

1 UNITED STATES OF AMERICA
2 ENVIRONMENTAL PROTECTION AGENCY

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10 PUBLIC COMMENTS REGARDING EPA'S PROPOSED RULE ON

11 WASTE ISOLATION PILOT PROJECT

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JANUARY 9, 1998

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SANTA FE, NEW MEXICO

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1 MORNING SESSION

2 SANTA FE, NEW MEXICO

3 PRESIDING OFFICER: Good morning. My name is Dick
4 Wilson from the Environmental Protection Agency. Welcome to
5 the final day of DOE's application to operate the WIPP site
6 near Carlsbad.

7 For those of you who weren't here yesterday or at
8 one of our other hearings, I'll just spend a second on how
9 we're working the hearings. They are informal hearings so
10 people aren't sworn in or cross-examined or anything like
11 that.

12 We're just here to hear your views, so people can
13 come up to the microphone when you're called and individuals
14 have five minutes and if you're representing a group you have
15 ten minutes to present your views.

16 I would ask that you hold your statement to that
17 amount of time so that we can hear everybody who wants to
18 come in and make a statement to us.

19 We do have a little timer that will help you know
20 where you're at in your time. It starts green, and when you

21 have two or three minutes left it will turn yellow, and when
22 your time is up it will turn red. And if it gets too much
23 longer after it turns red, I'll ask you to wrap up your
24 statement.
25 Speaking at the hearing is only one way for people

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1 to give us their comments. We have a formal hearing record.
2 Obviously all the comments made here at the hearing will be
3 part of that record. We're making a transcript of the
4 hearing, and the transcript will be available in two or three
5 weeks, and locations where it will be available I think are
6 on information brochures outside at the table.

7 If anybody is here and wants to testify and hasn't
8 let us know. If you'd check in outside the room at the
9 table, we'll add you to the list.

10 The hearing record is open until the 27th of
11 February, so if anybody has additional materials, if you have
12 them today, we'll make them part of the record. If you want
13 to submit them later, we'll make them part of the record.

14 If you have comments on what you've heard at the
15 hearing, what other people have said, we'd welcome those too.
16 So there's lots of ways for you to get your views to us.

17 We'll read every one of the comments we get and consider them
18 before we make a final decision on this issue.

19 I forgot to introduce everybody on the panel. To
20 my left is Larry Weinstock and Frank Marcinowski. To my left

21 is Mary Kruger and Keith Matthews. We're all with the
22 Environmental Protection Agency in Washington D.C., and we
23 appreciate the opportunity to spend the week here and get
24 your views on this issue.
25 With that I'll start the first witness this

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1 morning. We have a schedule running through about a little
2 before 6:00. We already have a waiting list it looks like 15
3 people that we'll do after we get to the end of the people
4 who were scheduled.

5 We'll probably -- we're scheduled for a two-hour
6 lunch break today. I think we'll probably turn that into
7 about an hour lunch break today and try and get some of the
8 other people in.

9 So we'll do everything we can to get everybody in
10 who is here and would like to make a statement.

11 The first witness this morning is George Dials.

12 GEORGE DIALS: Good morning. It's a pleasure to be
13 here to present testimony before the Environmental Protection
14 Agency on the proposed certification of Waste Isolation Pilot
15 Plant.

16 I'm George Dials and I'm the manager of the
17 Carlsbad Area Office which was created in December 1993, for
18 the express purpose of establishing an accelerated
19 compliance program for rebaselining the science program and
20 opening and operating the Waste Isolation Pilot Plant for the

21 permanent disposal of transuranic waste.

22 I state that because I come with a bias, an honest

23 bias resulting from more than 25 years of work on the nuclear

24 waste issue. My thesis at MIT was on nuclear waste disposal.

25 As a research associate at Los Alamos Laboratory in the early

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1 70's, I was pleased to be selected to be on a Governor's Task
2 Force that helped define the nuclear policy and nuclear waste
3 policy for the state of New Mexico.

4 It resulted in, among other things, in the
5 establishment of the Environmental Evaluation Group. So I've
6 been looking at this issue for a very long time.

7 The problem is quite simple actually in its
8 context. Through the cold war, after World War II, we
9 continued our weapons development programs at the nuclear
10 weapons manufacturing facilities that encompass much of the
11 United States actually. We had facilities in more than half
12 of the states.

13 Many of those facilities still exist. In our
14 efforts we created lots of waste materials. Much of it is
15 contaminated with radioactive materials. The particular
16 material I'm responsible for disposing of is transuranic
17 waste that emanated from the defense programs.

18 Today it's temporarily stored at 23 facilities
19 across the United States. Within a 50-mile radius of those
20 23 facilities live over 53 million Americans.

21 That is the problem. Although we have safely
22 managed this waste in temporary storage, in some cases for 50
23 years, it poses, particularly in the long term, a real risk
24 to those citizens.
25 Our responsibility is to remove that risk, to

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1 remove the transuranic waste, which after a few hundred years
2 or thousand years becomes Plutonium-239, contaminated waste
3 primarily from the biosphere. The threat to the public is
4 inhalation ingestion where the radioactive isotopes to be
5 disbursed in some manner in the biosphere.

6 Through years of investigation debate, not only in
7 the United States but throughout the world, there has
8 developed an international, scientific and engineering
9 consensus about what to do about the problem of nuclear waste
10 disposal.

11 Simply put, it is to remove the material from the
12 biosphere so that it poses no threat to the public, to the
13 environment or to any living thing.

14 That has been reaffirmed by the international and
15 national scientific groups, independent groups who have
16 evaluated our program.

17 The National Academy of Sciences report in October
18 of 1996, stated emphatically that opening WIPP for disposal
19 of transuranic waste was the correct thing to do from an
20 engineering scientific perspective, the rational thing to do

21 from an environmental protection perspective, and that there
22 was no likely scenario by which any of that material would be
23 reintroduced to the biosphere unless there were some highly
24 speculative, very unlikely human intrusion scenario that
25 would occur.

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1 In that event we have demonstrated through our
2 compliance application that even in that worst case analysis,
3 multiple drill holes through the facility, fluid injection of
4 fluids into the repository, the materials emitted still are
5 worse in magnitude less than the emission standards in your
6 regulations.

7 The antinuclear activists and anti WIPP activists
8 in the last few days have argued, leave it where it is. We
9 don't like it. Stop everything nuclear. Make the problem go
10 away. Put the Genie back in the bottle.

11 Were I a magician rather than an engineer or a
12 chemist rather than a scientist, perhaps that approach would
13 get some of my attention. But I'm not nor are any of they.

14 It is not a solution. Leaving it where it is,
15 ignoring the problem will not result in any solution, it will
16 only get worse.

17 The material is now in temporary storage, in
18 storage facilities designed by competent scientists and
19 engineers to be just that, a temporary management system for
20 protecting the health and safety of the workers and public

21 until a final disposal solution was developed.

22 Elected officials from across the United States who
23 are truly the representatives of the people in our democratic
24 system have spoken on this matter. They are concerned about
25 the material in temporary storage. As close as those

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1 officials in the county council in Los Alamos have passed a
2 resolution asking DOE and EPA to act swiftly to begin
3 removing material from the Mesa that poses a risk not only to
4 the people in Los Alamos, Espanola, Chimayo, Pocquaque and
5 Santa Fe and others.

6 City Council and the mayor of Espanola passed a
7 resolution calling for the Department of Energy, Los Alamos
8 and the EPA to act swiftly to begin removing materials from
9 the Mesa because they recognize the risks, particularly in
10 the long term, this poses to their citizens and their
11 constituents.

12 I recently received a copy of a letter that was
13 signed by senior government officials in the state of
14 Colorado, and I attach it to my prepared statement I will
15 submit for the record, signed by Governor Romer, Lieutenant
16 Governor Schoettler, Mayor Webb and mayors of many of the
17 towns surrounding Rocky Flats, calling for EPA to act swiftly
18 for WIPP to open and for the disposal of this material to
19 begin.

20 I'd like to quote from one paragraph of that letter

21 that says, and I quote, the Denver Metropolitan Area has been
22 united in calling for the plant, that is Rocky Flats, to be
23 cleaned up promptly and safely.

24 Above all this means removing radioactive waste and
25 materials to secure off-site locations. Leaving this

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1 material at the site exposes over two million people in the
2 Denver and metro area to potential risk. Sound environmental
3 and public safety practice requires that this material be
4 disposed of in locations away from large population centers,
5 end quote. That statement applies to every one of the
6 facilities that we have in the DOE complex for transuranic
7 waste in temporary storage.

8 Contrast that statement to what I read in Attorney
9 General Tom Udall's statement yesterday. Leave it where it
10 is. Don't open the facility.

11 Let's continue to debate to raise issues that have
12 already been dealt with over and over until something magical
13 happens and the problem goes away. Well, ladies and
14 gentlemen, it isn't going to go away by itself.

15 We removed the risks from the people more than new
16 Mexico, by opening WIPP and beginning the shipment and
17 disposing of the material 2150 feet underground in a salt
18 formation that was laid down over 250 million years ago.

19 The reason we're in southeast New Mexico, the
20 reason the site is there is not because the economy is in bad

21 shape. It is not because of any sort of the environmental
22 racism. It's not because New Mexico has been involved in a
23 nuclear industry for so long.
24 It's simply because 250 million years ago the good
25 Lord saw fit to deposit a 2,000 foot bedded salt formation in

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1 southeastern New Mexico that has been stable through some of
2 the most geologic cataclysmic events that have happened on
3 this planet.

4 Therefore it is the judgment of the scientists and
5 engineers it is very likely that this material will remain
6 stable for millions and millions of years in the future,
7 certainly longer than the 10,000 year period that we're
8 required to demonstrate the containment of the material.

9 We have been working diligently to respond to all
10 of the comments and criticisms of the program. We will
11 continue to do so. We submitted an 84,000 -- in excess of
12 84,000 Compliance Certification application, as you well
13 know, and tens of thousands of other pages of documents in
14 response to questions and comments.

15 We will continue to respond to critical
16 evaluations, critical concerns and statements and comments
17 about the science and technology related to this program. We
18 are committed to full and open public comment and public
19 discourse on this critically important issue.

20 We must get on with solving the problem of

21 radioactive waste disposal in this country.

22 The citizens demand it today, our children demand

23 it and grandchildren demand it for the future. It will

24 environmental irresponsible for us to walk away from this

25 problem and leave it to our grandchildren to solve. It will

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1 be a much more difficult, much more hazardous, much more
2 deadly problem to deal with in the future than it is today.

3 It's time to open WIPP. I have a prepared
4 statement I'd like to introduce for the record. We look
5 forward to continuation of these hearings and we will be
6 submitting as credible, tangible scientific issues arise.
7 Thank you very much.

8 PRESIDING OFFICER: Thank you for your testimony.
9 We'll put it in full in the record and look forward to your
10 other comments.

11 Next is Leif Eriksson.

12 LEIF ERIKSSON: Ladies and gentlemen, good morning.
13 My name is Leaf Eriksson, and I have a bit of an accent, so
14 to help the court reporter I'm going to read my testimony so
15 there won't be any possible misunderstandings.

16 In my testimony I have stated my qualifications to
17 testify which I will skip because I think I'm in a time
18 constraint already, so I won't jump into the it.

19 The three key points on my testimony are:

20 Number one, the EPA has defined the level of

21 safety required for disposal of TRU waste in a deep
22 geological repository at the WIPP site in its environmental
23 radiation protection standards, that is, 40 CFR 191, and the
24 related criteria document, that is, 40 CFR 194.
25 Number two, the EPA has conducted independent

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1 analyses and found that WIPP TRU waste repository readily
2 meets these standards criteria.

3 Number three, the EPA must thus promptly certify
4 the WIPP TRU waste repository.

5 I'd like to go back to read the purpose of my
6 testimony. I'm a resident of New Mexico and I am here today
7 to express my strong support of the Environmental Protection
8 Agency's proposed ruling on the Waste Isolation Pilot Plant
9 Compliance Certification Application.

10 Clearly both the proposed and final rulings on the
11 WIPP CCA will draw attention and invoke actions from a broad
12 range of citizens. I would, therefore, like to continue my
13 testimony with a brief explanation of why I support the EPA's
14 proposed ruling on the WIPP CCA.

