽⁴⁾ 106:24 121:24 122:1, 2 presence ⁽¹⁾ 126:11 present ⁽⁴⁾ 10:1 32:4 38:5 39:24 presentation ⁽¹⁾ 9:23
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NRC - LIMITED EDITION HEARING VOLUME III

<p>presentations [3] 5:13,15 10:8</p> <p>presently [2] 9:19 125:7</p> <p>president [1] 109:2</p> <p>presiding [1] 25:7</p> <p>pressure [1] 57:8</p> <p>pretty [7] 25:3 52:21 64:1,9 80:1 81:19 97:19</p> <p>prevent [3] 32:15 36:4 93:13</p> <p>previously [4] 10:7 116:11,18 121:13</p> <p>price [5] 17:21 37:8,9,10 113:9</p> <p>primary [1] 76:14</p> <p>prime [1] 40:5</p> <p>principals [1] 25:3</p> <p>prior [2] 41:6 104:25</p> <p>pristine [2] 45:16,21</p> <p>private [3] 3:9,25 4:3,12,21 5:10, 25 6:1,3,12 8:12,17 37:15 40:17 44:16 54:9 55:22 56:8 71:2 81:23 82:10 84:5 87:15 93:5 95:4 96:14 103:6 114:2,15 126:8 127:7</p> <p>privileges [3] 30:1,7,8</p> <p>privileging [1] 29:15</p> <p>privy [1] 17:3</p> <p>pro-gun [1] 100:25</p> <p>probability [2] 40:7 55:4</p> <p>probably [5] 48:23 53:17,22,25 62:25</p> <p>problem [6] 49:22 83:23 89:3 95:6 109:15 122:18</p> <p>problems [6] 54:25 81:1 83:22 102:2,12 113:15</p> <p>procedure [3] 5:2 9:3 18:8</p> <p>procedures [3] 23:25 28:7 117:9</p> <p>proceed [1] 93:8</p> <p>proceeding [19] 3:8,25 4:4,10 5:22 7:1,8,9,15,19,21 8:3,5,23 11:3 40:13,15 127:7,13</p> <p>proceedings [6] 3:1 11:24 126:8, 24 127:5,20</p> <p>proceeds [1] 35:17</p> <p>process [35] 4:5 7:1 17:7,8 19:4, 16 23:20 24:3 28:1,20 56:8,17 58:16 81:20 82:4,7,16,22 84:11,12 86:8,10,12 98:12 106:5,12,16 107:3,8 108:12 110:25 112:15,17 115:22 125:7</p> <p>produce [2] 66:13 80:3</p> <p>produced [4] 26:16 46:1 83:19 84:21</p> <p>producing [1] 115:16</p> <p>production [1] 84:13</p> <p>products [1] 123:9</p> <p>professionals [1] 49:25</p> <p>proffered [1] 7:23</p> <p>profit [1] 48:13</p> <p>program [2] 73:6 74:8</p> <p>progress [1] 105:6</p> <p>prohibited [1] 28:22</p> <p>project [10] 15:8 35:17 73:18 91:17,18,20 93:8 95:13 96:15 121:6</p> <p>rejected [1] 95:9</p> <p>promised [2] 98:23 122:6</p> <p>promises [1] 122:11</p>	<p>promising [2] 13:19 67:12</p> <p>prompts [1] 7:2</p> <p>properly [1] 19:17</p> <p>property [3] 4:20 41:20,22</p> <p>proponent [1] 74:23</p> <p>proposal [17] 38:5 39:24 41:18 44:1,2 78:7 79:20 80:5,20 84:19 85:8 87:5 114:2 115:1,5,12,14</p> <p>proposals [3] 56:13 79:10,23</p> <p>propose [2] 32:10 122:25</p> <p>proposed [15] 6:12 38:8,11 41:9, 23 42:1,7,16,19 43:7 93:5,10 95:2 100:10 113:4</p> <p>proprietary [2] 4:25 41:16</p> <p>prostituted [2] 99:4,5</p> <p>protect [5] 65:15 75:24 78:5 109:25 111:14</p> <p>protected [2] 15:12,15</p> <p>protection [2] 4:14 71:2</p> <p>protects [1] 41:3</p> <p>protest [2] 33:19 119:17</p> <p>protesting [2] 61:7 64:12</p> <p>protests [1] 119:1</p> <p>proud [2] 53:6,11</p> <p>prove [1] 39:23</p> <p>proven [1] 124:3</p> <p>provide [6] 4:6 7:12 53:10 54:18 92:4 102:6</p> <p>provided [5] 10:6 71:20 87:18 92:15 126:12</p> <p>provides [3] 74:18 75:20 77:19</p> <p>providing [1] 73:11</p> <p>proving [3] 43:10 78:22 85:16</p> <p>provision [1] 7:10</p> <p>provisions [5] 3:4 4:14 43:22 75:14 94:19</p> <p>provo [1] 12:7</p> <p>prudent [1] 42:15</p> <p>psychologically [1] 12:22</p> <p>public [35] 4:25 5:8 6:21 7:4,13 16:15 30:1 34:12 38:6 41:16,17 43:1 53:8 65:14 71:15 78:5 82:3 86:9, 20,24 87:23 89:21 96:13 98:13 100:23 101:6 105:24 106:12,15 107:8 110:25 114:4,17 126:18,20</p> <p>public's [3] 7:25 44:8 106:6</p> <p>publicly [4] 5:5 53:14,22 96:10</p> <p>published [1] 122:8</p> <p>purist [1] 72:3</p> <p>purpose [2] 34:4 110:21</p> <p>purposes [1] 123:11</p> <p>pursuant [1] 1:15</p> <p>pursuing [2] 76:18,19</p> <p>push [1] 62:18</p> <p>pushing [2] 68:10 107:20</p> <p>put [35] 12:20 18:6 22:23,24 23:2 46:5,9 47:8 50:12 69:7,8,9 84:24 85:1 86:22 87:15,20 96:22 97:3,5, 7,9 98:24 102:4,5,19 106:21 107:25 109:5,17 111:21 112:7 118:15, 23 119:16</p> <p>putting [7] 16:2,3 31:14 46:10 113:9 120:24,25</p>	<p style="text-align: center;">Q</p> <p>quality [2] 18:15 42:3</p> <p>quantifying [1] 96:10</p> <p>quantities [1] 39:24</p> <p>quantity [2] 39:19,22</p> <p>question [10] 7:2 30:23 46:23 51:1 57:6 58:23 80:11 90:15 110:12 111:25</p> <p>questionable [1] 105:12</p> <p>questions [4] 16:6 18:1 53:24 97:24</p> <p>quiet [2] 69:1 98:23</p> <p>quietly [1] 33:21</p> <p>quintana [2] 19:20 21:17</p> <p>quit [1] 68:18</p> <p>quite [1] 109:12</p> <p>quote [2] 58:20,24</p> <p style="text-align: center;">R</p> <p>racist [1] 71:15</p> <p>radiation [7] 15:3,4,19 117:4,6,10 118:20</p> <p>radio [1] 25:2</p> <p>radioactive [21] 15:8,11,16 19:1 32:7 69:9 78:20 79:5,14 80:9 85:23 93:25 94:9,11,16 95:5 98:4 117:2,5 120:4,6</p> <p>radioactively [1] 94:21</p> <p>raids [1] 62:9</p> <p>rail [2] 58:11 89:17</p> <p>railroaded [2] 101:5,16</p> <p>raised [2] 47:16 96:13</p> <p>rally [2] 100:25,25</p> <p>ram [1] 66:25</p> <p>ran [1] 98:13</p> <p>rancher [2] 109:18,21</p> <p>ranchers [3] 109:16,22 110:1</p> <p>range [9] 42:17 43:3 79:1 93:11 94:8 97:23 112:2,8 114:12</p> <p>ranges [2] 85:16 112:2</p> <p>rare [1] 61:13</p> <p>rate [1] 17:11</p> <p>rather [5] 6:14 8:25 41:12 70:21 113:17</p> <p>reach [1] 91:15</p> <p>reactor [3] 39:5,5,12</p> <p>reactors [5] 39:8 40:2 66:12 83:24 85:21</p> <p>read [5] 29:1,25 30:17 35:13 101:19</p> <p>readiness [1] 43:13</p> <p>ready [1] 42:9</p> <p>reaffirm [1] 64:24</p> <p>real [3] 46:13 101:6 106:12</p> <p>realize [1] 12:25</p> <p>really [34] 19:14,14,17,21 22:8,17 44:17,24 46:13 50:15,25 51:2 52:10,18 59:4,6 64:18 65:12,20,21 66:9 68:4,20 78:10 80:7,18 97:21 98:14 104:25 107:3,20 110:17 121:23 122:1</p> <p>realtors [1] 125:10</p> <p>reason [8] 20:24 21:6 28:3 34:8</p>	<p>76:2,14 78:6 118:15</p> <p>reasons [2] 36:4 80:2</p> <p>receive [1] 17:25</p> <p>received [1] 18:22</p> <p>receiving [2] 4:8 16:25</p> <p>recent [1] 77:18</p> <p>recently [1] 6:10</p> <p>reciprocity [1] 26:7</p> <p>reckless [2] 37:24 43:1</p> <p>recklessly [1] 44:1</p> <p>reckoning [1] 83:20</p> <p>recognize [6] 7:24 53:14 57:12 75:5 77:1 105:5</p> <p>recognized [3] 16:7 30:8,9</p> <p>recognizes [1] 7:12</p> <p>reconvene [1] 116:17</p> <p>record [12] 7:21 8:9 36:22 37:13 53:23 77:24 88:18 100:10 107:1 110:21 113:6 127:19</p> <p>records [1] 37:1</p> <p>redress [1] 32:14</p> <p>reduced [1] 127:17</p> <p>reducing [1] 78:5</p> <p>redundancy [1] 113:1</p> <p>referred [5] 3:13 26:2,20 28:9,13</p> <p>refuge [1] 49:5</p> <p>regard [5] 8:7,21 29:15 75:7 93:24</p> <p>regarding [11] 4:9 5:8,17,24 6:11, 22 11:3 38:7 43:20 74:14 114:20</p> <p>regards [1] 114:24</p> <p>register [1] 7:17</p> <p>registers [1] 9:7</p> <p>registry [1] 106:8</p> <p>regular [1] 106:9</p> <p>regulate [4] 76:1,5,6,10</p> <p>regulation [5] 29:25 30:2,3 76:7,7</p> <p>regulations [9] 3:5,11 28:7 29:11, 11,14,16 30:15 42:8</p> <p>regulatory [20] 1:2,8 2:12 3:5 11:6, 11 35:13 55:24 56:22 57:11 73:5, 21 77:8 86:25 92:11 96:9 106:24 113:14 127:6,16</p> <p>rejection [1] 76:2</p> <p>relate [1] 13:11</p> <p>related [2] 43:4 78:3</p> <p>relates [1] 115:24</p> <p>relating [2] 6:5 7:1</p> <p>relationship [3] 27:21 34:6 81:7</p> <p>relative [2] 3:24 30:8</p> <p>released [1] 86:11</p> <p>releasing [1] 87:6</p> <p>relevant [1] 81:19</p> <p>religions [1] 72:15</p> <p>religious [2] 20:15 117:13</p> <p>rely [2] 7:22 87:22</p> <p>remaining [1] 44:6</p> <p>remarks [6] 9:17 10:13 11:21 31:1 124:15 126:11</p> <p>remediation [5] 54:12,19 56:1 81:25 82:15</p> <p>remedies [1] 32:14</p> <p>remember [7] 18:6 36:9 63:15 94:6 99:17 124:7 125:12</p> <p>reminded [1] 96:6</p>
--	--	--	---

NRC - LIMITED EDITION HEARING VOLUME III

<p> reminiscent ^[1] 77:15 removal ^[1] 113:18 removed ^[1] 38:16 renewable ^[1] 115:9 reoccurring ^[1] 14:24 reorganization ^[1] 29:22 repair ^[1] 18:12 repaired ^[1] 18:13 repeat ^[1] 57:10 repeating ^[1] 104:25 report ^[2] 92:6,7 reported ^[1] 22:6 reporter ^[1] 127:23 reporter's ^[1] 127:2 reporting ^[1] 127:18 reports ^[5] 17:15,16 26:16,22 57:6 repository ^[2] 38:17 75:13 represent ^[2] 67:7 104:7 representation ^[1] 105:12 representative ^[2] 65:13 107:11 representatives ^[7] 8:8,11 35:12,14 56:16 98:16,17 representing ^[4] 8:15,17,18 70:20 reproduction ^[1] 92:10 reproductive ^[1] 79:6 request ^[5] 11:9 34:2 92:8,14,16 requested ^[1] 39:15 requests ^[1] 87:2 require ^[4] 41:7,19,21 111:19 required ^[5] 20:7 28:8 40:17 74:21 114:16 requirement ^[1] 114:20 requirements ^[2] 42:13 44:5 requires ^[1] 112:17 requiring ^[1] 114:18 reschedule ^[1] 87:9 rescheduled ^[1] 10:25 research ^[1] 71:7 researcher ^[1] 70:17 resent ^[1] 117:2 reservation ^[20] 3:14 4:18 12:15 19:23 21:15,16 33:25 36:2 37:17 47:25 57:18,21,24 67:10 71:12,13 79:22 96:22 104:22 108:2 reservations ^[3] 16:1 19:3 109:11 reserve ^[1] 9:22 reserves ^[1] 10:3 resident ^[9] 44:14 61:1,17 63:14 67:6 93:4 97:18 104:7 108:24 residents ^[2] 94:6 98:14 residing ^[1] 24:12 resisting ^[2] 13:13 104:12 resolve ^[1] 113:15 resort ^[1] 125:10 resource ^[1] 70:18 resources ^[6] 32:15 37:23 54:11,20,22 55:23 respect ^[11] 4:4 10:15 12:19 54:4 59:5 61:11 71:17 96:23,23 