

Official Transcript of Proceedings

NUCLEAR REGULATORY COMMISSION

Title: Public Meeting for the Construction Permit for
the Proposed SHINE Medical Radioisotope
Production Facility: Afternoon Session

Docket Number: 50-608

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Date: Wednesday, June 10, 2015

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Pages 1-24

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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DRAFT ENVIRONMENTAL IMPACT STATEMENT

Construction Permit for the Proposed
SHINE Medical Radioisotope Production Facility

+ + + + +

WEDNESDAY, JUNE 10, 2015

+ + + + +

ROTARY BOTANICAL GARDENS

1455 PALMER DRIVE

JANESVILLE, WISCONSIN 53545

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The above-entitled matter commenced
pursuant to Notice before Alison Rivera, Facilitator,
at 2:00 p.m.

PRESENT:

NRC STAFF:

Alison Rivera, Facilitator, NRC

Mirela Gavrilas, Deputy Director

Division of Policy & Rulemaking

Michelle Moser, Environmental Project Manager

Division of License Renewal

ALSO PRESENT:

Randy Howell, Department of Energy

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P R O C E E D I N G S

(2:00 p.m.)

MS. RIVERA: Good afternoon, everyone, and welcome. My name is Alison Rivera, and I will be the facilitator for today's meeting. First, I want to welcome you and thank you for participating in this meeting which is to provide comments on the draft environmental impact statement prepared by the NRC staff as part of its review of potential environmental impacts for a proposed medical radioisotope production facility here in Janesville, Wisconsin.

You may recall the NRC was here two years ago approximately. In that meeting we were collecting input on what should be looked at for this draft environmental impact statement. Also, that was a scoping meeting. The purpose of today's meeting, now that the analysis has been done, is to provide comments on the draft document.

Hopefully, everyone has a chance to sign in, and for those who wish to speak during the public comment period, you've had the opportunity to turn in a yellow card. If you haven't signed in, the sheets are near the entrance as you leave, and I have blank cards with me that I can bring around if you raise your hands. I do have all of the cards that were turned in prior to

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1 this meeting starting.

2 For those of you who do not wish to speak,
3 but still wish to provide comments, there are blank
4 papers out there that you can write your comments, and
5 they will be treated in the same regard as anything that
6 is spoken today in this meeting.

7 Some logistics before going over the
8 agenda; the restrooms are located outside of the side
9 door and to the right. You can see the exits lighting
10 the side of this wall or as you came in. If we do have
11 to evacuate, in the unlikely event, please follow
12 directions from security officers.

13 The agenda for this meeting includes
14 introductory remarks by Mirela Gavrilas, deputy
15 director of the division of policy and rulemaking in the
16 office of nuclear reactor regulation at the NRC,
17 followed by Randy Howell from the Department of Energy.
18 Following this, the NRC staff will present the
19 preliminary conclusions from the draft environmental
20 impact statement.

21 When the presentation concludes, we will
22 move right into the public comment period. I would like
23 to go over a couple of ground rules for this meeting.
24 First and foremost, please be respectful of others, and
25 that will ensure that all participants who wish to do

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1 so have an opportunity to comment.

2 Also, please turn off all electronic
3 devices or put them on vibrate. If you need to take a
4 phone call, I certainly understand that, but please go
5 out into the foyer to do so, so that the audience can
6 continue to hear the presentations and comments.

7 In addition, you may have noticed that this
8 meeting is being recorded. So minimizing the
9 background noise and side conversations will help the
10 court reporter produce an accurate recording of the
11 meeting. In that same vein, when speaking I do ask that
12 you use a mic, and I will bring it around to you if you
13 have filled out a yellow card to speak.

14 Finally, the NRC is always looking for ways
15 to improve our meetings, and your feedback is important
16 to us. We have some postage-paid public meeting
17 feedback forms on the literature table, and you can fill
18 one out here and give it to an NRC staff member, or drop
19 it in the mail.