15 The WIPP site has been investigated and analyzed
16 since 1974. It is difficult to envision a site in the world
17 that has been subjected a longer and more intense scrutiny.
18 Furthermore, over 300 disruptive scenarios were evaluated in
19 the WIPP CCA, none of which compromised the ability of the
20 proposed WIPP TRU repository to contain and isolate the

21 placed TRU waste to the point that it would not comply with
22 40 CFR 191.

23 In addition, the EPA independently evaluated both
24 the WIPP CCA and additional information found that the WIPP
25 TRU waste repository will readily meet all applicable safety

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1 requirements and criteria, even under extremely unlikely
2 conditions. However, predicting the performance of the WIPP
3 TRU waste repository complies with the applicable TRU waste
4 disposal regulations, one should also assess the level of
5 safety defined in the regulations.

6 Based on the information provided in 1985 by the
7 EPA in conjunction with the initial promulgation of 40 CFR
8 191, the safety basis, or rather cancer-death risk, was 1,000
9 cancer deaths over 10,000 years against a global population
10 of 10 billion people. This equates to a risk factor for
11 repository induced cancer death of 10^{-11} , which
12 is equivalent to one chance in 100 billion that someone would
13 die from a repository induced cancer.

14 The corresponding cancer death risk factor to a
15 person who lives for 70 years on the boundary between the
16 controlled area and the accessible environment is 1.4 times
17 10^{-9} , that is one point four chances in 100
18 million of a repository induced cancer death. So what do
19 these numbers mean?

20 One way of illustrating the stringency of the EPA

21 risk factor is to compare it with international standards and
22 recommendations. To the best of my knowledge, the lowest
23 cancer death risk factor recommended or employed by other
24 radioactive waste management organizations is 10 to the minus
25 6, which corresponds to one chance in one million that

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1 someone would die from repository induced cancer.

2 Typically, foreign risk factors and international
3 recommendations range between 10 to the minus 4 and 10 to the
4 minus 6. In other words, the safety basis for 40 CFR 191 is
5 between 100 and 100,000 times more stringent, that is, safer
6 than any other radiation protection regulation or
7 recommendation in the world.

8 Another way of illustrating the stringency of the
9 EPA standards is to computer the highest individual annual
10 radiation dose exposure of .15 millisievert permitted in 40
11 CFR 191 with the average annual natural background radiation
12 in USA. The average annual natural background radiation at
13 ground in the USA is 3.6 millisieverts.

14 As follows, the highest radiation dose exposure
15 allowed for WIPP TRU waste repository is 24 times lower than
16 the average natural background in the USA. In other words, a
17 TRU waste repository barely meeting the EPA's environmental
18 radiation protection standards is 24 times safer than it is
19 to live in the USA.

20 In my opinion, 4.

21 CFR 191 is the world's most stringent radioactive
22 waste disposal regulation. So the next question is how does
23 the WIPP TRU waste repository comply with the long-term
24 safety defined in 40 CFR 191?
25 Based on the calculations presented in the WIPP

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1 CCA, the maximum annual radiation exposure dose to an
2 individual from the WIPP TRU waste repository is .0047
3 millisieverts, which is 1/36th of that permitted in 40 CFR
4 191. In other words, invoking all of the prescriptive
5 criteria defined in 40 CFR 194, the WIPP TRU repository is 36
6 times safer than required by the EPA in 40 CFR 191 and 766
7 times safer than the current average natural background
8 radiation in the USA.

9 Consequently, the EPA's certification of the WIPP
10 TRU repository wouldn't become a shameful societal legacy on
11 future generations. Therefore, as a parent concerned about
12 the safety of my children and their off-spring, as a
13 concerned scientist, as a resident of New Mexico, and as a
14 taxpayer of the USA and New Mexico, very familiar with the
15 WIPP, I urge EPA to promptly certified the WIPP TRU
16 repository.

17 Based on 20 years of domestic and international
18 radioactive waste management experience, the WIPP TRU
19 repository is the safety repository for long-lived
20 radioactive waste I have been involved with and that I will

21 probably be involved with in my lifetime.

22 In summation, currently available information and
23 data clearly demonstrate that the WIPP TRU waste repository
24 readily complies with all applicable TRU waste disposal
25 regulations. Indeed, the potential cancer death risk imposed

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1 by the proposed WIPP TRU waste repository is 36 times less
2 than that permitted by the EPA IN 40 CFR 191 and 766 times
3 less than the average natural background radiation in the
4 USA.

5 I, therefore, again, urge the EPA to comply with
6 its own regulations and the WIPP Land Withdrawal Act, as
7 amended, and promptly certify the WIPP TRU waste repository.
8 In my opinion, the opening of the WIPP TRU waste repository
9 is a long overdue societal obligation that should not be
10 delayed any longer to facilitate intellectually dishonest
11 political agendas and ambitions or anti-nuclear dogma.

12 In closing, Mr. Chairman, Ladies and Gentlemen, I
13 would like to express my appreciation for having had this
14 opportunity to testify in support of the EPA's proposed
15 ruling on the WIPP CCA. Thank you for your attention.

16 PRESIDING OFFICER: Thank you for your testimony.

17 Next is Jim Channell.

18 JIM CHANNELL: My name is Jim Channell and I'm
19 Environmental Engineer and Health Physicist with the
20 Environmental Evaluation Group, EEG. I will read a prepared

21 statement and there are copies available for the audience if

22 you wish.

23 EEG, as you know, is the only full-time independent

24 multi-disciplinary scientific oversight group for the WIPP

25 project. Our functions include several things including

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1 environmental monitoring and operational safety, but it is
2 the technical analysis of the long term safety of the WIPP
3 site that's most relevant to the proposed rule.

4 EPA is to be commended for doing a remarkable job
5 of reviewing DOE's massive Compliance Certification
6 Application in a short period of time. We have also been
7 reviewing this application since October 1996, and EPA's
8 proposed rule.

9 Our review is not yet complete, but we have found
10 several issues that we believe significantly need to be
11 resolved. We have been writing to EPA and meeting with them
12 and talking to them about these issues over the months.

13 Our most recent position on still standing issues
14 describe in the 50-page letter send to EPA on December 31,
15 1997. There are copies of that available too, if desired.

16 My comments below will briefly mention several of
17 these outstanding issues. The EPA standards say that
18 repositories should not be located in the mineral rich area
19 because these are areas more likely to have future drilling
20 and mining activities that can compromise the integrity of

21 the repository.

22 It is now recognized that the WIPP site is located
23 in the very active resource rich area. This is the basis for
24 our two main recommendations.

25 The first is that all of the implications of

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1 resource exploitation activity should be taken into account
2 in projecting the potential scenarios for future inadvertent
3 breach of the site and, in computing the effects of these
4 scenarios.

5 In particular, the consequences of air drilling,
6 fluid injection, mining, including solution mining,
7 activities require additional attention from EPA.

8 Number two, we believe the waste should be treated
9 to make it more difficult to be dispersed in the environment
10 in case of a breach.

11 DOE's proposed action in the CCA is to treat waste
12 only if it's necessary to meet the waste accepted in the
13 criteria. The CCA proposal is inconsistent with plans
14 described in other DOE documents to treat or repackage 85
15 percent of the existing TRU waste.

16 The bulk of DOE's CCA and EPA's proposed rule and
17 supporting documentation deals with the containment
18 requirements of EPA standards. The quantitative evaluation
19 of the containment requirements have been evaluated by DOE
20 with complex conceptual and numerical models that require use

21 of a large number of parameter values that may contain a
22 great deal of uncertainty.

23 The EEG has identified problems with the conceptual
24 and numerical models used in the CCA, the values selected for
25 some of the critical parameters used in the computations,

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1 certain critical scenarios rejected on the basis of low
2 consequence or low probability, inadequate attention paid to
3 the waste inventory and waste characterization issues and
4 several issues related to quality assurance that still remain
5 unresolved.

6 Showing compliance for the containment requirements
7 is very sensitive to the models and parameter values
8 selected. For example, the solubility of plutonium in the
9 brines postulated to be present in the WIPP repository
10 determines how much plutonium will be released to the
11 environment if a given volume of brine is released.

12 The DOE and the EPA have selected the values for
13 this important parameter from the basis of assumptions of the
14 effect of a magnesium mineral hydromagnesite, that is assumed
15 to be present as a result of chemical alteration of the
16 magnesium oxide backfill.

17 The reported results of the DOE laboratory
18 experiments on the magnesium oxide backfill, however,
19 indicate that another mineral, nesquehonite, may also be
20 present. Solubility of plutonium in the presence of

21 nesquehonite is several orders of magnitude higher than the
22 hydromagnesite, and this will cause a significantly larger
23 commuted release if indeed its present.

24 We have discussed issues on our concerns about
25 waste permeability affects yesterday in Albuquerque with Dale

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1 Rucker and with the reasons why we believe air drilling needs
2 to know considered at the presentation by Matthew Silva.

3 There also are a number of concerns about the waste
4 inventory, characterization, and distribution of different
5 kinds of waste in the repository that are summarized in the
6 December 31 letter.

7 There is considerable uncertainty in the inventory
8 in the current as well as the future waste at the DOE sites.
9 There is also uncertainty in the accuracy of estimating the
10 amounts of cellulose, rubber and plastic in the waste, and
11 this may cause problems in meeting the repository limits
12 which have been set to control carbon dioxide production in
13 the repository.

14 If the inventory, the overall characteristics and
15 the distribution of the waste and repository are
16 significantly different than those assumed in the CCA, the
17 actual behavior of repository will be different than those
18 assumed in the CCA. Hence, it is essential that these
19 issues be resolved.

20 Because of the synergistic effects of the many

21 models and parameter values used in the CCA, the EEG has
22 consistently advised the EPA to reject the idea of a set of
23 accepted certain values on the basis of partial sensitivity
24 analysis. We believe that all the models and the parameters
25 should be completely and satisfactorily justified

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1 individually, and the final set of computations run with
2 fully justified values.

3 Only then would the compliance with the containment
4 requirements be determined. This is the approach EPA
5 actually used in requiring DOE to perform the Performance
6 Assessment Validation Test calculations. However, our
7 reviews find that much work is yet to be done before the WIPP
8 compliance standards have been demonstrated.

9 We have expressed some quality assurance concerns
10 in the past to EPA, and we feel these have not been
11 adequately responded to at this time.

12 During the remaining public comment period the EEG
13 is also planning to critically evaluate how the DOE and EPA
14 have resolved many concerns that were raised by other review
15 groups. One of the things they've done is complete
16 calculations in individuals doses from potential releases
17 from the WIPP repository. This concern has been expressed
18 by the National Academy of Sciences and the OECD, and we will
19 be publishing a report on this in a few weeks.

20 In conclusion I want to thank you for listening to

21 our views today and I hope you give them serious
22 consideration, and we look forward to continuing constructive
23 dialogue with you.

24 PRESIDING OFFICER: Thank you for your testimony.

25 Next is Dr. Erica Elliot.

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1 DR. ERICA ELLIOT: Good morning. I'm Dr. Erica
2 Elliot. I'm a family practitioner here in Santa Fe. I'm
3 also trained in environmental medicine, and I'm to express my
4 views of opposition to not only transporting radioactive
5 waste throughout the city of Santa Fe, but also to opening
6 the Waste Isolation Pilot Project. Transuranics are man-made
7 alpha emitters. Alpha particles are helium nuclei emitted by
8 plutonium radioactive decay. While they can be easily
9 stopped by a piece of paper or your skin, are extremely
10 damaging if inhaled or absorbed by an open wound.

11 Even an amount as small as the head of a pin can be
12 devastating to one if ingested or inhaled. Over half of the
13 future WIPP waste is mixed waste, that is radioactive waste
14 mixed with nonradioactive hazardous materials like lead,
15 carbon tetrachloride, et cetera.

16 WIPP is often touted as the solution to our
17 transuranic waste problem. In reality it is planned to hold
18 only a small percentage of DOE's total existing transuranic
19 waste which is contaminating soil and water at various
20 facilities around the country.

21 In fact, much of the waste plan for WIPP has not
22 even been created yet. Instead of being the answer to our
23 waste problem, WIPP is the political solution that enables
24 more waste production resulting from continuing nuclear
25 weapons research and manufacture.

