

Official Transcript of Proceedings

NUCLEAR REGULATORY COMMISSION

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

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Pages 1-22

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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 7:00 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

(7:00 p.m.)

MS. RIVERA: Good evening, everyone. My name is Alison Rivera, and I will be the facilitator for this evening's 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, or even have attended, the NRC scoping meeting held about two years ago. The purpose of that meeting was to collect input on what should be analyzed as the staff prepared this draft environmental impact statement, or EIS.

Hopefully, everyone has had a chance to sign in, and for those who wish to speak during the public comment period of tonight's meeting, you have had the opportunity to turn in a yellow card. If you haven't signed in, the sheets are near the entrance, and I have blank cards that I can bring around to anybody who would like one. We also have written comment forms out there if you prefer to write your comment, and those comments will be treated the same as anything received orally today.

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1 For some logistical information, the
2 restrooms are located out these side doors to my left,
3 and to the right. You can see the exits lighting the
4 door, or lighting the side, or the way you came in. The
5 agenda for this meeting includes introductory remarks
6 by Mirela Gavrilas, deputy director of the division of
7 policy and rulemaking in the office of nuclear reactor
8 regulation at the NRC, followed by Randy Howell from
9 the Department of Energy.

10 Following this, the NRC staff will present
11 the preliminary conclusions from the draft EIS. When
12 the presentations conclude, we will move right into the
13 public comment period. First, before turning it over
14 to Mirela, I would like to go over a few ground rules
15 for this meeting. First and foremost, please be
16 respectful of others, and we'll ensure that all
17 participants who wish to have a chance to comment have
18 an opportunity to do so.

19 Also, please turn off all electronic
20 devices or put them on vibrate. We certainly
21 understand if you need to take a phone call, but if that
22 happens please step out into the lobby. In addition,
23 you may have noticed that this meeting is being
24 recorded, and minimizing the background noise and side
25 conversations will help the court reporter produce an

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1 accurate recording of the meeting.

2 In that same vein, when speaking we do ask
3 that you use the microphone. Unfortunately we only
4 have this one, so we'll bring it around to you.
5 Finally, the NRC is always looking to improve our
6 meetings, and your feedback is important to us. We
7 have some postage-paid public meeting feedback forms
8 on the literature table, and you can fill them out and
9 give it to an NRC staff member, or drop it in the mail.

10 With that, I would like to turn the meeting
11 over to Mirela Gavrilas.

12 MS. GAVRILAS: Thank you, Alison. Good
13 evening. On behalf of the staff, it's my pleasure to
14 welcome you to this public meeting. I want to express
15 my thanks for bringing us out here on such a beautiful
16 day in this gorgeous setting. As Alison mentioned, we
17 are here tonight to talk about the draft environmental
18 impact statement for SHINE.

19 In spring of 2013, SHINE submitted to the
20 NRC an application for a facility that will produce
21 Molybdenum-99, and we've been reviewing that
22 application ever since. Our review consists of two
23 parts. The first thing that we do is we review the
24 application for a construction permit, and our
25 environmental impact statement is being prepared as

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1 part of that review. The next step is a review of the
2 operating license, and that's going to follow the
3 issuance of the construction permit.

4 So the environmental impact statement, the
5 draft that's being presented to you tonight, is the
6 staff's work. We will take your comments, and comments
7 we receive from all other sources, and work them into
8 the document, and release the final impact statement.

9 A bit of background on the environmental
10 impact statement. We, the NRC, are required to
11 complete it under the National Environmental Policy
12 Act. In addition to that, because we are working with
13 the Department of Energy, who is also a stakeholder in
14 the process, and that was mandated by the American
15 Medical Isotope Production Act.

16 One more remark about the environmental
17 impact statement. Even though it's done now before we
18 issue a construction permit, it looks at the entire life
19 cycle of the facility. So it looks at the
20 construction, the operation and the decommissioning of
21 the facility. You'll hear much more about that from
22 Michelle in a few minutes.