20 With that, I would like to turn the meeting
21 over to Mirela Gavrilas.

22 MS. GAVRILAS: Thank you, Alison. Thank
23 you for coming here today. I'm Mirela Gavrilas. Like
24 Alison said, I'm the deputy director for policy and
25 rulemaking in the office for nuclear reactor regulation

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1 in the NRC. It's my pleasure to welcome you all today
2 on behalf of the NRC staff.

3 We're here because in the spring of 2013
4 SHINE Medical Technologies submitted an application to
5 the NRC. They proposed to build a facility in
6 Janesville, Wisconsin, so the meeting is being held
7 here. What the NRC will do with that application is it
8 will review it in two phases. The first one is the
9 review for the construction permit, and the second one
10 is the review of the operating license.

11 As part of the construction permit review,
12 the staff is producing an environmental impact
13 statement. This statement looks at how the activities
14 around the SHINE proposed facility are going to impact
15 the environment. Our review looks at how it's going to
16 affect the environment during construction, operation,
17 and even through decommissioning.

18 So our purpose in being here today is to
19 interact with everybody and present our findings today,
20 the preliminary findings that are documented in the
21 draft environmental impact statement, and to seek
22 comments from the community that we will, subsequently,
23 address before we finalize the environmental impact
24 statement.

25 I just want to mention that the review of

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1 the SHINE facility is a priority for the NRC, and the
2 environmental review is under the National
3 Environmental Policy Act and, moreover, the American
4 Medical Isotope Production Act has tasked us to work
5 with the Department of Energy in generating the
6 environmental impact statement.

7 SHINE is novel technology, and the review
8 of SHINE involves lots of staff in the NRC. There are
9 quite a few of those staff here today, and I would like
10 to introduce them to you. With us we have Al Adams, who
11 is the chief of the research and test reactor licensing
12 branch.

13 You'll soon meet Michelle Moser, who is the
14 project manager for the SHINE environmental review. We
15 have Kevin Folk, who's helping us out with the slides.
16 Kevin is a water resource specialist, and he's also a
17 contributor to the environmental impact statement. We
18 have Steve Lynch, who is the project manager for SHINE
19 for the safety review of the SHINE facility.

20 Alex Sapountzis is a project manager and
21 security specialist with the NRC. We get support today
22 from Victoria Mitlyng, public affairs officer from
23 Region III. We also have from Region III, Harral
24 Logaras, who's the government liaison officer, and
25 Chuck Teal.

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1 With that, I'm going to turn it over to
2 Randy Howell from DOE. He's going to make a couple of
3 brief comments before Michelle gets into her
4 presentation.

5 MR. HOWELL: Hello. My name's Randy
6 Howell. Just a quick note for context, the Department
7 of Energy, as Mirela said, under the American Medical
8 Isotopes Production Act of 2012, or AMIPA as we call it,
9 has a program to support companies that are trying to
10 produce Molybdenum-99, Moly-99, in the U.S.

11 So we are working with SHINE, providing
12 some funding to them to support their project to produce
13 Moly here in Janesville. Under AMIPA we have a role,
14 and under NEPA we have a role to cooperate with the NRC.
15 So I don't have a formal role in the NEPA process, per
16 se.

17 I'm just here because of the Department of
18 Energy's role in cooperating with SHINE. But if you
19 have any questions on our involvement, I'm happy to take
20 that. I just won't be directly involved in most of
21 this. Anyway, I'll turn it over to Michelle Moser to
22 talk about the environmental side.

23 MS. MOSER: Good afternoon everyone.
24 Thank you, Randy. I also want to thank everyone for
25 taking the time out of their day to attend this meeting.

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1 As Mirela mentioned, my name is Michelle Moser, and I'm
2 the environmental project manager for the SHINE
3 project. I hope the information we provide you with
4 today will help you understand what we've done so far,
5 and also, the role you can play in helping us finalize
6 this document.

7 I'd like to start by going over the agenda
8 and purpose of my presentation. First, I'll briefly
9 describe NRC's regulatory role. I'll provide a brief
10 summary of the construction permit process. Then next
11 I'll move into an overview of the draft environmental
12 impact statement, which you might hear me refer to as
13 an EIS. So if you hear EIS, think environmental impact
14 statement.