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1 The WIPP site was chosen for political reasons. In
2 1956, the National Academy of Sciences recommended salt
3 formations as the most promising type of site for permanent
4 underground disposal of radioactive waste, because salt tends
5 to creep. It was assumed that the salt would collapse around
6 the waste creating a naturally sealed tomb to prevent the
7 waste from moving.

8 Also it was assumed that any underground salt
9 formation would be dried. Almost immediately scientists
10 discovered that WIPP did not fulfill the ideal. During
11 excavation fractures appeared creating pathways for release
12 of waste to the environment. Also, the salt was not dry but
13 contained water which was seeping into underground rooms.

14 Additional water was coming down the shafts and a
15 pressured brine reservoir was discovered below the site.

16 All this water creates potential pathways for
17 radioactive releases. In the future, if the water mixes with
18 the waste and decaying metal barrels in which the waste is
19 parked, a radioactive slurry will be created which can
20 migrate through the cracks and fissures in the salt.

21 Because there are large amounts of potash, natural
22 gas and oil near the site, the repository may be breached by
23 future drilling. Radioactive materials could travel to the
24 surface through the boreholes.
25 If the brine reservoirs below the repository also

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1 are breached, the pressurized brine can push the radioactive
2 slurry to the surface with even greater force. There are
3 many other problems with both the waste and the site. The
4 decay at the waste and the barrels in which it is packed
5 creates flammable gases.

6 The waste is also wrapped in plastic bags which can
7 create a static electrical spark. During the operations,
8 this combustion of flammable gases in electrostatic plastic
9 bags could create a spontaneous fire or explosion at the
10 facility or when the waste is moved.

11 Also the amount of gas generated may be enough to
12 keep the rooms from closing around the waste as planned. And
13 because the hydrology around the site is not fully
14 understood, there are serious questions about how long it
15 would take contamination from the project to reach the Pecos
16 River. Current estimates range anywhere from less than 100
17 years to 14,000 years or more.

18 Finally, DOE has not solved the problem of sealing
19 the shafts leading into the repositories. There's currently
20 no proven technology to seal shafts in salt formations.

21 DOE predicts the most serious and widespread public
22 exposure radioactive materials from WIPP will result from
23 transportation. Over 38,000 shipments through New Mexico are
24 expected during the facility's operational lifetime.
25 Since waste will travel through 22 states and 14

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1 Indian reservations, the DOE expects there will be a number
2 of accidents that will release radiation. The shipping
3 container for the waste has only been tested to out of date
4 standards and has not been demonstrated to withstand a
5 crushing accident. Many of the chemicals that are routinely
6 transported on the road today burn at chemicals twice as high
7 as the testing temperatures used to prove the container.

8 In the case of an accident in New Mexico, it would
9 take one to five hours before special DOE radiological
10 assistance teams could reach the wreck. Also since the waste
11 contains more than just alpha radiation, radiation will pass
12 through the walls of the containers during normal operations
13 potentially exposing to radiation anyone living on the WIPP
14 route or driving near one of the trucks. Thank you very
15 much.

16 PRESIDING OFFICER: Thank you very much for your
17 testimony.

18 Next is Mel Marietta.

19 MEL MARIETTA: Good morning. I'm Mel Marietta, and
20 I'm a resident of Carlsbad and I work for Sandia National

21 Laboratories there as the compliance manager. I'd like to
22 thank you for this chance to speak out on the proposal to
23 certify the WIPP.

24 First,I agree with your proposed certification.

25 Your staff and contractors have performed a thorough and

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1 comprehensive review of the complex application and
2 performance assessment. They have developed a detailed
3 understanding of DOE's application and I believe you came to
4 the right conclusion in your proposed certification.

5 I've spent about 20 years working on risk
6 assessments for a number of waste disposal projects,
7 including about ten years on the WIPP. I'd like to comment
8 only the DOE's performance assessment.

9 During my ten years on the WIPP project, I
10 participated in the annual performance assessments at Sandia
11 in 1989, 1990, 1991 and 1992. I also participated in the
12 large decision analysis which we referred to as the system
13 prioritization methodology. All of this work over ten years
14 focused the project on the parameters and processes which are
15 important to the quantitative requirements of the EPA.

16 This brought us to the technical phase of DOE's
17 performance assessment in the application. The result is the
18 CCDS and the DOE's application and your verification test are
19 impacted only by direct releases which occurred during
20 drilling events.

21 There are no significant releases for undisturbed
22 performance. The point is that these conclusions result in a
23 long history of scientific work that went into decisions on
24 what should be included and what could be excluded for the
25 DOE's performance assessment to the application.

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1 You have heard other comments how this works has
2 been performed openly under the oversight of the National
3 Academy of Sciences panel and the Environmental Evaluation
4 Group and other expert panels. Each of these groups has made
5 good and accepted recommendations which have helped the
6 development and technical basis for the DOE's application.
7 You have heard comments to the DOE performance assessment is
8 conservative. Many conservative assumptions were used
9 without uncertainties. The estimates and releases in
10 generating the CCDF are therefore larger than should be
11 expected under realistic assumptions, because of these
12 conservative choices.

13 I believe that your proposal to certify the WIPP is
14 based on a complete and adequate, technical basis as you
15 agreed in your proposed rule. Now some questions have been
16 raised during the review of your proposed rule concerning the
17 technical basis. Examples are air drilling, fluid injection,
18 solubility values and brine inflow. Other commentators
19 during these hearings have addressed some of these issues.

20 With respect to air drilling, other commentators

21 have stated that the DOE is determined that current drilling
22 practice in the WIPP vicinity does not include the use of air
23 drilling at appreciable frequencies. Therefore, air drilling
24 can be excluded from the performance assessment.
25 With respect to fluid injection, even with

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1 conservative assumptions, fluid injection events will not
2 impact repository performance, so fluid injection can be
3 excluded from the performance assessment.

4 With respect to solubility values, increasing
5 solubility values because of nesquehonite is not justified
6 because nesquehonite is only a transient phase that will
7 exist on a scale of days to years.

8 The comment concerning brine inflow is concerned
9 with the adequacy of 2D simulations as used in the DOE's
10 application compared to 3D simulations. The comparison used
11 in the screening on this issue in the application assumed
12 that, as the comment points out, that brine is not consumed.

13 These assumptions allow for brine consumption and
14 to allow gas to interact with various brine saturations would
15 lower brine saturation and improve the comparison between 2D,
16 3D simulations, and, therefore, improve the justification for
17 the adequacy of the 2D simulations in the application.

18 You should be confident that the technical basis is
19 adequate and your proposed certification is the right
20 decision. I believe that no more work is needed and you

21 should proceed as quickly as possible to certify the WIPP.

22 Thank you very much.

23 PRESIDING OFFICER: Thank you for your testimony

24 this morning.

25 MR. MATTHEWS: I have one question. You stated,

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1 with respect to the nesquehonite issue, you stated the range
2 of this presence would be transient from days to years. When
3 you say years, what's the upper range for something like
4 that?

5 MEL MARIETTA: Years. You're looking at.

6 MR. MATTHEWS: I'm sorry, I should have used the
7 microphone. Could you repeat my question for me to everyone
8 else who apparently was not able to hear me.

9 MEL MARIETTA: The question concerns the transient
10 phase of the nesquehonite, what's the upper bound on the
11 phase would be, and the scale for the phase is days to years,
12 and the upper boundary about a decade certainly. Somewhere
13 more than a few decades.

14 PRESIDING OFFICER: Thank you very much.

15 Next is Myla Reson.

16 MYLA RESON: Good morning. You all look as tired
17 as I am, and I must say I'm exhausted. We're here again.

18 I'd like to talk to you a little bit about the
19 history I've been involved with with this project in the
20 community. Early in 1988, the Department of Energy had

21 hosted a town hall meeting at the Sweeney Center to talk to
22 the community about WIPP. They told the members of this
23 community not to be concerned because the WIPP trucks would
24 not go through town, they would bypass the town because they
25 would be going down St. Francis Drive.

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1 St. Francis Drive is one of the main arteries
2 through town, but they were ignorant of that fact, and they
3 were hooted off the stage because of that ignorance. The
4 meeting was really well attended. There were a lot of people
5 who attended and it served to catalyze the community to try
6 to -- it really created a lot of concern within the
7 community, and people got active.

8 There were a couple of students from St. John's
9 College who were there, Joni Aarons and Tom O'Dowd, and they
10 went out and they got a bunch of scrap lumber and some
11 gallons of red and white paint, and they painted signs that
12 said, "WIPP route." And all along the route they knocked on
13 people doors and asked them to put the signs in their front
14 yards, which they did.

15 I was working on St. Francis Drive at that time,
16 and Joni and Tom came into the office I was working in and
17 asked if they could put a sign in front of our office, and
18 that was the point at which I got involved.

19 I asked Joni if she needed help, and I went over to
20 the place where she was making signs, and I started making

21 signs. And another person who independently decided that she
22 would do something about WIPP was Liza Randall. She put a
23 fact sheet together about the project and went down to the
24 Plaza and handed it out to inform people about the WIPP
25 project.

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1 After that a community meeting was called by
2 different community leaders, and we all got together and
3 talked about what we wanted to do. I worked with Liza and
4 some other folks and created what we called, a flier, what we
5 called a WIPP alert. We explained to people what WIPP was,
6 we told people how they could get involved, what they could
7 do. We had a joke at the end of the flier. It was, if the
8 Governor of New Mexico -- at that time Bruce King, I believe,
9 or Gary Carruthers, it's a bipartisan project for sure, and I
10 extend to the senators Pete Domenici and Jeff Bingaman and
11 the governor of the state -- who would survive. Our answer
12 was, the people of New Mexico, because we know that if it
13 weren't for the politicians that represent us, that this
14 project would not be happening. That's what we believed
15 anyway.

16 At any rate, someone else did something. Jai
17 Lokshman (sic), held a sign that was painted by Sasha Pyle
18 who you also met last night, that said imagine a nuclear
19 accident here. And he went and he held that sign in the
20 intersection of St. Francis and Cerrillos Road. This was

21 supposedly the WIPP route that wasn't going through town.

22 Then we got together and we started an organization

23 which we called Concerned Citizens For Nuclear Safety. I

24 always thought that the term nuclear safety was an oxymoron.

25 I don't think there's anything safe about it or can be. I

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1 think we should be more interested in nuclear danger than
2 nuclear safety.

3 Anyway we started that organization. I remember
4 that year, 1988, we put together a marching rally, and it was
5 fairly well attended in this community, probably the most
6 well attended marching rally that this community's ever seen.
7 Mahava Koffman (sic) was one of the people who worked on that
8 marching rally.

9 She stood in the intersection of St. Francis with a
10 radiation suit and, you know, she had a sign that said DOE
11 equals organized crime. And at that time I was shocked. I
12 thought that was a fairly serious charge and I didn't think
13 there was proof of it.

14 But knowing what I know about the Department of
15 Energy now, I would say that sign was pretty accurate.
16 Another thing we did that you might not know about, we have a
17 pet parade every year in the summer time around Fiesta, and a
18 number of us participated in that pet parade.

19 We, Suchi Salomon, her daughter was here last night
20 reading the column she wrote about WIPP. Suchi is a

21 wonderful artist and organic farmer, but she and painted
22 signs that looked like painted masks with Alfred Newman's
23 face on them, and some of us wore those masks with little
24 signs that we had that said, "What, me worry about WIPP?"
25 Suchi created a pamphlet to educate people again

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1 about plutonium and about WIPP. We handed those out. We had
2 wheelbarrows and 55-gallon drums with radioactive symbols on
3 them, and every once in a while we would spill, turn the
4 wheelbarrow over and we'd all fall down pretending that we
5 were dead around it. And someone else was handing out
6 something that said -- oh, then we'd sweep up the corn meal
7 that we scattered that was in the place of the nuclear waste,
8 powdered plutonium that may yet spill on our highways, and we
9 had people sweeping up the mock plutonium saying, "don't
10 worry, plutonium can't hurt you." And I guess Jay Shelton
11 was telling us last night that plutonium can't hurt us. But
12 I believe that Leslie Burtell and John Goffman have a
13 differing point of view on that.