23 I'll take a moment and introduce the NRC
24 staff. The review of SHINE, because it's novel
25 technology and because it's quite complex, engages all

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1 practically all of the offices in the Nuclear
2 Regulatory Commission. We have a few experts
3 throughout the room that are here to assist with this
4 presentation.

5 Let me start with, you already met Alison.
6 I have Al Adams, who is the chief of the research and
7 test reactor licensing branch. Michelle Moser, who
8 has spearheaded the environmental review for SHINE.
9 Kevin Folk, a specialist in water resources and had a
10 major part in the development of the report that we'll
11 discuss tonight. Steve Lynch is the project manager
12 for SHINE, in general, and he coordinates all
13 activities related to SHINE, and he is in charge of the
14 safety review.

15 Alex Sapountzis is a senior project
16 manager and security specialist. Victoria Mitlyng,
17 public affairs officer from our offices in Chicago, and
18 Chuck Teal, who's also from NSIR. That's the staff
19 from the NRC here tonight.

20 With that, I'm going to ask Randy Howell
21 from DOE to come and make a couple of remarks. As I
22 said, they're our partners in the development of the
23 environmental impact statement. After that, Michelle
24 will walk you through it.

25 MR. HOWELL: Thank you. So, as she

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1 mentioned, I'm Randy Howell from the Department of
2 Energy, National Nuclear Security Administration's
3 Moly-99 program, where I support the domestic projects.
4 Our agency, under the American Medical Isotopes
5 Production Act, has a mandate to support the
6 acceleration of projects in the U.S. to establish
7 Moly-99 production without the use of highly enriched
8 uranium.

9 So, to do that, we are working with SHINE,
10 among others, to support their project providing some
11 matching funding and some technical development
12 support. I'm also here with my colleague, Tom, who
13 manages the technical development side of things.
14 Since we provide funding, DOE is also mandated under
15 the National Environmental Policy Act to perform an
16 assessment like this, but in order to avoid
17 duplication, the NRC is leading it, effectively.

18 So I'm here to cover the DOE
19 responsibilities on our side of the house and, in
20 theory, we'll adopt the same document once it's
21 complete. Trying to be streamlined government here.
22 But I don't have a major role in this forum, but if you
23 have any questions on our side of the house, I'm
24 obviously willing to chat with you. I'll turn it over
25 to Michelle Moser who is the, well, she can tell you

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1 who she is.

2 MS. MOSER: Thanks, Randy. I am Michelle
3 Moser. I'm the environmental project manager for the
4 SHINE project. I want to thank you all, again, for
5 coming out here during your busy evening. I hope the
6 information we provide to you today will help you
7 understand what we've done so far, and also, what part
8 you can play as we finalize this document.

9 I'd like to start off by briefly going over
10 the agenda and purpose of the presentation. Today I'm
11 going to discuss the NRC's regulatory role. I'll
12 provide a brief summary of the construction permit
13 review process. I'll provide an overview of the draft
14 environmental impact statement, which you might hear
15 me refer to as an EIS.

16 I'll also discuss the preliminary findings
17 of our environmental review, which addresses the
18 impacts associated with construction, operations and
19 decommissioning. Lastly, I'll describe how you can
20 submit comments. As Alison mentioned, after my
21 presentation is the most important part of the evening,
22 and that is when you all will have the opportunity to
23 provide comments.

24 NRC regulates the commercial use of
25 nuclear materials and facilities. For example, NRC

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1 conducts environmental and safety reviews for nuclear
2 power reactors, research and test reactors, and medical
3 isotope production facilities. In all aspects of
4 NRC's regulation, our mission is threefold: To ensure
5 adequate protection of public health and safety; to
6 promote common defense and security, and to protect the
7 environment. Next slide.

8 The National Environmental Policy Act is
9 the regulation that is the basis for why we are
10 conducting this environmental review. This act
11 establishes a national policy for considering
12 environmental impacts, informing federal decision
13 makers, and disclosing environmental impacts to the
14 public. The NRC's environmental regulations,
15 implementing the requirements of National
16 Environmental Policy Act, are contained in 10CFR Part
17 51.