15 I'll summarize the preliminary findings
16 that we documented in the EIS, and lastly, I will
17 describe how you can submit comments. At the end of the
18 presentation, which is the most important part of this
19 meeting, there will be an opportunity for people to
20 provide comments.

21 NRC was established to regulate civilian
22 use of nuclear materials and facilities. For example,
23 the NRC conducts environmental and safety reviews for
24 nuclear power reactors, research and test reactors, and
25 medical isotope production facilities. In all aspects

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1 of NRC's regulation, our mission is threefold. To
2 ensure adequate protection of public health and safety.
3 To promote common defense and security, and to protect
4 the environment.

5 Environmental reviews of construction
6 permit applications are performed in accordance with
7 the National Environmental Policy Act, which you've
8 heard us refer to as NEPA. NEPA establishes a national
9 policy for considering environmental impacts,
10 informing federal decision makers, and also disclosing
11 environmental impacts to the public. The NRC's
12 environmental regulations, implementing the
13 requirements of NEPA, are contained within 10CFR Part
14 51. These regulations contain information such as when
15 to prepare an environmental impact statement.

16 I will now briefly go over the construction
17 permit review process. This flowchart highlights the
18 two parallel reviews associated with a construction
19 permit application. One being the safety review, which
20 Steve Lynch is in charge of, and one being the
21 environmental review. In addition to these two
22 reviews, there's an independent review performed by the
23 advisory committee on reactor safeguards, commonly
24 referred to as ACRS.

25 The ACRS is an independent group of

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1 scientists and nuclear safety specialists who serve as
2 a consulting body to the Commission. The ACRS reviews
3 the construction permit application and the NRC staff's
4 safety evaluation report. The ACRS reports their
5 findings and recommendations directly to the
6 Commission.

7 Typically, these meetings are open to the
8 public, and I will be talking about them again on the
9 next slide, specifically for the SHINE project.
10 Additionally, a mandatory hearing will be conducted by
11 the Atomic Safety and Licensing Board, an adjudicatory
12 panel, in support of the review of the construction
13 permit application. The Commission considers the
14 outcome of the hearing process in its decision on
15 whether or not to grant, or to issue the construction
16 permit.

17 I'm now going to describe the current
18 status of the safety review, followed by the status of
19 the environmental review. As Mirela mentioned, SHINE
20 submitted a construction permit application in two
21 parts in spring of 2013. NRC published notices of
22 acceptance shortly thereafter.

23 The NRC staff has been reviewing the
24 information in the construction permit application.
25 As part of this review, the NRC has issued requests for

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1 additional information in order to seek clarification
2 on the information included in the application, or to
3 seek additional information.

4 The NRC staff will begin publishing
5 portions of the draft safety evaluation report later
6 this month, and will be presenting to the advisory
7 committee for reactor safeguards throughout the summer.
8 Meeting notices will be posted on the NRC website for
9 these meetings. So we encourage you to look on the
10 website for these notices. The NRC staff expects to
11 publish the final safety evaluation report in October
12 of 2015.

13 I'm now going to talk about the status of
14 the environmental review process. In March of 2013,
15 SHINE submitted part one of its construction permit
16 application, which included SHINE's environmental
17 report. A public scoping meeting was held here about
18 two years ago, on July 17th as part of the environmental
19 scoping process.

20 As Alison mentioned, this meeting was held
21 in order to gather input from the public on the type of
22 issues that should be considered in the environmental
23 impact statement. Some of you may have attended that
24 meeting and provided comments to us. Comments that
25 were given at the scoping meeting or sent in through

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1 regulations.gov or through the mail that were within the
2 scope of the environmental review are included in
3 Appendix A of the draft environmental impact statement,
4 and we have responded to those comments.

5 The draft environmental impact statement
6 was published on May 11th, and we are currently
7 accepting public comments on this document through July
8 6th. Today's meeting is being transcribed, and
9 comments provided here will be considered in the same
10 way as written comments that are submitted to the NRC.
11 Once the comment period closes, we will develop the
12 final environmental impact statement, which we expect
13 to publish in October. The final environmental impact
14 statement will include responses to all comments
15 received during this comment period.