14 Any way, a lot of us worked very hard. At that
15 time the site where WIPP is located was controlled by the
16 Bureau of Land Management. And before one of the regulatory
17 hurdles that the Department of Energy had to overcome was to
18 have the land transferred to the Department Of Energy from
19 the BLM before any radioactive waste could be put in WIPP.
20 And we saw this as possibly a way that we could influence the

21 process.

22 If we could persuade Congress to give the
23 Environmental Protection Agency the oversight over WIPP when
24 that land was transferred from the BLM to the DOE. Then WE
25 would have a shot because we thought that if you folks have

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1 the authority over WIPP over the DOE, that you would be --
2 you would require the Department Of Energy to prove that they
3 could isolate the waste from the accessible in environment,
4 to we worked very hard, I worked very hard.

5 I worked for years to see that you had that
6 authority. It's an awesome responsibility. It's an awesome
7 responsibility that you have now. You have that
8 responsibility because this community prevailed. Because we
9 were able to persuade Congress that you should regulate WIPP,
10 that you should be the ones to require the Department of
11 Energy to prove that they can isolate that waste.

12 Back in October I saw the news on the CNN and I saw
13 that you had proposed that the Department of Energy had in
14 fact proven that they could isolate the waste. And I cried.
15 I cried for a couple of days.

16 I remember I called my sister up and I tried to
17 have a conversation with her about it, but I was so
18 disappointed. Now, you know, I mean, I should be more of a
19 cynic. I'm 50 years old, I know what the political landscape
20 is.

21 I mean, this is a government who has just approved
22 of the irradiation of red meat. This is a government that
23 has just proposed that genetically engineered and irradiated
24 foods be labeled as organically grown. So why should I be
25 surprised that you would say that WIPP is safe?

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1 You say exposing red meat to -- not you personally,
2 but another branch of the government is saying exposing red
3 meat to nuclear waste is safe, because that's what the food
4 radiation process is. I see the red light, but im think I
5 have ten minutes.

6 PRESIDING OFFICER: You did have ten minutes.

7 MYLA RESON: Oh, did I take my ten minutes?

8 PRESIDING OFFICER: Yes.

9 MYLA RESON: I'm sorry, I've been rambling on. But
10 anyway, you know, at this point I just want to wrap up by
11 saying that I really hope you will go back and do your job
12 right. I don't think you have. I think you really need to
13 listen to the EEG, to listen to David Snow, to listen to all
14 of the scientists who are showing you that you have not done
15 your work, and you do have the authority to require the
16 Department of Energy to prove that they can isolate the
17 waste. Thanks a lot.

18 PRESIDING OFFICER: Thank you for coming.

19 Next is Arthur Fields.

20 ARTHUR FIELDS: My name is Arthur Fields and I'm a

21 resident of Santa Fe. I've been here for 17 years. I'm a
22 professional, but when it comes to nuclear issues, I'm a
23 layperson. As a layperson, as most of the people in New
24 Mexico are when it comes to nuclear issues and in fact most
25 of the people in the United States, we have to rely on the

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1 EPA to protect us from the nuclear industry and from the
2 Department of Energy.

3 As we look back over the year with the nuclear
4 industry and the Department of Energy, the public has been
5 deceived many times. We have been purposely misled and we
6 are distrustful, many of us, probably most of us. I'm very
7 cynical.

8 Many of us are afraid. We're afraid that the DOE
9 and the nuclear industry is trying to do it to us again with
10 WIPP. We hear that money, power and political expediency
11 that's motivating the megacorporations, the nuclear industry
12 and the Department Of Energy might be spilling over to the
13 EPA.

14 And we would like to believe that our safety and
15 the safety of our fellow citizens, both present and future
16 are your primary motivations and not political expediency of
17 money and power. I don't mean personal money under the
18 table. I mean the big megacorporations that run this
19 country.

20 When we look at the certification process it

21 appears the EPA is rushing to meet the agenda of the
22 megacorporations, the nuclear industry and the DOE, and not
23 taking the time to evaluate based on scientific standards
24 that it should be applying to these issues.
25 It appears that it's not primarily motivated by

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1 safety. It appears that the nuclear industry and DOE is
2 pushing WIPP in an attempt to try to convince the American
3 public that safe storage is available for nuclear waste, and
4 that would be so they could continue generating nuclear waste
5 and minimizing the public's opposition to doing so.

6 By DOE estimates, it's my understanding that the
7 stockpile transuranic waste in the United States can only
8 be -- approximately two percent of the stock pile in the
9 United States can be stored in this WIPP project. I'm not
10 just talking about DOE generated waste, but overall through
11 our country. So WIPP cannot, if that's correct, and I
12 believe those are DOE's statistics, if that is correct, WIPP
13 cannot be the answer to storage of nuclear waste. It is
14 grossly expensive.

15 Forty years ago the nuclear industry was telling
16 Americans that electricity was going to be so cheap it
17 wouldn't pay to create meters to monitor how much is being
18 used. We look back now at that and we laugh.

19 EPA is in the process of making a decision now that
20 will be scrutinized today, tomorrow and for many years to

21 come. We ask you to go slowly, carefully and with public
22 safety in mind, and that you do not bow to the political
23 pressure.

24 In ten years, 40 years or 200 years people will be
25 looking back on this decision today and hopefully people will

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1 not be crying at that time as opposed to laughing now about
2 electric rates.

3 Citizens have a right to expect the EPA to use
4 power for the common good and to protect the country. We ask
5 that you demonstrate your autonomy. We ask you to
6 demonstrate your pure motivations, not play into the hands of
7 the nuclear industry, the megacorporations and DOE.

8 We ask that you certify WIPP as safe if and only if
9 you determine through nonbiased scientific means that it is
10 safe, and not when it is convenient for DOE and the
11 megacorporations and the nuclear industry. Thank you.

12 PRESIDING OFFICER: Thank you.

13 Next is Margaret Carde.

14 MARGARET CARDE: Good morning. What Myla didn't
15 say -- I'm on the board of directors for Concerned Citizens
16 for Nuclear Safety, and I had the pleasure of meeting many of
17 you before.

18 What Myla did not say about CCNS from the beginning
19 and on into now is that these same people that were making
20 public demonstrations about the beliefs formed their beliefs

21 from reading the Department of Energy documents.

22 I remember very early on meetings where people

23 would divide up the documents and they would take portions of

24 them and they would read them, and they would find out what

25 didn't seem right. And they would begin to make the phone

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1 calls and the follow-up research to find out if the statement
2 that seemed a little absurd or a little inadequate was backed
3 up.

4 When we began to find out those statements were not
5 backed up or that somehow people felt that a statement, for
6 instance, in one of their earlier sightings that said that if
7 there was an accident and that no impact would happen to
8 agriculture of this state, and that we wouldn't have any
9 trouble selling our products, a statement like that in an
10 official document, when people told us they thought that was
11 true, that only fueled the flames of the outrage. That's
12 actually continued until now.

13 I have a prepared statement. I have focused on two
14 issues. CCNS will be submitting more comments to issues. I
15 chose to focus on how to deal with transportation.

16 The first one is the waste characterization at LANL
17 and the second one is the failure of EPA to deal with it's
18 NEPA obligations. I chose those for this public meeting
19 because you will be listening to many people who are
20 concerned about transportation through Santa Fe,

21 transportation in general. And I have heard many of you say
22 before that EPA has nothing to do with transportation, and so
23 I would like to emphasize today that, in fact, you do have
24 something to do with transportation.

25 I'll read some of this, and as you see I submitted

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1 it. The review of the compliance application including the
2 EPA proposed rule including the compliance application and
3 documents and the technical support documents -- we'll call
4 them TSD's like you do -- shows that EPA proposes to approve
5 the characterization processes debris waste from TA-55,
6 despite the many unresolved operational and technical
7 problems.

8 In a meeting with citizens on December 10, 1997,
9 EPA admitted that the waste characterization information used
10 by DOE and EPA in the performance assessment was unreliable
11 and unverifiable. EPA's explanation for accepting this data
12 was that EPA would take particular care to be sure that each
13 drum that goes to WIPP would not fall outside DOE'S self
14 proposed waste sense element. As to defined by the suspect
15 data.

16 In other words, the PA was considered to be
17 conceptual but the criteria imposed by EPA and the waste
18 certification of each drum would be verifiable and specific.
19 The problems which plague the conceptual data used in the PA,
20 however, have not been eliminated from the waste

21 characterization of specific drums.

22 For example, the documents EPA proffers in support

23 of it's LANL waste characterization certification, the

24 following problems remain unresolved: Identification of

25 radioactive isotopic -- this is boring, I know it's boring,

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1 but I just want you to know what we are doing in great
2 detail -- isotopic cury content is dependent on what EPA
3 calls acceptable knowledge. What DOE calls its processed
4 knowledge.

5 Both terms refer to the ability of the waste
6 certification team to ascertain physical nature of the
7 content of the drums being assayed using a review of records
8 and institutional knowledge about what process produced the
9 drums. Without such physical knowledge, the calculations for
10 the radioisotope content could be inaccurate because of the
11 synergistic effects of diverse waste composition on
12 retardation rates. Officially what that means is if you have
13 some chemicals, the emission rates are increased over what
14 the mean is, and if you have others, they are depressed.

15 In the TSD, EPA notes that DOE's records are
16 incomplete, particularly for older waste. EPA also notes
17 that when, and this is a quote, the information regarding
18 physical nature is incomplete or inaccurate, these
19 limitations, that is on the accuracy of the waste
20 characterization process, may be considerable.

21 Failure to require accurate characterization of the
22 individual drums is serious and could result in failure to
23 comply with the WIPP limitations which the Department Of
24 Transportation And Regulations and the WIPP Land Withdrawal
25 Act parameters. Yet EPA's evaluation of the technical

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1 knowledge, personnel and procedure fail to impose specific
2 limitations on DOE's quality of acceptable knowledge
3 documentation use for a specific waste stream.

4 Furthermore, acceptable knowledge documentation is
5 suspect prior to LANL's adoption of 1991 waste profile forms.
6 Without the documentation required by these forms, waste
7 generation information that is acceptable knowledge, reverts
8 to the same uncertain guesstimates that produced the year to
9 year wildly varying site assessments of total volume and
10 curie content that DOE used as the basis for its PA
11 calculations.

12 And I have the recommendation that you imposed us.

13 EPA'S general waste characterization approval fails
14 to explain how the following problems identified in the
15 September audit have been addressed.

16 The software used in the neutron Non Destructive
17 Assay system is heavily dependent on waste matrices and the
18 specific configurations or spatial arrangement of the waste
19 drums. Where waste matrices include materials which produce
20 anomalies in waste calibrations, the percentage of visual

21 examination checks should be more frequent than the one-year

22 approved by EPA.

23 Moreover, because of these anomalies, the

24 percentage of visual examination checks should be calculated

25 for each waste stream, not generally. Yet EPA has not

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1 imposed any such requirement on DOE's certificate rate
2 procedure.

3 CCNS recommends that the percentage of visual
4 examination checks be calculated for each waste stream and
5 recalculated quarterly instead of yearly. You realize that
6 there are very few.

7 I have concern about the manual entry of data and I
8 have a concern that EPA has not been as careful as it needs
9 to be about the quality assurance supervisory checks, and I
10 submitted a document that shows that at least by 1996, we had
11 LANL using -- assigning people to one task, which was
12 different from the one they were checking and they were
13 signing off on procedures which they were not assigned to.

14 Okay, let's talk about NEPA. The last NEPA review
15 for the purpose of WIPP was in 1980. DOE had done two within
16 two years ago, one of them for the test phase and one of them
17 for the operational phase.

18 The amount of money that's been spent since 1980 is
19 approximately \$2.5 billion. Certainly the 1980 EIS covered
20 that phase, the phase of proposal. There's been no EIS on

21 the proposed action to commit \$29 billion to irretrievable
22 commitment of waste. And although EPA has not tiered itself
23 on any of the DOE NEPA and is assuming it is not a final
24 agency action, I think that you are wrong.
25 And think that you're failure to do an

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1 environmental impact statement on this formulation which
2 would actually precipitate extending the \$29 billion is a
3 problem for people in Santa Fe who are concerned about
4 transportation.

5 DOE's analysis of transportation is very poor. We
6 would hope that EPA would have done a better job. I'm going
7 to finish with my final paragraph.