126:7,19 respectfully ^[1] 76:19 respectively ^[1] 108:1 responded ^[2] 121:12 125:21 response ^[7] 18:21 40:20 74:15, </p>	<p> 19 75:3 101:2 114:13 responsibilities ^[3] 16:18 27:23 28:2 responsibility ^[16] 16:14 25:8 35:16,18,19 41:1 56:18 57:1,2 72:1 73:24 105:10,11 114:22 122:24 123:22 responsible ^[2] 75:11 122:23 responsibly ^[1] 73:8 rest ^[6] 37:2 48:11,19 62:17 90:2 99:12 resting ^[1] 95:18 restitution ^[1] 68:14 restrict ^[1] 43:6 restrictions ^[1] 43:7 result ^[1] 93:18 resume ^[1] 5:6 resuscitate ^[1] 83:11 retain ^[3] 72:11,18,24 retaining ^[1] 72:9 retention ^[1] 72:12 retired ^[1] 97:18 retiring ^[1] 97:22 return ^[1] 5:14 returned ^[2] 24:16 30:22 revealing ^[1] 57:20 review ^[4] 5:2 44:7 87:5,17 reviewing ^[1] 86:3 riches ^[1] 68:20 rid ^[4] 22:21 82:17 89:5 116:3 ridiculous ^[1] 56:15 riding ^[1] 22:5 righted ^[1] 36:6 rights ^[6] 16:20 25:24 45:1 72:23,24 112:13 rigorous ^[1] 42:12 rise ^[2] 117:7,11 rises ^[1] 120:6 risk ^[7] 38:2 39:25 43:9 71:4 78:1 104:24 114:4 risks ^[13] 40:1,12 42:14 43:4 103:12 114:9,10,11 115:1,5,15,17,19 river ^[9] 15:9 113:16,21 roads ^[4] 45:18,19 58:10 64:12 robbed ^[1] 33:22 robust ^[1] 81:13 rock ^[1] 12:6 rocket ^[1] 34:19 rockets ^[2] 64:4 68:5 rockville ^[1] 91:23 rocky ^[1] 85:24 rods ^[5] 63:1 79:18,21 89:4 112:7 role ^[2] 56:10 74:10 rolling ^[1] 69:23 room ^[7] 1:10 5:8 47:5,6,7 84:16 126:20 rough ^[1] 101:12 round ^[1] 43:16 route ^[2] 40:21 108:14 routes ^[2] 111:22 122:3 royal ^[1] 58:18 rpr/csr ^[1] 127:24 rubber-stamp ^[1] 48:25 rug ^[1] 68:24 </p>	<p> rule ^[1] 11:5 rules ^[3] 7:6,11 41:21 rulings ^[1] 27:12 rumors ^[1] 106:17 run ^[5] 50:8 52:15 66:20 117:3,4 running ^[1] 39:6 russell ^[4] 116:6,7 120:17,18 russia ^[4] 111:3,4 116:23 118:17 russians ^[1] 119:17 </p> <p align="center">S</p> <p> sacred ^[5] 12:10,11 16:22 27:13 32:9 sacredness ^[1] 13:1 sacrifice ^[4] 13:18 78:13 83:6,8 sacrificed ^[1] 53:10 safe ^[30] 39:12 46:4 47:2,2,3,9 63:5 66:11 70:2 80:6,12,13,19 97:2 98:5,6,8,9,10,10 99:25 102:4 103:20 121:6 122:12,15 123:6 124:1,3,5 safeguard ^[1] 114:17 safely ^[3] 81:24 82:13 123:5 safer ^[8] 47:10 62:25 68:1 99:19,21,23,24,25 safest ^[2] 89:23 123:24 safety ^[25] 1:18,23 3:7,18 17:16 18:1 20:19 42:13,15 44:5 75:1,6 76:12,20 77:5 89:9,15 93:10,21 94:19 107:13 114:21 117:9 121:4 123:1 salt ^[16] 1:11 2:6 6:23 40:24 55:1,14 61:1 67:6 79:14 88:24 91:22 93:3 94:7 117:6 124:20 127:13 same ^[9] 18:22 25:4 31:12 40:18 45:23 65:16 89:2 107:17 117:17 sammy ^[7] 12:8 13:12 19:8,11 25:22 29:1 32:22 sand ^[1] 86:4 saturday ^[7] 1:12 10:24 53:7 61:13 70:8 100:9 126:3 saw ^[1] 30:13 saying ^[7] 68:13 80:13 84:6 100:10 110:22 117:22 124:23 says ^[6] 20:17 29:7 30:14,14 117:25 124:21 scale ^[1] 54:15 scarcity ^[1] 81:16 scared ^[2] 96:24 118:21 scary ^[2] 120:6,7 scenario ^[2] 93:14 94:2 scenarios ^[2] 93:18 94:23 scenic ^[1] 45:24 schedule ^[2] 5:21 10:20 scheduled ^[1] 10:23 scheduling ^[1] 7:17 scheme ^[2] 95:23 113:25 schmidt ^[3] 53:1,2 61:12 school ^[3] 18:5 44:22 89:1 schools ^[2] 48:7,8 scientific ^[1] 113:17 scientifically ^[1] 105:20 scientist ^[2] 3:17 34:19 scientists ^[3] 80:7 87:20 108:5 </p>	<p> scope ^[2] 75:16 110:15 screw ^[1] 58:18 scrutiny ^[1] 80:20 sealed ^[1] 18:16 seals ^[1] 47:16 second ^[7] 8:7 35:21 74:14 86:14 94:25 100:25 126:10 secret ^[5] 110:16 111:2,2,3,10 secretary ^[1] 11:4 secretive ^[1] 44:3 section ^[2] 7:5 92:10 security ^[3] 17:22 20:18 43:22 see ^[26] 6:14 8:4 9:21 11:15 13:9 25:14 27:14 29:3,3 34:9 35:4 48:15 61:3 62:7 80:16 85:7 86:14 87:14 91:10 100:3 101:4,13 106:10 115:18 119:24 124:22 seeing ^[2] 16:25 96:12 seek ^[2] 32:14 73:5 seems ^[3] 94:10 112:7,8 seen ^[3] 61:14 100:14 112:3 seismic ^[6] 5:25 41:25 42:2,4,8 114:21 selection ^[1] 40:21 self-destructive ^[1] 83:18 self-determination ^[3] 28:2 76:17 77:18 self-determined ^[1] 27:24 sell ^[2] 21:12 48:9 selling ^[3] 48:13 88:9,10 sells ^[1] 117:18 send ^[9] 11:7,9 18:24 39:10 63:6 92:16 118:13 123:8,24 seneca ^[1] 33:1 senior ^[1] 70:17 sense ^[5] 13:11 35:8 50:21 80:19 88:14 sent ^[3] 23:13 123:5,14 separate ^[1] 72:18 serious ^[3] 75:15 85:3 115:6 seriously ^[3] 57:3 85:9 103:25 serve ^[2] 25:5 48:7 served ^[1] 23:5 service ^[4] 47:19 90:16 96:10 114:18 services ^[1] 92:10 session ^[10] 5:8,15 9:6 10:1,3,8,20 11:23 125:24 126:18 sessions ^[6] 4:23 5:4,17,23 7:18 10:22 set ^[7] 25:16 27:18 29:9 59:9 85:18 93:9 94:25 setting ^[2] 11:2 32:4 seven ^[4] 96:1 101:19,21 105:1 several ^[4] 20:9 94:6 116:17 121:12 shadow ^[2] 61:24 62:22 shake ^[1] 98:25 shall ^[1] 30:11 sham ^[2] 54:4 61:7 share ^[5] 15:4 53:4 71:22 99:6 102:24 shareholders ^[1] 17:10 shaw ^[1] 2:9 </p>