16 I will now provide an overview of the
17 environmental impact statement, including a discussion
18 of the purpose and need of the proposed action, the
19 affected environment, the impacts of the proposed
20 action, and alternatives to the proposed action, and the
21 staff's preliminary findings and recommendations.

22 As Randy mentioned, there are two agencies
23 involved developing this environmental impact
24 statement; both the NRC and the Department of Energy.
25 Because there are two federal agencies, there are also

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1 two federal actions. The proposed federal action for
2 the NRC is to decide whether to issue a construction
3 permit, under 10CFR Part 50, that would allow
4 construction of a medical radioisotope facility.

5 If the NRC issues the required permits and
6 licenses, the proposed federal action for DOE is to
7 decide whether to provide additional cost-sharing
8 financial support to SHINE under a cooperative
9 agreement to accelerate the commercial production of
10 medical radioisotopes without the use of highly
11 enriched uranium.

12 The purpose of and need for this proposed
13 federal action is to provide a medical radioisotope
14 production option that could help fulfill the need for
15 a domestic source of medical isotopes. For the past two
16 decades, the U.S. has relied on imported medical
17 radioisotopes, and there have been shortages in the past
18 few years. The NRC, however, does not have a role in
19 the planning decisions as to whether a particular
20 radioisotope production facility should be constructed
21 and operated. Rather, we are a regulatory authority
22 that will review the application. Next slide.

23 The affected environment within the
24 environmental impact statement describes the existing
25 environment on and near the proposed SHINE site. For

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1 example, the NRC staff described the existing land uses
2 on and near the proposed site such as agricultural
3 fields, open spaces and developed areas. Some
4 environmental impacts could occur beyond the borders of
5 the proposed facility, such as air emissions.
6 Therefore, the NRC staff also described the existing
7 environment within five miles of the proposed site.
8 Next slide.

9 Chapter 4 of the EIS describes the
10 potential impacts from construction, operations and
11 decommissioning. The NRC established three levels of
12 significance for potential impacts: small, moderate and
13 large. A small impact occurs when the effects are not
14 detectable, or are so minor they neither destabilize nor
15 noticeably alter any important attributes of the
16 resource.

17 For example, SHINE would use construction
18 equipment to build the facility. Noise from these
19 activities may disturb birds and wildlife. However,
20 the effects would be small because birds and wildlife
21 would be able to find ample similar habitats surrounding
22 the proposed site. Once construction activities are
23 finished, birds and wildlife could return to the site.

24 A moderate impact occurs when the effects
25 are sufficient to noticeably alter, but not to

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1 destabilize important attributes of the resource. For
2 example, the NRC staff determined that there could be
3 noticeable delays during peak hour traffic at
4 intersections along Highway 51.

5 A large impact occurs when the effects are
6 clearly noticeable, and are sufficient to destabilize
7 important attributes of the resource. As I will show
8 you on the next slide, the NRC staff did not identify
9 any large impacts associated with the SHINE project.

10 As you can see on this slide, the NRC staff
11 determined that the impacts to all resource areas,
12 except transportation, would be small. For
13 transportation, the NRC staff determined that the
14 impacts would be small to moderate, as I will discuss
15 in more detail on the next slide.

16 During construction, the impacts could be
17 moderate, because there would an 11 percent increase in
18 traffic on US Highway 51, and minor delays could occur
19 during peak hour traffic at intersections along U.S.
20 Highway 51. These impacts would likely be temporary,
21 and of short duration, and would abate as construction
22 activities wind down.

23 During operations, impacts would be small
24 to moderate. There would be an increase in traffic due
25 to the additional 150 worker vehicles and monthly

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1 deliveries of materials and outbound shipments of
2 medical isotopes and waste. The NRC staff determined
3 that this would result in a slight degradation of
4 service at the intersection of State Trunk Highway 11
5 and U.S. Highway 51.

6 However, the number of additional vehicles
7 on the road would be less than that during construction
8 and during decommissioning. During decommissioning,
9 the impacts would be moderate due to potential
10 noticeable delays. These delays would abate once
11 decommissioning activities are over.