8 The above concerns are simply indicative of EPA's
9 decision to interpret its regulatory role in the narrowest
10 possible manner. The gulf that exists between this EPA
11 decision and the public's expectations that EPA should truly
12 evaluate DOE's WIPP activities will cause the public to
13 criticize your decisions.

14 Large gaps exist between in DOE's Compliance
15 Certification Application. Now that EPA has taken the
16 position that the agency will ignore these gaps, you can be
17 assured that more and more scientists, DOE workers and
18 citizens will begin to publicly supply information they had
19 hoped you would have unearthed.

20 EPA will be embarrassed, at the very least. This

21 time of public comments is an opportunity for EPA to truly
22 consider another viewpoint beyond narrow one dictated by DOE.
23 We hope you will take advantage of this opportunity.
24 PRESIDING OFFICER: Thank you very much. We'll put
25 your whole statement in the record.

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1 Next is Kevin Donovan.

2 KEVIN DONOVAN: Good morning. I appreciate the
3 opportunity to offer my views on the US EPA's Proposed
4 Certification Decision for the Waste Isolation Pilot Plant.

5 I am Kevin Donovan, manager of the Environment,
6 Safety and Health Department for Westinghouse's Waste
7 Isolation Division located in Carlsbad. I appear before you
8 today in support of the EPA's proposed rule and urge you to
9 complete final rulemaking quickly.

10 I would like to present a slightly extended version
11 of my remarks in writing at the conclusion of these remarks.

12 My great grandfather moved his family to New Mexico
13 in 1900. Since that time my family has had a continuous
14 presence in this state. I daresay this is probably a longer
15 family history in New Mexico than the vast majority of the
16 speakers you have heard over the past four days.

17 I was educated in New Mexico and have had two
18 daughters born here. I am personally committed to doing
19 everything I can to protect the beauty and to preserve the
20 lifestyle of the state while solving a serious national

21 problem.

22 Westinghouse similarly has had a long association
23 with New Mexico. Having been affiliated with WIPP for 20
24 years, we were selected as the WIPP technical support
25 contractor in 1978, and have been the management operating

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1 contractor for the US Department of Energy at the WIPP since
2 November of 1985.

3 For those 20 years Westinghouse has worked hand in
4 hand with our partners, the Department Of Energy and Sandia
5 National Laboratories to develop the safest and most
6 effective disposal system for transuranic waste anywhere in
7 the world.

8 The EPA's proposed rule which presents its decision
9 to certify the WIPP closes another chapter in an
10 environmental success story, a story that will culminate
11 later this year with the opening of the nation's first
12 permanent underground repository for transuranic radioactive
13 waste.

14 Westinghouse is proud of its achievements over the
15 past 20 years. Our priority has always been and will
16 continue to be environmental and safety excellence.
17 Compliance with regulatory requirements is essential to our
18 demonstration of excellence.

19 We are committed to implement to the fullest extent
20 all the requirements set forth in the EPA certification of

21 the WIPP. Our commitment to excellence in safety and
22 environmental management are evidenced by two very special
23 honors we have received.

24 The first recognition under the Department of
25 Energy's prestigious voluntarily protection program as a VPP

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1 star site demonstrated excellence in safety, and second
2 registry by the International Organization for Standards ISO
3 14,001 demonstrating excellence in environmental management.

4 In order to give you a better understanding of how
5 prestigious these honors are, let me provide some background.

6 DOE established their own VPP program in 1993, to
7 recognize superior performance in the field of safety and
8 health by contractor management and employees. This program
9 was based on a similar OSHA program used with commercial
10 companies.

11 In October 1994, Westinghouse Waste Isolation
12 Division became the first management and operating contractor
13 in the DOE complex to receive star status. Star status is
14 the highest level that can be obtained under this program.

15 Last summer we joined an elite class becoming the
16 first nuclear facility and only the 22nd company nationally
17 to receive registration under ISO-14,001. The voluntary
18 standard for developing and implementing environmental
19 management systems.

20 ISO-14,001 serves as a guide for environmental

21 programs and provides an internationally recognized framework

22 to measure, evaluate and audit these programs.

23 Westinghouse's environmental management system at

24 the WIPP includes elements of policy, planning and

25 implementation and corrective actions in management review.

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1 Our employees are among the safest in the
2 Department of Energy complex and the nation because they are
3 highly trained and confident. They are the engine that
4 powers this facility. These are the same employees who live
5 and raise their families in Carlsbad, which is located only
6 26 miles west of the WIPP site.

7 They are without a doubt a highly trained group of
8 people who believe in WIPP and want to get the job done.
9 They will be the first to tell you that this is the time to
10 open the WIPP and begin dealing with an environmental problem
11 that has been ignored far too long. The design engineers have
12 done their jobs, now let us do ours.

13 One of our greatest achievements came in October
14 1996, when the Compliance Certification Application was
15 submitted for the EPA's approval. As you are fully aware, it
16 took an extraordinary effort to accomplish this feat. To say
17 the compilation of this document is monumental is an
18 understatement. The CCA development process and its
19 on-schedule submittal further demonstrate that the combined
20 talent and dedication of DOE, Sandia and Westinghouse team.

21 I would also like to take this opportunity to
22 publicly applaud the job EPA is doing. The CCA review has
23 not been a simple process nor is there an easy decision.
24 Reviewing a technical document that consists of tens of
25 thousands of pages for final certification of the first of a

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1 kind facility is challenging, to say the least. Adding to
2 that the fact that your decision affects the lives of
3 millions of Americans, the historic action that EPA is now
4 proposing reflects a sense of purpose and courage often
5 missing in today's government.

6 Concerning the proposed rule, I would like to
7 request that the EPA reconsider conditions two and three of
8 this proposed certification decision. We believe that
9 conditions two and three as proposed are unnecessary for
10 protection of human health and the environment.

11 These two conditions essentially impose a redundant
12 audit or inspection of generator site certification programs
13 and for those waste streams where EPA supports the DOE
14 certification decision, a public comment period will be
15 allowed and a formal rulemaking process will be initiated.

16 There are sound reasons why these two conditions
17 are unnecessary. First, they are duplicative. The EPA has
18 reviewed the site certification audit program as it was fully
19 described in the CCA. You've also observed the CAO
20 implementation of this program and had the authority to do so

21 at any time in the future.

22 This level of involvement by the EPA at the
23 generator facilities is both adequate and appropriate. You
24 go to the next level as proposed in the rule, is clearly a
25 duplication of effort that will result in substantial

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1 increased cost to the taxpayer with no added environmental
2 safety or health benefit.

3 Second, the EPA proposal to engage in additional
4 formal public involvement processes for future waste
5 certification decisions goes beyond prudent public
6 involvement. There is no substantial new information that
7 could come to life in public hearings that would allow EPA to
8 make better informed technical decisions.

9 This will merely lengthen processes and delay
10 meaningful risk reduction for many Americans .

11 The certification decision which EPA will make in
12 May 1998 should not include extending the regulatory
13 authority beyond approving the DOE certification audit and
14 inspection program as it was described in the in the CCA.

15 The certification program described has been
16 thoroughly reviewed by the EPA, WIPP stakeholders, the NMED,
17 and oversight groups like the EEG. THE CAO has implemented
18 the program while being observed by these same groups. The
19 EPA has already verified that the DOE implementation of the
20 audit program described in the CCA is adequate.

21 The EPA has the authority to observe implementation
22 at any point in time in the future. The EPA also has the
23 authority to order DOE to revoke any certification already
24 granted should they find the program to be inadequate or that
25 the program is not being properly implemented at any point in

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1 the future.

2 This is all the EPA involvement that is needed here
3 and this is all the EPA regulation the taxpayers should allow
4 generator facility.

5 Again, I urge the EPA to reconsider these
6 conditions because they are redundant and time consuming
7 possibly and add little additional assurance to the DOE's
8 mission to protect human health and the environment by safely
9 and permanently disposing of transuranic waste.

10 The EPA and the public should be confident in the
11 environmental and safety excellence of the WIPP. Safety and
12 environmental excellence have been repeatedly demonstrated at
13 the WIPP because they were essential elements of our culture.

14 Let me reiterate, we at Westinghouse are proud of
15 our accomplishments at WIPP. Our job is environmental
16 excellence and safety. We are committed to it.

17 On a personal note, I urge the WIPP to finalize the
18 WIPP certification not only to protect my state but to reduce
19 a risk to millions of my fellow Americans. Thank you .

20 PRESIDING OFFICER: Thank you.

21 Next is Bonney Wittington.

22 BONNIE WITTINGTON: Good morning. I'm Bonnie

23 Wittington, and I just want to tell you all that I'm just so

24 grateful to live in the United States. And I'm an artist.

25 I've worked with color and light since 1969. I also work as

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1 a vibrational practitioner, working with flower, gem and star
2 essences. So I've work intensively with vibration and light
3 for the last 29 years, at least consciously.

4 When I was nine years old I got very excited one
5 day in our little school library when I saw a book with my
6 birthday on it, the year before I was born. It said August
7 six, 1945. I opened that book and saw pictures that
8 transformed my life of devastation and despair and
9 misunderstanding.

10 And at that time I committed myself to the best of
11 my ability to become a peacemaker. I believe that we still
12 have the opportunity to find a solution that will be healing
13 for the planet, for all of us, for the environment, for the
14 soil, for the animals, for the trees, that will encompass the
15 greatest of our human potential for finding a solution of
16 balance and clarity and love.

17 I ask WIPP still an unclear solution, as far as I
18 can see, that we wait, that we protect the waste, what we
19 call waste. Tiknahon (spelled phonetically), who is a
20 Buddhist monk and a great peacemaker, asked all of us to

21 consider that what we call our garbage, to see it as compost.

22 I believe in the human spirit to be able to solve

23 what we now see as waste, to see it, be able to be compost

24 and even beyond that. That we can find the ways to transmute

25 it, to work with it so that it harmonizes with us and we

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1 harmonize with it, and I don't mean just humans but the
2 entire planet and all of the vibrational beings upon it.

3 So I ask that we do whatever we can within our
4 abilities now to keep it as safe as we can until we have a
5 solution that is in balance. I also ask that you consider
6 the scientists have come so far in working with vibration,
7 there are also others. There are artists, there are
8 children, there are musicians. I imagine our government is
9 also possibly now working with transforming, the idea of
10 transforming it with sound and light. I think those are
11 possibilities. I hope they are working on it.

12 I would like to see -- this is a bit tongue and
13 cheek, but perhaps not -- we could also call WIPP, for
14 instance, the wonder in process program.

15 We created the bomb. With an incredible amount of
16 creativity, we can use that creativity now. It is within our
17 power to find a solution that is in balance, that we are not
18 in opposition, either people for or against, but that we see
19 the unity.

20 Nothing is in isolation. There is no waste in

21 isolation. There are no people in isolation, and I thank you
22 all so much for being here, for allowing us all to speak, for
23 feeling our land and our light and our communities, for
24 hearing all of the people in all ways who have committed
25 themselves to this.

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1 May we find a unified solution in love. Thank you.

2 PRESIDING OFFICER: Thank you.

3 Next is Robin James.

4 ROBIN JAMES: Good morning. My name is Robin James
5 and I'm a community organizer here in Santa Fe. My job is to
6 help empower this community in opposing WIPP. Everyday I
7 hear people's opinions about the Planet, and I want to assure
8 the EPA that the people of this community, as opposed to
9 those from outside Santa Fe who are also present here
10 testifying on the nuclear payroll, are overwhelmingly opposed
11 to WIPP.

12 But the fact is that many citizens of New Mexico
13 who once felt passionate about their democratic rights are
14 cynically absent today. They do not believe that this
15 process is more than bureaucratic rubber stamping.

16 Some of our community members, ordinary people,
17 have taken the time to become experts on radioactive waste,
18 on geology, seismology, hydrology. One woman I work with
19 even became an attorney in her passion to save this community
20 from what we know to be, after careful study and years of

21 hearings, a disaster waiting to happen.

22 I am grateful to the numbers of people who are
23 still willing to come and be part of this process, but I'm
24 truly concerned about what WIPP has already done to this
25 community. It has engendered distrust between economic

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1 strata and ethnic groups, and it has created a cynicism about
2 the democratic system and the rights of ordinary New Mexicans
3 that is hard to refute in the faith of the cloak and dagger
4 government approach to public participation on this issue.