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NRC - LIMITED EDITION HEARING VOLUME III

<p>she's ⁽¹⁾53:24</p> <p>shed ⁽²⁾19:13 22:16</p> <p>sheep ⁽⁷⁾63:16 98:9 118:3,5,7 120:13,21</p> <p>sheet ⁽²⁾9:10 116:15</p> <p>sheets ⁽³⁾9:12 59:18 125:23</p> <p>shelter ⁽¹⁾13:5</p> <p>shenandoah ⁽²⁾46:7 47:3</p> <p>sheraton ⁽¹⁾1:9</p> <p>shifting ⁽¹⁾95:6</p> <p>ship ⁽⁷⁾40:22 46:2,12 66:23 80:14 118:11,12</p> <p>shipments ⁽²⁾40:16,18</p> <p>shipped ⁽¹⁾114:18</p> <p>shipping ⁽³⁾70:3 95:23 103:8</p> <p>shirt ⁽¹⁾124:21</p> <p>shoots ⁽¹⁾112:5</p> <p>shopping ⁽²⁾45:11 47:8</p> <p>short ⁽⁵⁾59:21 87:8 116:19 117:4 124:3</p> <p>short-term ⁽²⁾51:8,9</p> <p>shorten ⁽²⁾9:22 60:17</p> <p>shortest ⁽¹⁾123:4</p> <p>shortsighted ⁽¹⁾101:18</p> <p>shoshoni ⁽²⁾104:11 125:3</p> <p>shoshonis ⁽¹⁾125:3</p> <p>shot ⁽²⁾22:4 124:4</p> <p>shoulder ⁽²⁾125:1,1</p> <p>shouldering ⁽¹⁾102:25</p> <p>shoulders ⁽¹⁾56:19</p> <p>shouldn't ⁽⁴⁾23:21 69:15 92:2 111:7</p> <p>show ⁽³⁾61:3 67:17 68:5</p> <p>showing ⁽¹⁾41:11</p> <p>shown ⁽²⁾106:5 115:23</p> <p>shows ⁽¹⁾34:23</p> <p>shutting ⁽¹⁾95:1</p> <p>side ⁽³⁾65:16 66:3,3</p> <p>sides ⁽¹⁾48:17</p> <p>sign ⁽⁵⁾9:13,15 20:10 59:17 116:14</p> <p>sign-up ⁽³⁾59:17 116:15 125:23</p> <p>sign-ups ⁽¹⁾116:21</p> <p>signal ⁽¹⁾62:9</p> <p>signed ⁽⁴⁾17:3 19:20 21:3 29:6</p> <p>signing ⁽²⁾12:2 20:1</p> <p>silent ⁽¹⁾89:20</p> <p>silver ⁽¹⁾117:16</p> <p>similar ⁽²⁾109:15 113:13</p> <p>simple ⁽¹⁾68:4</p> <p>simply ⁽⁴⁾21:7 23:11 38:25 43:1</p> <p>since ⁽⁵⁾4:7 14:21 105:24 122:25 123:2</p> <p>sincere ⁽²⁾75:5 77:4</p> <p>sincerely ⁽¹⁾115:20</p> <p>single ⁽³⁾40:11 92:6,15</p> <p>sir ⁽¹⁴⁾24:19 32:17 37:5 44:10 46:20 49:13 59:14 88:19 96:16 100:5 103:2 112:21 116:4 121:8</p> <p>siren ⁽¹⁾18:9</p> <p>sisters ⁽¹⁾67:19</p> <p>it ⁽¹⁾3:7</p> <p>site ⁽³³⁾5:25 6:17 15:1,2 38:16,19, 21,24 40:16 42:1 44:1 54:25 55:3</p>	<p>58:10,16 59:12 82:2 84:7,11 85:6, 10 86:5,22 88:4 90:12 91:4 98:2,3, 5 99:18,23 104:13 115:17</p> <p>sited ⁽¹⁾107:16</p> <p>sites ⁽⁷⁾12:10 15:7 27:13 39:3,6, 12 85:24</p> <p>siting ⁽⁴⁾34:22 55:7 71:24 77:10</p> <p>sits ⁽¹⁾33:21</p> <p>sitting ⁽⁴⁾25:6 53:6 63:1 110:20</p> <p>situation ⁽¹⁾110:7</p> <p>six ⁽³⁾45:22 60:19 61:2</p> <p>size ⁽¹⁾9:19</p> <p>skeptical ⁽¹⁾115:23</p> <p>skepticism ⁽¹⁾113:5</p> <p>skiing ⁽¹⁾66:2</p> <p>skills ⁽²⁾80:25 81:11</p> <p>skull ⁽³³⁾3:14,15 13:12 19:8,12,22 20:21 21:5,9 22:1,4,9 23:9,14,15 24:7 29:18 37:16 38:12,22 39:16 45:25 71:25 79:22 80:9 95:17 96:5,15 104:21 108:1 113:4 115:12 120:19</p> <p>small ⁽⁵⁾12:14,15 15:18,24 45:18</p> <p>smart ⁽¹⁾108:16</p> <p>smarter ⁽¹⁾108:6</p> <p>smiling ⁽²⁾110:13,20</p> <p>smith ⁽⁴⁾59:25 60:2 121:18,19</p> <p>smoke ⁽³⁾94:8,9,11</p> <p>sneak ⁽¹⁾21:4</p> <p>so-called ⁽¹⁾104:13</p> <p>social ⁽¹⁾53:17</p> <p>society ⁽¹⁾109:2</p> <p>soil ⁽¹⁾109:10</p> <p>sold ⁽³⁾100:15 117:15,16</p> <p>sole ⁽¹⁾105:13</p> <p>soltis ⁽²⁾112:23,24</p> <p>solution ⁽¹¹⁾66:23,24 83:22 84:2, 4,9,10 85:7,11 113:19 124:6</p> <p>solutions ⁽¹⁾81:1</p> <p>somebody ⁽⁴⁾27:19 117:15,18 119:14</p> <p>somebody's ⁽¹⁾119:16</p> <p>somehow ⁽¹⁾112:4</p> <p>someone's ⁽¹⁾118:24</p> <p>sometimes ⁽¹⁾71:14</p> <p>somewhere ⁽⁵⁾84:17 97:6,7 107:2 118:11</p> <p>son ⁽³⁾22:3 47:18 49:21</p> <p>soon ⁽⁵⁾55:1 64:9 84:17 85:22 86:1</p> <p>sorry ⁽²⁾52:22 122:15</p> <p>sort ⁽¹⁾65:5</p> <p>sought ⁽¹⁾7:14</p> <p>sounds ⁽²⁾10:17 66:16</p> <p>sources ⁽¹⁾115:9</p> <p>south ⁽⁵⁾1:10 2:5 55:20,21 71:12</p> <p>southern ⁽²⁾45:12,15</p> <p>sovereign ⁽¹⁵⁾25:24 30:20 32:13 33:3 48:10 51:1,2 73:3,4,4,9,23 103:14 104:15 122:19</p> <p>sovereignty ⁽¹⁴⁾20:21 21:12 25:11,15 26:25 56:20 71:18 72:4,6,9, 17 76:8 77:3 104:16</p> <p>space ⁽⁶⁾42:18 43:7 123:3,25 124:</p>	<p>4,4</p> <p>spacecraft ⁽¹⁾123:4</p> <p>speaker ⁽³³⁾9:16 10:14 12:1 14:5 19:7 24:6,11 32:19,20 33:2 37:7 44:12 53:1 60:23 63:11 64:23 65:2 67:4 70:13 77:23 88:21 92:24 93:1 96:18 97:16 100:7 103:4 104:4 108:23 112:23 116:6 120:17 124:12</p> <p>speakers ⁽⁶⁾9:13,21 10:11 48:22 110:24 121:11</p> <p>speaking ⁽¹⁷⁾35:25 49:14 53:24 59:15 70:12,21 78:6 88:20 96:17 99:22 100:6 104:3 105:23 108:21 112:22 120:16 121:9</p> <p>speciality ⁽¹⁾25:1</p> <p>species ⁽²⁾55:16,19</p> <p>specific ⁽⁶⁾28:15,18,24 30:14 72:15 94:22</p> <p>specifically ⁽³⁾29:12 83:4 103:17</p> <p>speech ⁽¹⁾117:20</p> <p>speeches ⁽¹⁾26:18</p> <p>spend ⁽⁴⁾52:6 72:22 86:23 123:23</p> <p>spending ⁽¹⁾52:11</p> <p>spent ⁽¹⁹⁾3:12 14:16 17:12 24:16 