12 In addition to the National Environmental
13 Policy Act or NEPA, the NRC may address other regulatory
14 requirements within its EIS. For example, the NRC
15 staff conducted a review of potential impacts to
16 threatened and endangered species, as required under
17 the Endangered Species Act. Under this act, the NRC
18 must determine whether threatened and endangered
19 species occur on the proposed site and, if so, how the
20 proposed action could affect these species.

21 Under the National Historic Preservation
22 Act, NRC staff first determines whether historic
23 properties would be affected or not. If historic
24 properties would be affected, then the NRC staff
25 determines whether the affects would be adverse. For

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1 the staff's review of environmental justice, the NRC
2 staff examines whether a proposed action would have
3 disproportionately high and adverse impact on minority
4 or low-income populations.

5 For the SHINE review, the NRC staff
6 determined that constructing the proposed building
7 would have no effect on threatened and endangered
8 species. This conclusion was made, in part, because
9 the proposed site is primarily an agricultural field,
10 and does not provide suitable habitat for any threatened
11 or endangered species.

12 The NRC staff also determined that the
13 proposed action would have no adverse effect on historic
14 resources, and no disproportionately high and adverse
15 impact on minority or low-income populations. Next
16 slide.

17 The NRC staff also considers cumulative
18 impacts. Cumulative impacts occur when the effect of
19 other past, present, or reasonably foreseeable
20 activities have overlapping impacts with the proposed
21 action. For this analysis, we're not just looking at
22 the impacts from the proposed SHINE facility, but also
23 any overlapping impacts from other activities, such as
24 climate change or increased urbanization.

25 While the level of impacts from the SHINE

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1 facility on ecological resources would be small, the NRC
2 staff determined that the cumulative impacts would be
3 moderate, primarily due to other activities, such as
4 climate change and agricultural runoff.

5 The NRC staff determined that the
6 cumulative impacts on transportation would range from
7 small to moderate, primarily based on the increased
8 traffic due to the proposed SHINE project. The NRC
9 staff found that for all other resource areas, the
10 cumulative impacts would be small.

11 Chapter 5 of the environmental impact
12 statement compares the environmental impacts of the
13 proposed action with reasonable alternatives. For
14 this analysis, the NRC staff examined two alternative
15 sites. Both of these sites were included in SHINE's
16 site selection process. One is Chippewa Falls, and the
17 other one is Stevens Point which, as you are likely
18 aware, occur in Wisconsin north of here.

19 The NRC staff found slightly higher
20 environmental impacts at both of the alternative sites.
21 For example, at Chippewa Falls, the NRC staff determined
22 that the impacts to noise and transportation would range
23 from small to moderate, and at Stevens Point, the impact
24 would range from small to moderate for visual resources,
25 noise and transportation. If you'll remember the

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1 previous slide, the impacts at the SHINE site would be
2 small for all resource areas, except for small to
3 moderate for transportation.

4 The NRC staff also examined one alternative
5 technology, which was linear accelerator-based. For
6 the purpose of this analysis, the NRC staff used the
7 environmental parameters that were included in DOE's
8 environmental assessment for the NorthStar medical
9 radioisotopes facility. This is because this
10 commercial entity was awarded a cooperative agreement
11 by DOE, and because sufficient environmental data
12 exists for this proposed technology.

13 There are several other proposed
14 technologies out there, but the staff determined that
15 there was not sufficient environmental data in order to
16 conduct a reasonable and meaningful analysis. Our
17 analysis looked at a hypothetical situation whereby a
18 facility using a linear accelerator-based technology
19 was constructed at the proposed SHINE site. We
20 determined that the impacts would be the same as what
21 we find for the proposed SHINE facility.

22 Lastly, the NRC staff evaluated the
23 no-action alternative, or the impacts if the NRC denied
24 the construction permit. The staff found that the
25 impacts would be small for all resource areas.

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1 However, this alternative does not fill the stated
2 purpose and need of the project.

3 The NRC staff's preliminary recommendation
4 is that, after weighing the environmental, economic,
5 technical and other benefits against environmental and
6 other costs, and considering reasonable alternatives
7 the NRC staff recommends the issuance of the
8 construction permit to SHINE, unless safety issues
9 mandate otherwise.