5 Most of us are not experts. We are working class
6 people who are busy trying to raise families on low wages.
7 We are holding down two or three jobs, many of us could not
8 be here to tell you we are truly outraged by EPA's
9 preliminary decision to open WIPP.

10 I would like to note for the record that these
11 hearings were scheduled poorly, citizens groups, those with
12 the networks in place to alert the public, were not given any
13 information on the definitive time and place of these
14 hearings until it was published in newspapers.

15 The first publication of this information took
16 place on December 10, with a deadline for registration of
17 December 30. The holidays were conveniently sandwiched
18 between the announcement and the hearings, making it most
19 difficult to organize citizen participation.

20 Many of those who would have participated were

21 disappointed to find that upon returning from their winter

22 holiday the deadline for registration had already passed.

23 While I'm aware that the time frame is legally

24 correct, this does not appear to be an open process when its

25 scheduling does not take into consideration the availability

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1 of the majority of citizens.

2 If gives the appearance of an attempt to limit
3 participation in the process. We can only speculate about
4 the big rush to open an unsafe WIPP. EPA's own figures
5 estimate that 50 to 100 years of dry cast storage on site is
6 available. There are questions that the citizens of New
7 Mexico demand to have answered before the EPA or DOE goes one
8 step further toward opening WIPP.

9 Number one, who is putting so much political
10 pressure on EPA and DOE that they are willing to jeopardize
11 lives by opening a permanent nuclear repository without
12 critical examination of crucial data such as waste
13 characterization and structural integrity of the seal system.

14 Number two, why is EPA suddenly in such a hurry to
15 rubber stamp an incomplete DOE certification application
16 after all of these years?

17 Number three, why is EPA willing to summarily
18 reject the carefully examined scenarios brought forth by
19 numerous qualified sources regarding potential drilling
20 releases at WIPP.

21 Number four, why does EPA refuse to disclose the
22 names and qualifications of those who worked on the technical
23 analyses of the CCA? Who are they? We have a right as
24 citizens to hold them accountable if their data turns out to
25 be unreliable or fraudulent.

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1 Several qualified agencies have made numerous
2 requests for this information and have been ignored.

3 Number five, how can EPA, the DOE, the government
4 of New Mexico or any sane person in authority allow the
5 transport of radioactive waste on St. Francis Drive, a small
6 congested thoroughfare, nestled in the heart of the state
7 that leads the nation in drunk driving accidents.

8 How can it be allowed to happen without our state
9 and local agency even having to compile a reasonable
10 evacuation plan.

11 Number six, in the event of an accident with no
12 bypass route in place, how are we supposed to get out of
13 here?

14 Number seven, when an accident occurs, how is the
15 state of New Mexico going to pay for the costly process of
16 remediation.

17 And finally, in closing, number eight, are you
18 willing as individual panel members, recorders, any
19 decisionmakers who may look upon our testimony in the future,
20 are you willing to risk that one day you might find yourself

21 learning of a disaster associated with WIPP or with
22 radioactive transport to WIPP, knowing that you could have
23 done something to prevent it. Could you live with that?
24 I urge EPA to act with caution and due diligence in
25 making its final decision. Thank you.

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1 PRESIDING OFFICER: Thank you.

2 Next is Rhonda McNeil.

3 RHONDA McNEIL: My name is Rhonda McNeil. I've
4 been part of this for 21 years and I have first-hand
5 experience in how the DOE handles situations. I blew the
6 whistle on the DARTS facility up there at the Labs for Foley
7 for poor safety regulations and also for shoddy construction
8 practices.

9 What I saw going on up there was being built and
10 the way our money is being spent on a nuclear weapons testing
11 facility, I'm amazed. And I'm amazed since I've complained
12 the things that have happened in the cover-up, the blatant
13 cover-up, and the blatant lies from the DOE.

14 It's my understanding that the EPA has totally
15 approved the construction and location of such a facility.
16 Yet I'm supposed to believe and accept your opinions about an
17 isolation plant down in a salt mine?

18 We all know or you should know, according to the
19 False Claims Act that 46 percent of all federal contracts and
20 contractors routinely rip off the government and routinely

21 hide such information.

22 We've got a major problem going on here. I come
23 from a small community north of Santa Fe, and to speak to
24 most of my people in the community, they don't have a clue as
25 to what is going on, they don't have a clue that we're going

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1 to be taking down waste from Rocky Flats.

2 I work in Santa Fe and I'm amazed, you know.

3 People are not aware and there's nothing in place for our

4 safety. I'm still fighting with Foleys and I'm still

5 fighting with the DOE, and I'll continue to fight from what

6 I've seen go on the hill.

7 I have spoken to the lab, I've spoken to the

8 University of California, and here recently I find out after

9 four of my co-workers were hurt, seriously hurt on the job of

10 which I was fired from for complaining, now I find out from

11 the EPA or the DOE, Robin Stiffen, that Foleys has got such a

12 clean safety record and the government really looks upon

13 their construction practices as being sparkling, they've been

14 awarded more contracts since my complaint.

15 Not only that, Foleys has got the gall after 65

16 days of being shut down because of safety regulations and

17 because people are being injured, to turn around and sue for

18 a \$1.7 million for safety paranoia.

19 And yet here are all of these government agencies

20 that are built to protect us and our right that are standing

21 there and ignoring and shuffling papers and out and out lying

22 to cover it up. That's all I have to say.

23 PRESIDING OFFICER: Okay, thank you.

24 Next is Lucienda Lynch.

25 LUCIENDA LYNCH: Good morning. I come here to

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1 exercise my democratic right to speak out about WIPP,
2 although I'm not given the right to do anything about
3 stopping it, really.

4 I agree that something has to be done about nuclear
5 waste, but as we're talking right now, more nuclear waste is
6 being made every minute, seven days a week up at the lab,
7 facilities, Rocky Flats is bringing in more plutonium pits,
8 Pentax, I guess they are bringing in truckloads of parts,
9 they are redoing the missiles and all of that and more waste
10 is being made.

11 So not only is there a problem about storage, but
12 we're not really serious about stopping making more of this
13 waste. I know a lot about this because my next door neighbor
14 has been working up there building, working with the pits.
15 And he no longer has a thyroid because of the toxicity of the
16 plutonium.

17 In spite of the blue skies that Los Alamos does
18 have, as far as I'm concerned it is contaminated. They have
19 been doing samples of the ground and the animal life and they
20 have found contamination. And there have been violations

21 with the air quality up there. There has also been
22 contamination as far Nambe and San Ildefonso, we don't know
23 how far else there has been contamination. They've found it
24 in the wells, the radioactivity.
25 Anyway, what I want to say is that with these

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1 vehicles, there are unmarked vehicles going down St. Francis
2 drive. At this point WIPP will add to that number. Our
3 safety is in peril in Santa Fe and in New Mexico with all of
4 this and with the unmarked vehicles. I realize that WIPP is
5 not responsible for those unmarked vehicles, but as a citizen
6 of Santa Fe, I don't feel safe living here.

7 What's wrong with WIPP, that's what I came to say
8 here. It's full of holes, literally and figuratively. There
9 been a steady stream of oil and gas drillers that have been
10 located next to the site there. What's the likelihood of
11 leakage from the storage facility up through these holes,
12 that is a question I have.

13 Another thing is supposedly these containers
14 containing the plutonium are supposedly well constructed.
15 But they are going to be crushed under the salt, the salt
16 beds. Which exposes this plutonium even more to the
17 environment.

18 What about the water aquifers that drain into the
19 Pecos River? What about it being exposed further more into
20 the environment because of this? That also poses another

21 question. What if something is found to reverse in the
22 future the toxicity of plutonium? This plutonium will be
23 irretrievable because it will be crushed, it will be part of
24 the environment, and that is a problem too.

25 Another thing about WIPP is it's not fair in

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1 another sense. Other states are taking their waste and
2 dumping it into our state. I mean, I know I shouldn't be
3 looking at this as territorial. LANL will only be dumping,
4 as far as I've been told, a very small percentage of their
5 waste into the WIPP site. It will only contain a very small
6 amount of the plutonium waste.

7 Where are they going to put the rest of the
8 plutonium waste, that is my question. If they are only going
9 to use a small percentage, where is it going to go? How long
10 is this going to go on? If we keep generating, after
11 building these bombs, these plutonium pits, we're revising
12 them supposedly, when is this going to stop?

13 I've heard a projection of 30 years of dumping. It
14 seems like it is going to have to go on indefinitely from
15 what I can see.

16 Transportation. Is WIPP prepared for accidents? I
17 don't know if it's actually WIPP responsible for the
18 accidents, but the whole environmental thing. Are we
19 prepared for the accidents? It doesn't look like we are
20 looking out for the safety of the citizens here.

21 And I just -- another thing is that the EPA has not
22 revealed the contractors and their qualifications is a fairly
23 important part. You know, we're not talking about where
24 missiles are being hit or something. We're talking about
25 something that we're paying for, I'm paying taxes every

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1 single day, and I think that this information should be
2 publicly made. There is no reason it shouldn't be as far as
3 I can see unless they can have a good reason not to make this
4 publically known.

5 I just want to further say that as a citizen here I
6 don't feel it is safe to raise my child here with all of this
7 transportation. Nobody's taking responsibility for spills,
8 for leakages of trucks going through, and a lot of us just,
9 we don't want this here, we don't want to be a part of this
10 weapons industry and the weapons that are supposedly going to
11 protect us are doing more harm to our lives.

12 PRESIDING OFFICER: Thank you.

13 Next is Lovato Anhara.

14 LOVATO ANHARA: I have a lot to say so I'm going to
15 go fast.

16 PRESIDING OFFICER: If you have it in writing,
17 we'll be glad to take your written statement as well.

18 LOVATO ANHARA: Okay, thank you.

19 I want you to know right of the bat I am adamantly
20 opposed to EPA's decision to allow WIPP to open in 1998. I

21 feel betrayed by EPA because WIPP is so hopelessly flawed

22 with tragic miscalculations that it is doomed to ultimate

23 failure.

24 It takes teams of professional lawyers to sweep all

25 the evidence that WIPP is not safe under the rug where they

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1 think we can't see the massive problems. I want you to know
2 right now that I know these problematic situations at WIPP
3 and I demand that EPA address each problem immediately and
4 completely with scientific evidence and moral integrity.

5 If EPA has just sold out under pressure of losing
6 their funding, EPA has just railroaded in a project so
7 fraught with tragedy it amounts to leaving the new Mexico
8 people at the mercy of the most toxic and long lasting
9 poisons known to man with no environmental protection
10 whatsoever.

11 How can you call yourselves the Environmental
12 Protection Agency when you don't seem too intent to protect
13 us at all. The health, lives and safety of New Mexicans is
14 at stake here. How can New Mexicans feel good about EPA and
15 DOE when they have calculated the number of sacrificial lambs
16 here who must die in your now designated sacrifice zone. I
17 say each life is precious beyond belief and I refuse to
18 conclude with your intention to trash New Mexico.

19 EPA needs to do its job or clear the way for
20 scientists with moral integrity and true science done for the

21 benefit of humanity, no chicanery done to protect private

22 interests or cover up the hideous corruption of the bomb

23 making industry.

24 WIPP is just one evil link in a chain of bomb

25 making which is capable of multitudes of holocausts, with the

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1 capacity of utter planetary destruction. The WIPP route was
2 protested by more letters to Congress than any other issue in
3 the history of the United States, and yet you say we can't
4 talk about it at this hearing.

5 These top heavy WIPP trucks, carrying explosive and
6 deadly dusts and x-rays, will be going right by where my
7 child goes to elementary school and through Santa Fe, which
8 has 60,000 or more cars going through the center of town
9 every day, with no alternative route and still no training
10 for emergency personnel.

11 The reason DOE and EPA don't bother to get the
12 facts is because deep down inside they know what they are
13 doing is evil beyond description, scientifically not within
14 human control and completely devastating to New Mexicans, so
15 they try to sneak it by.

16 EPA and DOE are counting on the hope that New
17 Mexicans are ignorant and backwards and not the energetic,
18 health minded, spiritually charged, educated individuals we
19 are. We are fair minded and see the far reaching
20 consequences of enacting a project as ruinous as WIPP.