62:25 67:9 75:11 79:18,20 89:4, 24 90:1 91:17,18 96:2,4 106:2 114:9,19</p> <p>spilling ⁽¹⁾45:23</p> <p>spiritual ⁽³⁾12:16 16:22 125:2</p> <p>spiritually ⁽¹⁾12:23</p> <p>split ⁽¹⁾37:22</p> <p>spoke ⁽²⁾91:6 124:14</p> <p>spoken ⁽⁶⁾31:6 32:2,16 60:1 116:10 121:21</p> <p>spores ⁽¹⁾78:25</p> <p>spotlight ⁽¹⁾64:9</p> <p>squatting ⁽¹⁾35:15</p> <p>squeeze ⁽²⁾47:8 103:14</p> <p>st ⁽¹⁾98:7</p> <p>stack ⁽¹⁾64:5</p> <p>staff ⁽⁶⁾6:10,21 8:12,19 11:5 107:6</p> <p>stage ⁽¹⁾32:5</p> <p>stake ⁽¹⁾89:11</p> <p>stan ⁽¹⁾93:3</p> <p>stand ⁽⁷⁾27:10 53:5 106:25 111:5 122:23 125:1 126:23</p> <p>standard ⁽²⁾13:21 42:12</p> <p>standards ⁽⁴⁾40:18 42:13 76:20 114:16</p> <p>standing ⁽²⁾33:6 110:13</p> <p>standpoint ⁽¹⁾29:20</p> <p>stanley ⁽¹⁾93:1</p> <p>start ⁽¹⁾68:16</p> <p>started ⁽³⁾68:19 85:15 93:12</p> <p>starters ⁽¹⁾19:14</p> <p>starting ⁽²⁾22:9 59:20</p> <p>state ⁽⁴⁹⁾4:11,17 8:15 15:20 18:25 37:18 40:6,19,21 46:18 47:13 48:19 51:22 53:23 56:24 65:14 69:21 71:16 72:20,23 74:20 75:24 76:6, 8,11,13,17,25 77:2 86:25 93:6 100:15 101:24 102:6 103:9,10</p>	<p>105:9 107:6 108:2 109:10 110:17 112:9 115:10 116:24,25 122:20 124:18,19 125:1</p> <p>state's ⁽²⁾76:1,4</p> <p>state-owned ⁽¹⁾100:17</p> <p>stated ⁽³⁾20:11 21:1 113:1</p> <p>statehood ⁽¹⁾71:20</p> <p>statement ⁽¹⁶⁾6:11 7:8 9:3,9 10:2, 10 11:2 14:2 29:21 32:1 60:18 86:19 87:4 90:8 92:6 104:25</p> <p>statements ⁽⁸⁾4:2 7:20 8:1,25 9:20 30:12 59:23 71:23</p> <p>states ⁽²⁹⁾1:1 12:13 19:21 20:4,19, 22 26:14 30:4 31:12 33:9 45:12 58:24 59:1 61:4 88:10,17 89:19, 21 105:17 107:18,20 108:14 115:2 116:23 117:23 122:20 123:7 127:5,16</p> <p>statistically ⁽¹⁾69:23</p> <p>statistics ⁽¹⁾68:4</p> <p>stats ⁽³⁾103:4,5,5</p> <p>statue ⁽¹⁾49:3</p> <p>status ⁽⁴⁾7:14 30:10 44:5 90:24</p> <p>statute ⁽¹⁾30:14</p> <p>stay ⁽³⁾19:2 98:23 108:5</p> <p>stem ⁽¹⁾83:10</p> <p>stewards ⁽²⁾13:2 36:23</p> <p>still ⁽¹⁴⁾24:2 27:11 35:7 38:18 77:3 78:23 84:4,8 89:5 103:15 104:24 106:4 108:7 121:16</p> <p>stinks ⁽¹⁾66:15</p> <p>stock ⁽¹⁾54:17</p> <p>stockholders ⁽¹⁾111:20</p> <p>stockpile ⁽¹⁾78:21</p> <p>stole ⁽¹⁾33:7</p> <p>stolen ⁽²⁾35:5 36:24</p> <p>stop ⁽¹⁰⁾2:14 11:10 13:6 23:11,19 68:8 69:18 70:1 97:6 125:15</p> <p>storage ⁽⁷⁵⁾1:6 3:10,13,25 4:4,12, 21 5:10,25 6:1,3,12 8:12,17 23:3 34:20 37:15,16 38:10,12,23,24 39:2,3,6,11,12 40:10 41:11 42:19,24 43:2,8,23 46:10 47:8 48:23 54:10 55:23 56:9 58:4,6,7 67:9 75:8,16 81:23 82:10 84:5,11 85:6,10 86:5 87:15,21 88:4 90:1 93:5 95:4,8 96:14 100:11 103:9 104:14 108:6 112:14 113:3 114:5,6,7,10 115:17 120:5 126:8 127:7</p> <p>storage's ⁽¹⁾114:2</p> <p>store ⁽⁹⁾39:3,14,19 51:16 80:9,15 82:13 99:24 114:3</p> <p>stored ⁽⁴⁾38:14 39:10 79:21 123:1</p> <p>stories ⁽¹⁾57:8</p> <p>storm ⁽¹⁾43:12</p> <p>story ⁽¹⁾58:21</p> <p>strategic ⁽¹⁾43:15</p> <p>strategy ⁽¹⁾50:14</p> <p>stray ⁽¹⁾119:8</p> <p>street ⁽³⁾2:10 100:14 118:25</p> <p>strict ⁽¹⁾42:15</p> <p>stricter ⁽¹⁾114:16</p> <p>stripped ⁽¹⁾33:22</p>
--	--	--	---

<p>strong [2] 43:15 113:5 strongly [1] 117:1 stuck [2] 95:4,7 studied [1] 121:3 studies [3] 20:2 21:2 87:22 study [2] 17:14 89:1 studying [1] 121:5 stuff [13] 20:17 46:2 51:12,22 62:1, 13,23 64:4 66:4,11 101:21 102:12 123:24 stupid [2] 70:4,6 subcultures [1] 72:12 subject [4] 5:20 7:15 31:11 41:16 submit [1] 11:2 submittal [1] 19:24 submitted [1] 5:3 subsequent [1] 95:12 subservience [1] 26:13 substances [1] 94:16 succeed [1] 95:6 success [2] 43:12 81:2 successive [1] 87:10 sudden [3] 48:9 51:11 66:23 suffer [2] 117:12,14 suffered [2] 119:3,19 sufficient [2] 41:8,12 sugar [1] 99:2 suggestion [1] 30:25 suit [1] 85:23 suitability [1] 5:25 suitable [1] 38:19 sum [1] 22:19 summary [1] 36:21 summer [1] 5:23 sun [2] 79:18 123:10 sundays [1] 52:9 super-intelligent [1] 118:6 superintendent [1] 19:25 supermarket [1] 13:6 supply [2] 18:7 92:8 support [9] 12:8 13:12 21:11 23: 21 40:19 52:3 71:24,25 90:3 supported [1] 26:4 supporting [2] 10:17 72:3 supports [1] 113:4 supposed [4] 34:4,16 117:9 122: 11 suppress [1] 93:13 supreme [1] 27:12 surprise [3] 22:8 100:22 101:4 surprised [2] 37:19 100:21 surprises [1] 100:18 surrounding [3] 105:16 116:2,18 survive [1] 67:21 survives [1] 50:9 suspicious [1] 39:7 sustainable [2] 50:25 51:5 swap [1] 45:5 sward [2] 14:6 32:22 swing [1] 46:18 system [8] 27:2 47:25 48:16,24 62: 81:21 84:25 107:5 systems [1] 79:6</p>	<p style="text-align: center;">T</p> <p>t-3f23 [1] 11:11 table [1] 9:10 tablets [1] 18:7 tag [1] 50:13 tailings [5] 113:15,18,19 114:24 116:3 talked [2] 89:19 108:4 talks [1] 110:7 tallbear [3] 70:14,15,17 targeting [1] 15:24 task [1] 54:5 tax [2] 17:12 96:2 taxes [1] 123:23 taxpayer [2] 18:21 93:6 taxpayer's [2] 17:11 95:15 taxpayers [1] 66:18 teach [1] 67:18 teacher [1] 44:22 teams [1] 74:19 technical [8] 4:9 5:21,24 70:5 73: 21 74:9,22 87:17 technological [1] 54:11 technology [1] 43:20 telephone [3] 91:8,25 92:21 temporary [17] 23:3 34:17,18 38: 11,23 44:6 58:4,6,7,8 75:8 84:7, 11 85:6,10 88:3 114:5 ten [4] 51:11 59:20 68:6 119:24 ten-fold [1] 101:2 ten-minute [1] 59:16 tend [1] 119:23 tens [1] 53:25 term [3] 79:16 96:4 106:14 terms [3] 27:3 101:17,18 terrible [3] 38:2 113:9 118:20 terrorist [1] 93:16 terrorists [1] 34:25 test [8] 42:17 62:10 104:8,13 112:2, 2,8 114:12 testimony [2] 4:8 32:2 testing [7] 15:7 38:19 42:21 63:17 85:16 104:12 113:8 tests [1] 118:4 thanks [3] 52:23 126:2,16 themselves [3] 8:8 39:14 77:20 there's [28] 11:25 18:9 24:19 28: 13 34:12 44:16 51:21 63:23 64:11 65:4,5,22 66:4 68:8,22 69:10,18 80:7 86:1,20 92:22 97:24 107:13 108:19 116:9 122:17 thereafter [1] 127:17 thereof [1] 127:15 they've [4] 47:17,22 66:21 101:24 thick [1] 80:16 third [3] 36:7 75:7 87:3 thirteen [1] 39:2 thomas [2] 37:7,10 though [4] 28:23 58:25 97:5 109: 24 thoughts [1] 53:4 thousand [2] 46:3 47:10 thousands [2] 53:25 55:15</p>	<p>threatened [1] 21:22 threatening [1] 21:23 three [18] 3:6 5:18 16:13 19:23 20: 1 23:24 29:6 34:2 35:11 47:14 56: 14 86:18 98:13,24 99:9 107:16 110:16 120:1 three-day [1] 17:13 three-fourths [1] 122:14 three-mile [2] 61:24 62:24 throats [1] 66:25 throughout [3] 44:19 89:21 103: 16 throw [1] 69:6 thursday [1] 6:22 thyroid [2] 15:7 119:11 tides [1] 68:2 tied [1] 72:15 ties [2] 12:17 47:22 timeline [1] 17:6 tiny [1] 12:14 tip [1] 55:21 tired [1] 49:4 title [1] 3:11 today [57] 7:4 19:13 20:25 24:5 25: 4 32:18,23 33:2,6 35:24 36:21 37: 6,10,13 44:11 48:22 49:14 52:2, 25 53:3,5 58:21 59:13 60:2 61:12, 19 63:10,13,21 64:21 65:22 67:8 70:12,16,21 77:12,22 78:7 88:20 90:4 96:17 100:6 101:3 104:1 105: 18 106:11 108:22 112:20,25 120: 16 121:9,21 124:11,15,22,25 126: 11 together [4] 65:9 67:14 110:3 125: 15 toilet [1] 46:1 token [2] 107:9 108:11 toll [1] 94:15 tome [1] 6:15 tongue [1] 99:22 tons [3] 14:16,18 88:5 tooele [25] 10:24 17:22 43:21 44: 14,21 65:10 83:4 97:18,23,25 98: 14 99:5,8,11,20,21 104:22 106:20 107:12 108:2 117:21,22 120:25 121:2 122:5 took [2] 57:17 123:11 top [1] 79:9 total [3] 20:21 21:12 50:20 totally [7] 51:5 98:6,8,10,10 119: 7 touch [1] 16:21 tourists [1] 50:9 touted [1] 96:7 toward [1] 94:4 towards [1] 36:10 towers [1] 62:7 town [2] 18:19 58:14 toxic [6] 78:3,5,14 81:14 83:16 85: 14 toxins [2] 78:16 79:4 track [1] 113:6 trade-off [1] 13:21 traditional [2] 12:18 32:8</p>	<p>traditionally [1] 13:3 tragedies [1] 114:1 tragic [1] 103:8 train [2] 43:13 114:20 training [10] 42:17,20,20,22 43:3, 11 74:7,18 114:12,13 traitorship [1] 117:18 transcribe [1] 48:18 transcribed [1] 7:18 transcript [2] 127:15,19 transfer [2] 43:23 114:11 transport [9] 18:8 81:24 82:13 94: 20 95:19 114:3 124:1,5 125:16 transportation [16] 40:1,4,12,15 41:24 58:9 69:21 74:16 75:2 87: 23 89:1,10,16 103:15 114:8 121:4 transported [3] 40:9 63:4 123:4 transporting [3] 47:10 122:13 123:7 travel [2] 40:5 55:18 traveled [1] 32:3 travesty [1] 69:3 treason [1] 21:25 treat [1] 70:3 treated [1] 26:12 treaties [3] 26:19 33:10 71:18 tremendous [1] 115:25 tribal [45] 14:9,10 15:25 16:24 19: 9 21:20,22,23,24 22:12 23:12 24: 7,14 25:10 31:14 32:19 33:2 53: 14 57:25 70:23 71:3,6,6,7,9,17,19 72:4,9,19,23,24 74:8,9 76:7,8,10, 17 77:3,18 87:11 104:16 105:7 107:6 120:19 tribe [33] 16:9 25:11 30:8,19,19 34: 15 55:6 56:12 57:14,19 59:7 73:3, 13,16,17,18,20,23 74:5,17,20 75: 17,19,21 76:19,21,23 77:9,14,19 105:13 106:18 109:5 tribe's [1] 21:18 tribes [13] 4:16,18,24 5:16 18:25 30:2,10,10,16 70:25 71:10 72:5, 22 tried [1] 21:4 throwbridge [1] 2:9 truck [3] 66:3 69:23 94:22 true [12] 14:17 17:5 18:10 33:7,9, 12 57:13 59:2 69:11 96:11 105:7 127:19 truly [4] 33:15 96:23 108:10,12 trust [12] 16:15 34:6,7,11 44:7 63: 24 81:21 82:7 87:20 113:13,24 116:1 trusted [2] 36:12 113:14 trusting [1] 113:7 truth [3] 32:2 67:15 97:5 try [5] 19:13,19 60:13 66:20 91:15 trying [6] 21:20 22:21 36:22,23 61: 4 86:23 tuesday [2] 5:7 126:19 turn [4] 11:14 59:11 78:7 88:16 turnout [2] 101:2,3 turtle [1] 26:1 twelve [1] 39:2</p>
---	--	--	--