18 Within 10 CFR Part 51 describes the
19 environmental review process, such as when to prepare
20 an environmental impact statement. I will now briefly
21 describe the construction permit review process. This
22 flowchart highlights the two parallel reviews
23 associated with a construction permit application.

24 One is the safety review, which Steve Lynch
25 is in charge of, and the other is the environmental

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1 review, which we'll be talking about in more depth
2 today. In addition to the safety and environmental
3 reviews, an independent review is performed by the
4 advisory committee on reactor safeguards, commonly
5 referred to as ACRS.

6 The ACRS is an independent group of
7 scientists and nuclear safety experts who serve as a
8 consulting body to the Commission. The ACRS reviews
9 the construction permit application and the NRC staff's
10 safety evaluation report. The ACRS reports their
11 findings and recommendations to the Commission.
12 Typically, these meetings are open to the public, and
13 I'll talk about them in a little more detail in a moment
14 in terms of how they relate to the SHINE review.

15 Additionally, a mandatory hearing will be
16 conducted by the Atomic Safety and Licensing Board, an
17 adjudicatory panel, in support of the review of the
18 construction permit application. The Commission
19 considers the outcome of the hearing process in its
20 decision on whether or not to issue the construction
21 permit. I'm now going to go over some important
22 milestones for the safety review process. As Mirela
23 mentioned, SHINE submitted the construction permit
24 application in 2013, and NRC published notices of
25 acceptance shortly afterwards.

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1 The NRC staff has been reviewing the
2 application since 2013. As part of this review, the
3 NRC staff has issued requests for additional
4 information in cases where the staff is seeking
5 clarification on the information that was submitted,
6 or additional details of information that was not
7 included in the application.

8 The NRC staff will begin publishing
9 portions of the safety evaluation report later this
10 month, and will be presenting to the ACRS throughout
11 the summer. Meeting notices will be posted to the NRC
12 website, and we encourage you all to continue to check
13 the website in order to participate in these meetings.
14 The NRC staff expects to publish the final safety
15 evaluation report in October of 2015.

16 As described on the previously slide, part
17 one of the SHINE construction permit application was
18 received in March, 2013, and that's the part that
19 included SHINE's environmental report. A public
20 meeting was held here about two years ago, on July 17th,
21 as part of the environmental scoping process. Some of
22 you may have attended that meeting, which the purpose
23 of that meeting was to gather comments from the public,
24 and local, State and Federal agencies in order to
25 determine what important issues we should look at

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1 within the environmental impact statement.

2 We responded to all the comments received,
3 and any of the comments that were within the scope of
4 the environmental review, are responded to within
5 Appendix A in the draft EIS. The draft EIS was
6 published on May 11th, and we are currently accepting
7 public comments through July 6th. Today's meeting is
8 being transcribed, and the comments provided here will
9 be considered in the same way as any written comments
10 that are received, whether we receive the written
11 comment tonight, through the mail, or through
12 regulations.gov.

13 Once the comment period closes, we will
14 develop the final environmental impact statement,
15 which we expect to publish in October 2015. The final
16 environmental impact statement will include responses
17 to all comments received, and will update the analyses
18 as appropriate.

19 I'm now going to go over an overview of the
20 environmental impact statement, which includes a
21 purpose and need section, a description of the affected
22 environment, the environmental impacts of the proposed
23 action, as well as alternatives to the proposed action,
24 and the NRC staff's preliminary recommendations.

25 As Randy previously mentioned, there are

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1 two agencies, both the NRC and DOE that are preparing
2 this EIS. Therefore, there are also two federal
3 actions. The proposed federal action for the NRC is
4 to decide whether to issue a construction permit, under
5 10 CFR Part 50, that would allow construction of a
6 medical radioisotope facility.

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

14 The purpose of and need for this proposed
15 federal action is to provide a medical radioisotope
16 production option that could help fulfill the need for
17 a domestic supply source of medical isotopes. For the
18 past two decades, the U.S. has relied on imported
19 medical radioisotopes. Global shortages of medical
20 radioisotopes in 2009 and 2010 have highlighted the
21 need to ensure a reliable domestic supply. The NRC,
22 however, does not have a role in the planning decisions
23 as to whether a particular radioisotope production
24 facility should be constructed and operated.