21 I for one want to see this WIPP project stopped. I
22 don't care about the money we have spent already, although it
23 could be put to immediate use to eliminate the suffering of
24 the homeless or applied to help some other humanitarian
25 benefit. Stop WIPP once and for all.

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1 We don't want it here in New Mexico, we never and
2 we never will and no one else in the United States wants it
3 either. The majority of people hate WIPP and despise the
4 deception and fraud elicited to force us to have WIPP in New
5 Mexico, whether we like it or not. Other solutions in plenty
6 have been proposed as safer and saner alternatives. Listen to
7 us.

8 For public record these are the specific issues I
9 demand as a citizen of this democratic nation, the United
10 States of America and a citizen of the state of New Mexico be
11 reevaluated and scientifically solved before WIPP opens in
12 1998 or ever.

13 1. EPA needs to label the waste with its specific
14 characteristics: What radionuclides are in the drums, the
15 qualities and forms: What other liquids, flammables,
16 corrosive chemicals are there before they put them into drums
17 to travel to WIPP. Neither EPA or DOE knows exactly what is
18 in the drums and their calculations of the same
19 characteristics cannot suffice New Mexican citizens. We want
20 to know what is actually in the drums and we want real life

21 data.

22 I want to see complete geological information about
23 the WIPP site, using unbiased scientists. The site has been
24 incorrectly assessed especially regarding fractures and
25 dissolution conduits. All the way to Texas there are

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1 underground caverns, like Carlsbad Caverns. There have
2 recently been found brine reservoirs and rivers under the
3 site. How can you put radioactive waste in place full of
4 flowing water? How can EPA justify that? How can EPA
5 justify contaminating Texas and Mexico? How will they
6 justify the drain of American tax dollars in the ensuing
7 litigations? Texas and Mexico know of our intended assault
8 and intend lawsuits already.

9 I demand that EPA prove that sealed shafts in salt
10 will hold for even a relatively short period of time even if
11 they are sealed with the best current methods much
12 less -- they can't last for 10,000 years. Everyone knows
13 full well that nothing the WIPP site does will last for even
14 1,000 years much less 10,000 years. Give me a break. The
15 system of sealed shafts for borehole must be proven safe.

16 I insist that EPA and DOE prove by sound scientific
17 fact how the various buried materials will interact with each
18 other and the environment. DOE knows that the waste is a
19 chemical mixture, often of unknowns. The different types of
20 waste, low and high levels of all descriptions, each with a

21 different chemical makeup, all from different categories, may
22 react differently to each other causing explosions of all
23 kinds. This waste is not homogeneous and this would affect
24 the solubility of plutonium.
25 It is imperative that a complete study is done of

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1 all the mining previous and mining going on right now of
2 potash and oil. This is a bizarre scenario of miners boring
3 already thousands of holes in what is to be a secure
4 underground repository. To overlook this mining now or in
5 the future is an oversight near imbecility.

6 The Hartman scenario has already happened where
7 water flows into the holes and travels for miles before
8 blowing out another mine. This has already happened. These
9 oil and potash holes can potentially release a massive amount
10 of the WIPP intended contents -- deadly plutonium. The
11 mixture of plutonium and oil must be considered. Imagine the
12 explosive possibilities of oil and plutonium mixing.

13 The stability of the salt beds at WIPP make it
14 highly unstable burial site. Originally all waste at WIPP
15 was legally obligatory that it could be removed. With all
16 the collapsing salt beds, it has been impossible to keep the
17 sale repositories in check until the waste gets there much
18 less hold retrievable waste for 10,000 years. The drums will
19 erode I three years. Nothing contains radiation bombarding
20 rays for very long, even three feet of concrete.

21 What happens if 15 to 20 tons of roof slabs fall on
22 their containers or if there is a methane gas explosion
23 within their disposal room, especially if the residues and
24 their containers are lying in a slurry of radioactive waste
25 and bring.

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1 Why will EPA not disclose the names, technical
2 qualifications and affiliations of consultants who worked on
3 the technical analysis of the CCA? It is impossible to tell
4 whether or not these consultants are technically qualified to
5 do the analysis or if they have conflicts of interest.

6 I mean, this is really the kind of thing. If you
7 don't make some effort to make us trust you, don't think that
8 you'll have any backing and support, because we're watching.
9 It concerns us because this is our life.

10 Why is EPA ignoring evidence like Hartman's
11 injection scenario? Why doesn't EPA change anything when it
12 finds out the geological site is not what it first thought it
13 was? How can DOE hold stubbornly that there is not bring
14 water when there is? Is this true science or wishful
15 thinking?

16 A waste depository was never supposed to be put
17 where there were natural resources and mining activity. The
18 WIPP site has one of the highest concentrations of mining
19 activity in the world. EPA should refuse for these reasons
20 to certify the WIPP respository.

21 Stop wasting time and money on a project doomed to
22 failure. And I also feel like the speaker before me, I just
23 don't feel like to raise my kids, I'm even thinking of
24 moving. How can you justify -- the problem is it's all over
25 the United States. Environmental Protection Agency has to

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1 protect us or who else is there with the authority to do
2 that? I mean, we've always been dependent on you and we're
3 still depending on you, and if you can't do your job, you
4 need to get a whole another EPA to replace. I'm sorry, but
5 we need protection.

6 PRESIDING OFFICER: Next is Charles Fairhurst.

7 CHARLES FAIRHURST: Thank you very much. I don't
8 have a written statement to present to you, but I was
9 chairman of the National Academy of Sciences committee that
10 produced the report that published last year.

11 I might mention that that study was over ten years
12 in preparation, the committee members who prepared it worked
13 without compensation except for travel expenses. The names
14 and qualifications were all listed on page 149 of that
15 report.

16 I've been involved in the study of waste isolation
17 issues for more than 25 years, both in the United States and
18 other countries and am still involved. However, today I'm
19 here as an individual, as a father of two children married to
20 natives of New Mexico, and one grandson living in New Mexico.

21 I too am concerned that they have happy and
22 fulfilling lives and I understand the concerns of families
23 and the father of seven children and 11 grandchildren, for
24 the welfare of their children. I'm also disappointed that
25 scientists and engineers have been somehow unable to

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1 communicate our findings more effectively to more of the
2 public.

3 I tried to the best of my knowledge and
4 understanding, and I can assure you that my colleagues on the
5 WIPP committee also tried. However, we have an obligation to
6 keep trying.

7 I would like to draw your attention to the main
8 conclusion and recommendation of the WIPP report. The main
9 conclusion, which is on page 3, says that human exposure to
10 radionuclide releases from transuranic waste disposal in WIPP
11 is likely to be low compared to US and international
12 standards.

13 You've heard more details of that earlier today.
14 On the summary on page 6, it says provided the WIPP
15 repository is sealed effectively and undisturbed by human
16 activity. The committee knows of no credible or probable
17 scenario for a risk of the radionuclides.

18 Now these are very strong statements. It would be
19 hard to find other places around the world where similar
20 statements can be made although there are many countries,

21 somewhere in excess of 20 countries are searching for similar
22 qualified sites.

23 The recommendation is one I wish to speak a little
24 to. The speculative scenarios of human intrusion should not
25 be used as the sole or primary basis on which to judge the

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1 acceptability of WIPP and by extension any geologic
2 repository. I bring that up because the entire discussion
3 that is going on currently and with some justification, does
4 concern events of human intrusion, and the first part of
5 that, that undisturbed, this site has remarkable qualities
6 seems to be left almost unset. I do not think that it should
7 be left unset.

8 EPA itself in -- first, let me say something about
9 WIPP. The committee said the all the consequences of some
10 form of conclusion should be assessed. It is also evident to
11 the committee that there is no scientific justification for
12 estimating precise nature or frequency of such intrusions
13 over the next 10,000 years. That's in the report.

14 However, EPA believed that it was reasonable for
15 the current average rate to be projected over the next 10,000
16 years. Based on the assumption that oil and natural gas may
17 be depleted, other resources which are not economic to
18 recover may become more valuable.

19 This assumption leads the EPA to the conclusion
20 that it is reasonable to project oil and gas rates based on

21 the historical record over a regular time frame.

22 In essence, in simple words saying that one is

23 going to repeat the drilling rigs that come over the next 100

24 years 100 times in estimating how much waste will get out.

25 Secondly, however, EPA did say since these rates

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1 are surrogates for other potential resources it is
2 inappropriate to include consequences of actions or second
3 degree recovery techniques specific to oil drilling. You are
4 being asked to consider a number of those on this map.

5 All I say to you is please take into account the
6 current conservatism when being asked to examine new
7 scenarios, because there is a great deal of conservatism in
8 this regulation, and it led to the unanimous view. With that
9 conservatism in it, the statement we knew of no credible or
10 possible scenario of which was.

11 So I say to you in conclusion that the overall
12 level of scientific investigation, criticism, has been equal
13 of any done internationally. You have set a very strict
14 standard for WIPP which few sites anywhere in the world can
15 meet.

16 WIPP, I contend, has met these standards, and you
17 can feel assured the decision to approve the opening of WIPP
18 is the correct one to make. Thank you very much.

19 PRESIDING OFFICER: Thank you.

20 Next is Lee Lysne.

21 DR. SANFORD CLARKE: The name you're referring to
22 is Lee Lysne, and I am not Lee Lysne. Lee Lysne is a woman.
23 She is not able to be here and has granted me her time in
24 exchange.
25 PRESIDING OFFICER: Okay.

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1 DR. SANFORD CLARKE: My name is Dr. Sanford Clarke.
2 I live at Route 7, Box 125 SC in Santa Fe. I have my
3 doctorate from New York University. The reason I mention
4 that is I have by virtue of that plus my career experience,
5 done a good deal of research. I know something of the
6 qualities and qualifications for research, and I want to talk
7 about that today.

8 I'm particularly concerned about the role of the
9 technical consultants used by the EPA for the analysis of the
10 Compliance Criteria Application. It seems to me that any
11 scientific consultant should meet these criteria first: He
12 or she should have verifiable expertise based on educational
13 preparation, scientific research previously published and
14 subject to peer review, and membership in relevant and
15 scientific associations.

16 Two, this person should have years of relevant
17 experience, and

18 Three, there should be no conflict of interest. I
19 think it goes without saying that using technical consultants
20 who are associated with LANL or Hanford or Rocky Flats

21 certainly is not going to produce a neutral document without
22 conflict of interest.

23 It is understandable that EPA, which has never had
24 the task of evaluation of the safety of nuclear waste
25 repositories, would not have an adequate staff of

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1 well-qualified personnel to evaluate the safety of WIPP. And
2 that as a consequence, they would have to hire outside
3 consultants to assist them.

4 What I find shocking is that EPA has refused to
5 release the names and qualifications of these consultants. I
6 am informed that repeated requests for this information from
7 both Concerned Citizens for Nuclear Safety and from the
8 Southwest Research and Information Center of Albuquerque have
9 been met by refusals from EPA to provide this information.

10 What is EPA hiding? Does it fear their consultants
11 will not meet the reasonable criteria for experts? If this
12 is the case, the entire position supporting the safety of
13 WIPP crumbles to the ground.

14 I believe that withholding this information is an
15 unlawful procedure. This information is certainly not
16 classifiable. Until it is forthcoming so that it can be
17 verified by the scientific community, there are no grounds to
18 accept the EPA's contention that WIPP is safe. Thank you
19 very much.

20 PRESIDING OFFICER: Thank you. We're going to take

21 about a ten-minute break. We'll be back at 11:20.

22 (A SHORT RECESS WAS TAKEN.)

23 PRESIDING OFFICER: Okay, the next witness is Jean

24 Altshuler.

25 JEAN ALTSCHULER: Good morning. My name is Jean

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1 Altschuler. I'm a citizen of New Mexico. I'd like to
2 address your attention to approve the disposal of radioactive
3 waste to WIPP. You have evaluated the DOE scientific data
4 and came to the same conclusion that they have that WIPP is
5 now safe to open. I don't trust either of DOE's conclusions
6 or yours.

7 As I see evidence of major scientific concerns that
8 are not included in that evaluation. I fear that you have
9 compromised your purpose in the protection of the citizens of
10 the United States. I think your willingness to approve the
11 compliance permit leaves out some major scientific concerns
12 that I'd like to mention.

13 One is the comprehensive modeling of gas, oil and
14 potash. Drilling releases using current technological
15 methods such as forced air and brine injection.