<p>twice ⁽¹⁾ 124:14</p> <p>two ⁽¹⁹⁾ 4:9 10:19 45:8,12 50:18 59:24 78:18,19 79:10,23 97:24 98:1 100:13,20 105:19,23 106:1,20 125:11</p> <p>type ⁽⁴⁾ 22:7 50:9 54:15 55:13</p> <p>types ⁽²⁾ 82:21 93:11</p> <p>typewriting ⁽¹⁾ 127:17</p> <p>typical ⁽¹⁾ 52:5</p> <p>typically ⁽¹⁾ 82:21</p> <p>tyranny ⁽³⁾ 44:24 46:14 49:8</p> <hr/> <p style="text-align: center;">U</p> <hr/> <p>u.s. ⁽¹⁶⁾ 1:8 2:12 11:5,11 33:14,15 35:4 36:1 40:2 58:22 71:1,19 78:17 92:10 95:15 96:8</p> <p>ukraine ⁽³⁾ 118:19 119:12,25</p> <p>ultimately ⁽¹⁾ 105:17</p> <p>unacceptable ⁽¹⁾ 38:25</p> <p>unapologetically ⁽¹⁾ 37:14</p> <p>unaware ⁽¹⁾ 120:9</p> <p>uncertainty ⁽¹⁾ 114:9</p> <p>uncles ⁽¹⁾ 47:16</p> <p>unconscionable ⁽¹⁾ 16:5</p> <p>under ⁽¹⁰⁾ 3:10 5:21 6:7 7:5 16:16 27:23 68:24 79:17 109:6 127:17</p> <p>undergoing ⁽¹⁾ 38:18</p> <p>underground ⁽¹⁾ 79:2</p> <p>understand ⁽¹¹⁾ 19:15 20:8 32:3 57:2 72:21 78:11 80:25 101:9 104:16 107:10 120:7</p> <p>understanding ⁽³⁾ 4:2 86:21 98:18</p> <p>unexpected ⁽¹⁾ 15:13</p> <p>unexploded ⁽¹⁾ 78:24</p> <p>unfortunate ⁽²⁾ 22:13,18</p> <p>unfortunately ⁽³⁾ 42:25 107:8 123:11</p> <p>unguaranteed ⁽¹⁾ 44:5</p> <p>unified ⁽¹⁾ 25:12</p> <p>united ⁽²¹⁾ 1:1 12:13 20:4,19,22 26:14 30:4 31:12 33:9 58:24 59:1 61:4 65:11 88:10,17 89:21 116:23 117:23 123:7 127:5,15</p> <p>universe ⁽²⁾ 153:5,9</p> <p>universality ⁽²⁾ 90:23 105:25</p> <p>unless ⁽¹⁾ 106:9</p> <p>unnatural ⁽¹⁾ 97:4</p> <p>unnecessarily ⁽¹⁾ 38:6</p> <p>unnecessary ⁽²⁾ 39:25 114:8</p> <p>unprecedented ⁽¹⁾ 40:11</p> <p>unquestionable ⁽¹⁾ 117:8</p> <p>unreasonable ⁽²⁾ 37:24 115:12</p> <p>until ⁽⁴⁾ 84:9 86:10 89:15 90:21</p> <p>untrue ⁽¹⁾ 96:8</p> <p>up ⁽⁴⁶⁾ 9:20 12:2 22:19 24:17,17 27:19 29:1 31:7,11,24 52:20 53:3,24 59:9,17 60:18 61:8,22,23 62:14,22 64:23 65:25,25 71:11 79:25 84:1 85:8,18 87:15 88:8 90:25 102:13,19 105:25 106:25 108:19,10 109:25 110:10 111:5,21 112:1 116:14 122:23 124:4</p> <p>uphold ⁽¹⁾ 16:15</p>	<p>upholding ⁽²⁾ 51:19 77:3</p> <p>upkeep ⁽¹⁾ 95:8</p> <p>upset ⁽⁴⁾ 112:11,12,12,14</p> <p>upwind ⁽²⁾ 55:8 94:8</p> <p>upwinders ⁽¹⁾ 15:5</p> <p>uranium ⁽⁴⁾ 15:12,22 88:6 113:12</p> <p>urge ⁽⁷⁾ 28:23 77:6 101:7,23 102:8 103:24 108:10</p> <p>users ⁽¹⁾ 113:21</p> <p>using ⁽¹⁾ 111:12</p> <p>usual ⁽¹⁾ 108:17</p> <p>ut ⁽¹⁾ 2:6</p> <p>utah ⁽¹¹³⁾ 1:11 3:15 4:11,12,16,17,24 5:9,16 6:24 8:15 10:24 12:7 14:12,20 15:3,15,20 16:7 17:19 18:25 19:2,5 20:4 21:4 23:6 36:10 39:2 40:14 42:17 43:25 44:14 45:15,24 46:1,4,12 48:8,20 49:1,11 50:10 51:14,20 56:5,24 61:5 62:12,18 63:6,14,20,23 65:4,21,23 66:23 68:25 69:4,5,6 76:8,9,11 77:2,9 79:12,25 80:3 83:5,13 85:15 87:12 88:23 89:8 90:23 93:4,25 94:6 95:6,15,24 96:22 100:13 101:14 103:6 104:7,7 105:9,16,25 106:1 107:7 108:3,7,24 109:7 110:17 112:11 113:2,16,20 114:12 115:2,3 116:2,24 117:6,13 120:8 122:20 124:18 127:13</p> <p>utah's ⁽⁶⁾ 37:12 75:24 78:12,15 83:8,15</p> <p>utahn ⁽¹⁾ 63:15</p> <p>utahns ⁽¹⁵⁾ 38:3 43:17 47:2 48:11 53:25 62:19 63:22 67:1 95:7,16 113:5,7,24 115:21 124:23</p> <p>utilities ⁽⁵⁾ 75:11 96:1 115:13,18 123:19</p> <p>utility ⁽²⁾ 41:4 85:1</p> <p>utilized ⁽¹⁾ 111:18</p> <p>uttr ⁽⁸⁾ 42:17,18,22 43:6,9,10,14,14</p> <hr/> <p style="text-align: center;">V</p> <hr/> <p>vacated ⁽¹⁾ 35:23</p> <p>validate ⁽¹⁾ 27:12</p> <p>valley ⁽³⁶⁾ 3:14,15 13:12 19:8,12,23 20:21 21:9 22:1,4,10 23:9,14,15 24:7 29:18 37:17 38:12 39:16 45:25 46:7 47:4 72:1 79:22 80:10 94:7 95:17 96:5,15 104:22 108:2 113:4 115:12 117:7,10 120:19</p> <p>valley's ⁽²⁾ 21:5 38:22</p> <p>valleys ⁽¹⁾ 94:7</p> <p>value ⁽¹⁾ 13:20</p> <p>values ⁽¹⁾ 50:23</p> <p>various ⁽²⁾ 8:11 40:23</p> <p>vast ⁽¹⁾ 39:22</p> <p>vegas ⁽⁴⁾ 102:22 125:8,9,12</p> <p>vehicle ⁽¹⁾ 124:4</p> <p>vehicles ⁽¹⁾ 94:20</p> <p>venuto ⁽⁵⁾ 44:12,13,13 46:22 47:1</p> <p>verbal ⁽¹⁾ 10:16</p> <p>vested ⁽¹⁾ 29:8</p> <p>vestiges ⁽¹⁾ 32:11</p>	<p>veterans ⁽¹⁾ 53:9</p> <p>view ⁽⁵⁾ 27:9,9 29:4 45:22 89:12</p> <p>viewed ⁽²⁾ 27:5,5</p> <p>viewpoint ⁽¹⁾ 10:18</p> <p>views ⁽²⁾ 11:3,22</p> <p>violent ⁽¹⁾ 33:11</p> <p>virginia ⁽¹⁾ 18:5</p> <p>virginians ⁽¹⁾ 49:10</p> <p>virtue ⁽¹⁾ 30:10</p> <p>vital ⁽¹⁾ 43:2</p> <p>vitality ⁽¹⁾ 81:7</p> <p>voice ⁽²⁾ 24:15 48:12</p> <p>volume ⁽²⁾ 39:17 40:10</p> <p>vote ⁽¹⁾ 57:7</p> <p>voted ⁽¹⁾ 19:16</p> <p>votes ⁽⁴⁾ 45:4,6 46:13 49:11</p> <p>voting ⁽¹⁾ 50:23</p> <hr/> <p style="text-align: center;">W</p> <hr/> <p>waive ⁽⁴⁾ 16:17 29:10,12 30:15</p> <p>waived ⁽⁷⁾ 16:14,20 20:3,7,18,20 21:3</p> <p>waiver ⁽²⁾ 29:17 30:13</p> <p>walk ⁽²⁾ 45:14 95:12</p> <p>walked ⁽¹⁾ 62:7</p> <p>wanted ⁽⁵⁾ 22:12 53:3 89:3 109:5,18</p> <p>wants ⁽¹⁰⁾ 6:18 35:8 47:21 65:17 73:3 79:12 89:6 118:23 119:14,16</p> <p>war ⁽²⁾ 27:16 68:15</p> <p>warfare ⁽²⁾ 78:23 97:20</p> <p>warlike ⁽¹⁾ 27:22</p> <p>warn ⁽¹⁾ 36:13</p> <p>warning ⁽¹⁾ 36:18</p> <p>warnings ⁽¹⁾ 