10 I would like to emphasize that the
11 environmental review is not yet complete. Your
12 comments today, and all written comments received by the
13 end of the comment period on July 6th, will be considered
14 as we develop the final environmental impact statement.
15 Those comments that are within the scope of the
16 environmental review, can help to change the staff's
17 findings.

18 The final EIS will contain the staff's
19 final recommendation on the acceptability of issuing
20 the construction permit based on the work we've already
21 performed and any new information we receive in the form
22 of comments during the comment period. The NRC staff
23 will address written comments in the same way we address
24 spoken comments received today.

25 You can submit written comments either

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1 online, or via mail. To submit written comments
2 online, visit the website regulations.gov, and search
3 for the docket NRC-2013-0053. If you have any written
4 comments today, you're more than welcome to give them
5 to me or any NRC staff member. We also have pens and
6 paper in the atrium if you would like to write down any
7 comments that you have.

8 I am the primary contact for the
9 environmental review, and my contact information is on
10 the slide. Steve Lynch is the primary contact for the
11 safety review. Paper copies and CDs of the draft EIS
12 are available out front. In addition, the Hedberg
13 Public Library has a paper copy available for review.
14 You can also find electronic copies of the draft EIS on
15 the NRC website. This concludes my presentation, and
16 I'm going to turn it back over to Alison.

17 MS. RIVERA: Thanks, Michelle. We are now
18 going to move into the public comment period. This is
19 the part of the meeting where you have an opportunity
20 to provide your comments on the draft environmental
21 impact statement to the NRC. Although we will not
22 officially be responding to any comments received
23 today, as Michelle indicated, the comments received,
24 both written and orally today and through
25 regulations.gov, will be addressed in the final EIS if

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1 they are within the scope of the environmental review.

2 As I mentioned earlier, we are recording
3 this meeting. So if we can keep sidebar conversations
4 down to avoid background noise, and I also ask that you
5 speak into a microphone, which I will bring around to
6 you. If you have not had a chance to fill out a yellow
7 card, and wish to speak, you can raise your hand and I
8 will bring one around to you.

9 As a reminder for those making comments,
10 please begin by identifying yourself with your name, and
11 if you would like to mention any organization
12 affiliation, please do that, as well. Please try to be
13 succinct. Try and keep your comments to about three
14 minutes. If you wish to make a comment outside the
15 scope of this meeting, NRC staff will be available for
16 approximately 30 minutes following the meeting to
17 answer any questions. Our first speaker is going to be
18 Bill McCoy.

19 MR. MCCOY: I know two years ago I spoke on
20 the same; for safety around the airport and everything
21 else. I did talk to pilots going in and out of the
22 airport, and they said this is the wrong place for this
23 building to be put. They would hope the NRC would see
24 to deny the building permit for this.

25 There's other places in the State of

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1 Wisconsin that this building could be put, Badger Army
2 Depot is for one. It's less than a five minute
3 helicopter flight to Dane County Airport. I just left
4 from up there this morning to do the fast track. So my
5 recommendation is because of the contaminated land
6 already up there, to save us from having contaminated
7 land down here in Janesville.

8 As a citizen of Janesville, I am saying no
9 for the building permit to be issued to SHINE. I don't
10 care what the city official says; I'm speaking on behalf
11 of a citizen of Janesville. Thank you.

12 Ms. RIVERA: Thank you, Mr. McCoy. Mr.
13 McCoy is actually the only registered speaker. So if
14 there's anyone else that would like to speak, now is your
15 opportunity. No? Anyone? Okay, seeing none, again
16 we will have an evening session, as well. So if you come
17 up with anything in between, there's another
18 opportunity. So I'm going to now turn it over to
19 Mirela.

20 MS. GAVRILAS: Well, I want to conclude by
21 thanking everybody for coming. Like Alison said, we
22 have another open house that starts at six o'clock. So
23 please, if you know of people who are interested in the
24 topic, we would like to see them here this evening. We
25 will have another presentation and another opportunity

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1 for comment at 7:00 tonight. Thank you, again, and have
2 a good afternoon.

3 (Whereupon at 2:31 p.m. the
4 meeting was concluded.)
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