25 The affected environment describes the

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1 existing environment on and surrounding the proposed
2 SHINE site. For example, in Chapter 3 of the EIS, the
3 NRC staff describes the existing land uses on and near
4 the proposed site, which includes agricultural fields,
5 open spaces and developed areas. Some environmental
6 impacts could occur beyond the proposed facility, such
7 as air emissions. Therefore, the NRC staff also
8 described the existing environment within five miles
9 of the proposed site.

10 Chapter 4 of the environmental impact
11 statement describes the potential impacts from
12 construction, operations and decommissioning. The
13 NRC established three levels of significance for
14 potential impacts: small, moderate and large. Small
15 impacts occur when the effects are not detectable, or
16 are so minor that they do not noticeably alter any
17 important attributes of the resource.

18 For example, the NRC staff determined that
19 the proposed action would result in small impacts on
20 ecological resources because although construction
21 activities may disturb some wildlife and birds, there
22 is adequate similar habitats nearby, such as other
23 agricultural fields. In addition, once construction
24 activities are complete, birds and wildlife could
25 return to the site.

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1 A moderate impact occurs when the effects
2 are sufficient to noticeably alter, but not to
3 destabilize important attributes of the resource. For
4 example, the NRC staff determined that there could be
5 noticeable delays during peak hour traffic at
6 intersections along U.S. Highway 51.

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

12 As you can see on this slide, the NRC staff
13 determined that the impacts would be small for all
14 resource areas except for transportation. For
15 transportation, we determined that the impacts could
16 be moderate during construction, mostly due to the 11
17 percent increase in traffic on U.S. Highway 51. During
18 operation, the impacts would be small to moderate due
19 to a slight degradation of service at the intersections
20 of State Trunk Highway 11 and U.S. Highway 51. During
21 decommissioning, the impacts would be moderate due to
22 the additional vehicles from workers, truck deliveries
23 and waste shipments. This could noticeably increase
24 traffic along U.S. Highway 51.

25 In addition to the National Environmental

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1 Policy Act, the NRC may address other regulatory
2 requirements within its environmental impact
3 statement. For example, the NRC staff conducted a
4 review of potential impacts to threatened and
5 endangered species, as required under the Endangered
6 Species Act. Under this act, the NRC must determine
7 whether threatened and endangered species could occur
8 on the proposed site and, if so, how the proposed action
9 could affect these species.

10 Under the National Historic Preservation
11 Act, the NRC staff first determines whether historic
12 properties would be affected by the proposed action
13 and, if so, if the effects would be adverse. For the
14 staff's review of environmental justice, the NRC staff
15 examines whether the proposed action could have
16 disproportionately high and adverse impacts on
17 minority or low-income populations.

18 The NRC staff determined that the proposed
19 action would have no effect on threatened and
20 endangered species. This determination was made, in
21 part, because the proposed site does not provide
22 suitable habitat for any threatened or endangered
23 species. The NRC staff also determined that the
24 proposed action would have no adverse effects on
25 historic resources, and no disproportionately high and

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adverse impacts on minority or low-income populations.
Next slide.

The NRC staff also considered cumulative impacts. Cumulative impacts are the overlapping impacts of the proposed action, and other past, present and reasonably foreseeable activities. These activities are unrelated to SHINE, such as climate change or future urbanization. For this review, the NRC staff determined that the potential cumulative impacts would be moderate for ecological resources. This is primarily due other activities unrelated to SHINE, such as the impacts from climate change on ecological resources and agricultural runoff.

As previously mentioned on the last slide, the impacts from just the SHINE project would be small on ecological resources. For traffic, the NRC staff determined that the cumulative impacts would be small to moderate primarily based on the impacts from the proposed SHINE project. The NRC staff determined that the cumulative impacts to all other resource areas would be small.

Chapter 5 of the environmental impact statement compares the environmental impacts of the proposed action with various alternatives. For this analysis, the NRC staff examined two alternative sites,

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1 Chippewa Falls and Stevens Point. Both of these sites
2 were considered in SHINE's environmental report as part
3 of its site selection process.