32:8</p> <p>warrant ⁽²⁾ 38:2 42:14</p> <p>warrants ⁽¹⁾ 42:11</p> <p>wasatch ⁽⁵⁾ 1:10 61:17 94:4,12,15</p> <p>washington ⁽⁶⁾ 2:15 11:6,12 26:17 92:11 102:5</p> <p>waste ⁽¹¹⁷⁾ 12:21 13:10,15 14:19,21 19:22 21:14 31:14 34:1,10,16,20,22 35:1,8,17 36:8,10,11 37:16,20 38:11,14,15,20,25 39:4,7,9,11,13,16,18,20,22,24 40:1,4,8,11,22,22 41:24 42:14 43:23 46:1 49:3,6 50:6 61:5,20 62:18 63:6 64:3,5,7,13 66:3 69:9,10 70:25 78:8,19,20,20 79:11,13,25 80:3 81:24 82:5,13,18 83:19,19,22,25 84:13,17,20 85:2,14,18,24 88:16 89:2 93:12 94:20 95:18,23 96:15,22 97:2,7 98:2,5 102:25 103:9,15,17,20 106:4 107:21 109:11 113:3 114:3,18 115:16 117:5,23 118:24 122:14,21 123:8 124:22,23,24</p> <p>waste-originating ⁽¹⁾ 39:5</p> <p>watch ⁽²⁾ 9:15 102:6</p> <p>watching ⁽⁷⁾ 25:18 31:17,18 34:5 52:8 101:7 105:22</p> <p>water ⁽⁴⁾ 24:18 66:2 79:3 104:19</p> <p>watershed ⁽¹⁾ 40:5</p> <p>way ⁽²⁰⁾ 12:19 18:12,22 21:11 24:17 27:9 36:15 53:12 58:16 66:17</p>	<p>68:2 69:21 87:19 101:24 107:17 111:7,14 119:20 124:22,23</p> <p>ways ⁽³⁾ 48:3 67:25 68:1</p> <p>weak ⁽¹⁾ 83:7</p> <p>weaken ⁽¹⁾ 43:17</p> <p>weakened ⁽¹⁾ 43:16</p> <p>wealth ⁽¹⁾ 54:16</p> <p>weapons ⁽⁶⁾ 63:18 69:8 71:5 78:18,22 104:12</p> <p>wearing ⁽²⁾ 61:2 124:21</p> <p>web ⁽⁴⁾ 6:16 86:22 90:11 91:4</p> <p>week ⁽⁶⁾ 4:7 5:20 24:17 52:5,9 106:15</p> <p>week's ⁽¹⁾ 54:3</p> <p>weekdays ⁽¹⁾ 61:15</p> <p>weekend ⁽¹⁾ 66:1</p> <p>weeks ⁽¹⁾ 106:20</p> <p>welcome ⁽³⁾ 60:8,20 126:20</p> <p>welfare ⁽²⁾ 25:9 76:13</p> <p>wendover ⁽¹⁾ 98:1</p> <p>west ⁽²⁶⁾ 1:10 18:5 36:9 39:10 45:3 46:15 49:1,7 55:9 61:20 62:19 63:1,17 64:2 78:7,12,15 79:14,25 83:5,16 88:15 101:25 104:21 118:3 125:17</p> <p>western ⁽²⁾ 125:2,3</p> <p>wet ⁽¹⁾ 108:7</p> <p>whatever ⁽¹⁾ 72:10</p> <p>whatsoever ⁽¹⁾ 110:18</p> <p>whether ⁽¹¹⁾ 15:25 23:1 38:19 42:3 51:19,23 54:9 59:7 89:17 110:10 118:8</p> <p>whim ⁽¹⁾ 46:16</p> <p>whims ⁽¹⁾ 48:25</p> <p>whole ⁽¹²⁾ 12:13 13:24 32:6 34:2 80:5 84:19 85:8 87:11 107:5,5 119:6,9</p> <p>wife ⁽³⁾ 47:13 103:7 111:3</p> <p>wild ⁽⁵⁾ 109:13,15,25 110:1 119:9</p> <p>wilden ⁽³⁾ 60:24,25,25</p> <p>will ⁽⁹⁰⁾ 4:2 5:6,14,14,22 6:21 7:18 8:24 9:5,7,11,15,16 10:9,25 13:18 15:1 17:24 18:8,9,14 24:19 28:21 31:1 32:13 35:1,16 36:6,16,16,22 37:3 38:9,11,15,23 40:4 41:7,8,10 42:16 43:15,17 44:7 48:24 49:6 50:8 51:8 54:24 55:1,4 56:23 57:2 60:6 63:22 68:23,24 73:23 81:16 88:2 90:17,20 92:15 95:7 96:4 97:5,9 98:22,25 99:1 105:15 107:1,2 111:24 112:5,18 114:5 115:21 116:2 117:7,10 118:14 119:21 120:9 122:21 123:16,23 124:15 125:15 126:18</p> <p>willing ⁽¹⁾ 122:22</p> <p>willingness ⁽¹⁾ 81:4</p> <p>win ⁽¹⁾ 116:1</p> <p>wind ⁽¹⁾ 36:9</p> <p>wind-whipped ⁽¹⁾ 94:13</p> <p>window ⁽¹⁾ 12:6</p> <p>windows ⁽¹⁾ 98:24</p> <p>winds ⁽²⁾ 36:13 94:3</p> <p>wins ⁽¹⁾ 102:17</p> <p>wise ⁽²⁾ 81:12 83:12</p>
--	---	--	--

NRC - LIMITED EDITION HEARING VOLUME III

wish ^[4] 9:15 11:16 59:19 60:16
wishes ^[4] 9:9,23 109:10 116:13
within ^[3] 21:24 39:4 56:12
without ^[14] 10:14 17:14,22 21:18
 29:9 45:14 57:7 67:20 72:16,17
 81:10,10 101:5 111:1
witness ^[1] 32:2
witnesses ^[1] 54:7
witnessing ^[1] 105:23
wolf ^[1] 24:25
wolves ^[1] 26:21
wonder ^[1] 55:15
word ^[1] 9:2
words ^[9] 32:16,21 33:18 35:9,14
 49:4 63:21 121:14,20
work ^[7] 52:5 53:12 65:14 67:14
 70:9 72:6 125:14
worked ^[5] 48:16 71:1,5 104:11
 113:12
working ^[8] 12:7 14:9,10 70:23 71:
 3 78:3 117:13 125:7
works ^[2] 47:19 65:15
world ^[12] 14:11 15:22,24 16:3,4
 43:11 55:20 68:14 83:14 105:17
 123:20 125:14
worldwide ^[2] 55:18,18
worry ^[1] 80:6
worse ^[2] 31:23,24
worst-case ^[1] 94:1
worth ^[1] 13:21
wrap ^[1] 18:4
write ^[3] 9:11 52:18 123:22
writing ^[1] 84:24
written ^[7] 7:8 11:2 28:19 29:5 92:
 8,16 110:12
wrongdoing ^[2] 23:14,18
wrongs ^[2] 21:20 36:6
[www.nrc.gov/nrc/nuregs/sr17](http://www.nrc.gov/nrc/nuregs/sr1714/index.html)
[14/index.html](http://www.nrc.gov/nrc/nuregs/sr1714/index.html) ^[2] 6:17,20

Y

yards ^[1] 103:16
year ^[7] 5:24 14:15,18 22:2 25:18
 46:10 50:17
year's ^[1] 18:7
yearning ^[1] 49:5
years ^[39] 14:10 15:18 16:13 22:3,
 4 25:2 44:21 45:22 48:1 50:18 51:
 11 53:9,19,22,22 57:11,17,24 61:2
 63:14 66:22 69:24 70:22 75:16 84:
 3,15,24 85:3 88:24,25 100:13 104:
 9,12 105:24 106:1 108:25 112:18
 121:5 122:10
yellow ^[1] 32:10
yesterday ^[4] 75:25 77:12 107:11
 109:13
yesterday's ^[1] 83:18
york ^[2] 46:11,19
yorkers ^[1] 49:10
young ^[1] 100:20
yourself ^[1] 111:14
ourselves ^[1] 36:17
ucca ^[13] 38:17,21 54:24 66:21
 85:8 104:14 107:17,23,24 115:8

124:17 125:3,5

Z

zeros ^[1] 106:22
zone ^[3] 78:13 83:6,9
zones ^[1] 85:18