4 The NRC staff found slightly higher
5 environmental impacts at both alternative sites. At
6 Chippewa Falls, the staff determined that the impacts
7 could be small to moderate for noise and
8 transportation, and small for all other resource areas.
9 At Stevens Point, the NRC staff determined that the
10 impacts could be small to moderate for visual
11 resources, noise and transportation, and small for all
12 other resource areas. If you remember, at the SHINE
13 site, the impacts were small for all resource areas,
14 except for transportation.

15 The NRC staff also examined one
16 alternative technology, which was linear
17 accelerator-based. For the purpose of this analysis,
18 the NRC staff used the environmental parameters in
19 DOE's environmental assessment for the NorthStar
20 radioisotope production facility because this
21 commercial entity was awarded a cooperative agreement
22 by DOE, and because sufficient environmental data
23 exists for this proposed technology.

24 Our analysis looked at the hypothetical
25 situation that a facility using linear

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1 accelerator-based technology was constructed at the
2 proposed SHINE site. We determined that the impacts
3 would be the same as what we find for the proposed SHINE
4 facility.

5 Lastly, the NRC staff evaluated the
6 no-action alternative, or the impacts if the NRC staff
7 denied the construction permit application. The staff
8 found that the impacts would be small for all resource
9 areas. This alternative, however, does not fill the
10 stated purpose and need.

11 The NRC staff's preliminary
12 recommendation is that, after weighing the
13 environmental, economic, technical and other benefits
14 against environmental and other costs, and considering
15 reasonable alternatives the NRC staff recommends the
16 issuance of the construction permit to SHINE, unless
17 safety issues mandate otherwise. Next slide.

18 I would like to emphasize that the
19 environmental review is not yet complete. Your
20 comments received today, and all comments received by
21 July 6th, will be considered as we develop the final
22 EIS. These comments, and any comments that are within
23 the scope of the environmental review, can help to
24 change the staff's findings.

25 The final EIS will contain the staff's

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1 final recommendation on the acceptability of issuing
2 the construction permit based on the work we've already
3 performed and any new information that we receive in
4 the form of comments or otherwise during the comment
5 period. The NRC staff will address written comments
6 in the same way we address spoken comments that are
7 received today.

8 You can submit your written comments
9 either online, sending it to us by mail or writing it
10 down on the paper that we have outside. As we mentioned
11 before, I'm the primary contact for the environmental
12 review, so please feel free to contact me if you have
13 any questions regarding the environmental review.
14 Steve Lynch is the primary contact for all other aspects
15 of the review.

16 A paper copy of the draft EIS is currently
17 at the Hedberg Public Library. I believe we have a few
18 extra copies outside if you would like one. You can
19 also find electronic copies of the draft EIS online,
20 and we have a few CDs outside. This concludes my
21 presentation, and I'm now going to turn it back over
22 to Alison.

23 MS. RIVERA: Thank you, Michelle, and
24 thank you everyone for your thoughtful attention during
25 the presentation. We're now going to move into the

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1 public comment period. But, as I did not receive any
2 yellow cards for pre-registered speakers, before I go
3 over the instructions for speakers, I wanted to see if
4 anyone had decided to speak.

5 I'm seeing none, so I will remind you that
6 there is opportunity, if you don't wish to speak, for
7 writing your comments outside or through submissions
8 of any of the ways that were listed on the slides.
9 Again, we appreciate your time and attention, and
10 coming out here to the public meeting on the draft
11 environmental impact statement for the proposed SHINE
12 medical radioisotope production facility.

13 Comments will continue to be accepted
14 through July 6th, and if anyone did not receive a copy
15 of the draft environmental impact statement, and would
16 like to be added to the distribution, please see
17 Michelle after the meeting, and NRC staff may be around
18 for a few minutes afterwards. I'm now going to turn
19 over the meeting to Mirela for some closing remarks.

20 MS. GAVRILAS: I would like to thank
21 everybody for being here, and you know where to reach
22 us. If we can answer any questions, feel free to
23 contact Michelle

24 (Whereupon at 7:20 p.m. the
25 meeting was concluded.)

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