16 The second would be a fully assessed possibility of
17 fractures in the substrata caused by fuel injection and the
18 level of commercial drilling around the WIPP site for the
19 future given the next 10,000 years.

20 I feel you are relying on a theory that such brine

21 will be absorbed and has already been proven wrong in the
22 Hartman scenario. I recommend you honor the work of Dr.
23 Bredenhoeft or conduct your own modeling which would be of a
24 true scientific process.
25 Third I feel that your assessment with the brine

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1 reservoir does not extend underneath the WIPP site is
2 insufficient. The EPA should insist on a study, with the 100
3 percent probability of drilling going through the WIPP site
4 and what know kind of consequences would result from that.

5 I, of course, understand that you if included the
6 issues, WIPP could probably not meet EPA standards. I just
7 want to question whether you might have fallen into
8 pressures, political pressures to open WIPP quickly, to
9 really call the EPA to true scientific process and not
10 manipulation of data for political reasons.

11 The entire nuclear industry is shrouded in
12 deception and denial, manipulation and misinformation which
13 is characteristic of all of the subjects which fall under the
14 guise of the term national security. This term allows
15 government to operate irresponsibly under the rue that it is
16 taking care of its citizens when in fact it's the citizenry
17 which is exposed more and more to these deadly substances on
18 earth.

19 Perhaps I have never been one to be drawn to
20 science fiction, because I find the scenario isn't science

21 fiction at all. While there are those that suggest that the
22 government create another bureaucracy, I would state this
23 country meets the waste nuclear and hazardous waste policy
24 and instrument together with the political will, the
25 resources and responsibly manage the waste that we need to

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1 regenerate.

2 I call for this administration to create a national
3 policy to create a moratorium on the generation of all
4 nuclear weapons and to establish a national priority project
5 of discovery, of a technology that can safely and securely
6 dismantle all the nuclear waste for all time.

7 This country had the will to create the bomb, it
8 must have the initiative to be able to muster to be able to
9 undo the damage.

10 This is a national priority I'm calling for. But
11 this would cause to have to happen a massive transformation
12 that would occur from those people securing their jobs from
13 this industry. People within the nuclear industry would have
14 to see that they've been buying into the story that
15 radionuclides aren't dangerous, that the public is not
16 paranoid and there really is no problem here.

17 They would have to see their role in this strange
18 story, a planet that creates the ultimate dangerous
19 substance, tasteless, odorless, invisible and remains toxic
20 for 240,000 years. Then it creates an industry around which

21 is poisoning the environment and populus and writes policies
22 on how to regulate it so that everyone is supposed to believe
23 it is managed safely. All of this so that the industry can
24 endlessly produce weapons.
25 This is the world we live in, ladies and gentlemen,

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1 so I urge you, officials of the EPA, please hold true to your
2 purpose and realize that WIPP is a costly, hastily done
3 irretrievable mistake of a project that needs to be seriously
4 redone. Thank you.

5 PRESIDING OFFICER: Thank you.

6 Next is Shannyn Sollitt.

7 SHANNYN SOLLITT: Good morning. My name is Shannyn
8 Sollitt, and I'm a citizen of northern New Mexico. Thank you
9 for coming to listen to our concerns. You all look pretty
10 tired and I hope you can keep your attention span for the
11 rest of the hearings here.

12 It was very heartening for me to hear you say last
13 night that we are testifying before a panel of people who
14 have ears and open minds.

15 For years thousands of testimonies have been given
16 on this issue to blank eyed androids who are getting paid to
17 'look interested and they weren't even very good at that.
18 Sometimes their wasn't even a person, simply a recordkeeper
19 and a video camera. And you wondered whether after the
20 testimony whether your phone would be tapped.

21 So this time I choose to believe you that indeed
22 I'm standing before human beings with my knees shaking who
23 might really be listening to the testimony and seriously
24 considering it.
25 Please forgive those who have come above me who may

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1 have acted disrespectfully, disbelieving that they weren't
2 really being heard. I pray we are being heard today by
3 humans with a conscience and a discernment beyond the
4 concerns of the size of their walls.

5 There are so many issues to be addressed and I hope
6 the scientific questions have been addressed successfully by
7 qualified professional scientists. I know Tom Udall
8 yesterday presented you with quite a reading list.

9 From an absolute layperson's point of view the
10 whole question of containing highly volatile materials in a
11 sealed repository seems totally absurd. Basic knowledge of
12 radioactivity tells me one of the primary qualities of
13 radioactivity is that it is hot, hot. When is something is
14 hot it expands. And when it is in a sealed container it will
15 explode the container.

16 Basic understanding of the nature of mixing
17 components in an unlike slurry, unlike -- of an unlike
18 nature, mixing them together in a slurry is that it will give
19 of gases, and gases building up in a sealed container will
20 explode.

21 If WIPP explodes, good bye Pecos River, good bye
22 Rio Grande River, good bye Gulf of Mexico. I don't know, but
23 if you don't know and you vote to open it and it explodes,
24 it's heavy karma.
25 There were those yesterday who testified that the

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1 whole thing was being held up on the basis of emotional
2 issues when science and intellect could easily determine what
3 was safe. Because I believe I am testifying today before
4 human beings with emotions and a mind, I would like to appeal
5 to your emotional mind field otherwise known as your heart.

6 This is something which is sorely lacking in the
7 world. It seems to me emotionally unhealthy human beings
8 have created this whole fiasco to begin with while the voice
9 of humanity has been deleted.

10 I am passionately in love with life, the earth,
11 nature, humanity. The rape of the world is a devastating
12 thing. So I ask you to reflect upon the ramifications of a
13 decision to open WIPP aside from the potential of poisoning
14 an entire watershed in the ocean.

15 Your decision to open WIPP would be a tacit
16 acceptance for the nuclear weapons production industry to
17 continue its proliferation of nuclear weapon. Does the EPA
18 believe we need to produce more weapons to keep the world
19 safe from insanity? Is this the path we need to continue
20 down for the welfare of humanity and the environment? This

21 is the message you will give, that it is fine for the fear

22 driven, greed driven, power mongering human beings to

23 continue to rule the world with their neuroses.

24 Your decision to open WIPP will be a tacit

25 acceptance of the scattering of plutonium waste throughout

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1 the country in inevitable shipping accidents, especially in
2 New Mexico. If you were driving across the country and you
3 happen to miss the Welcome to New Mexico sign at the border,
4 you know you are home because suddenly the road gets really
5 bumpy.

6 We have notoriously bad roads here. In addition,
7 this is free ranging cattle country. If I were to hit a cow
8 in my car at night and I were to die, the likelihood is that
9 my family would have to pay the rancher for the cow. It
10 happens a lot.

11 I heard on the radio this holiday season that New
12 Mexico is number one in the country for alcohol related
13 deaths. And oops we got a spill guise. Call out the
14 emergency team which lives, if you are lucky, maybe 50 miles
15 away. Meanwhile the plutonium is scattered by the winds who
16 knows where. Imagine plutonium scattered throughout the
17 landscape on WIPP routes being tossed by the winds, being
18 eaten by free ranging cattle which are destined to feed lots
19 which will eventually feed politicians in Washington.

20 And the Santa Feans who believe that the bypass

21 will fix it, except there's a huge community Frijoles Village
22 in the development phase just on the bypass route next to the
23 new thoroughfare.
24 Who knows how many other developers will want to
25 develop land and build communities right there. The opening

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1 of WIPP will increase the potential of a nuclear accident
2 because the stuff will be traveling both ways past, into Los
3 Alamos to develop the weapons and out again to dump the
4 waste.

5 A transportation accident would probably be more
6 catastrophic out there on the bypass because the truck would
7 be going that much faster. I have great, great compassion
8 for the native peoples and those who came after whose lives
9 and livelihood are dependent on the land and the watersheds
10 for centuries, and who believe that opening WIPP will clear
11 the poisons.

12 PRESIDING OFFICER: Your time is up. You'll need
13 to conclude.

14 SHANNYN SOLLITT: Okay. Tell them that it is
15 simply not so. Tell them only a fraction of the waste will
16 be dealt with. Tell them the truth. Tell them the weapons
17 research and development would be stepped up an more poisons
18 will be brought into our environment by the opening of WIPP.

19 Tell them that the DOE is putting the waste in
20 flimsy buildings with flimsy excuses to scare them into

21 believing that if the waste is moved everything will be all

22 right.

23 Tell them that waste is being shipped into Los

24 Alamos to breed more fear. DOE is bad medicine.

25 Finally if there can be such a thing on the

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1 subject, you are in the not so enviable position or maybe the
2 very enviable position of creating a mandate for the future
3 of the planet. Mother Nature is the final arbiter who will
4 determine whether we as a species are fit to accept their
5 gift of life.

6 We believe you would not have achieved -- I believe
7 you would not have achieved so much and gone so far within
8 the Environmental Protection Agency if you were not
9 conscientious people with the best of intentions. I pray
10 this is so.

11 The decision for which you have the responsibility
12 is earth shaking. It is at the point of the fulcrum. It is
13 a mandate to believe in the power of the divine inhumanity to
14 put together what we have destroyed. The ramifications of
15 your decisions will reach far beyond 10,000 years. It is a
16 mandate to trust in the power of the path of peace as the
17 path to our salvation. Thank you.

18 PRESIDING OFFICER: Thank you very much for your
19 testimony.

20 Next is L. Silva.

21 LALO SILVA: Good morning. My name is Lalo Silva.
22 I'm testifying on behalf of the Atrisco Land Rights Council.
23 I am also a co-founder of the Florencia Land Rights Council,
24 the name of the original community in southern New Mexico
25 closest to the WIPP site euphemistically called Loving, New

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1 Mexico.

2 I think that we all know the real reason why the
3 WIPP site is coming to New Mexico. We started creating this
4 public awareness in 1988. I'm one of the original founders
5 of the Citizens for Alternatives to Radioactive Dumping. I
6 also sit on the Citizens Advisory Board for Sandia National
7 Laboratories.

8 I'm not speaking for the CAD. I'm also the deputy
9 city attorney for the city of Santa Fe. I am not speaking
10 for the city of Santa Fe. They are speaking for themselves.
11 City council speaks for them. But I'm here today, 20 years
12 later, taking up a campaign that we haven't stopped yet,
13 because we have effective in burning down arms and raising a
14 lot of public conscientiousness around the issue of WIPP.

15 It's discouraging to see that this kind of an issue
16 is still before us. That in fact New Mexico is still a
17 sacrifice area and will continue to be a sacrifice area,
18 because we've already paid our dues. We've paid with Los
19 Alamos National Laboratories, we've paid with Sandia National
20 Labs, and they cannot say that well, you've got jobs.

21 If you hadn't taken our land we wouldn't need your
22 jobs, number one. Number two, that gave no right to
23 contaminate the land, to pollute it with radioactive
24 materials that have taken place already. The Rio Grande
25 River already is contaminated with nuclear waste from these

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1 sites.

2 Political issue here has to do with a few greedy
3 people that see short lived economic gain, and I'm talking
4 about the economy of New Mexico, especially southeastern New
5 Mexico. I grew up in southeastern New Mexico. I grew up
6 hauling hay, chopping cotton. I grew up there.

7 I lived in South Valley Albuquerque. New Mexico is
8 my home. It's been my home for many generations, over 400
9 years or more going back even further, maybe as much as
10 30,000 years in my ancestry. The native American people of
11 the Americas, Mexican Indians from Mexico that ended up here
12 built the church of San Miguel. All of these are the genes
13 that are going to be here forever.

14 We're not going anywhere. Every molecule in my
15 body hopefully stays here. I don't want that contaminated
16 with radioactive waste. The radionuclides, as you know, are
17 materials that are developed now after human beings, after
18 the formation of the earth. Human beings came later after
19 the decay of the radioactive materials that existed.

20 The radioactive materials are alien to our bodies,

21 to this earth. And I know that your philosophy is different
22 than mine in terms of the earth. You see it as a natural
23 resource, we see it as a living being. It is an female that
24 gives us substance and that the river, the water is sacred
25 because it is the milk that we live upon.

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1 How can we tell the future generations, our
2 children and great grandchildren and our great, great
3 grandchildren, how can we in good conscience tell
4 them -- well, what are they going to say about us, that we
5 defecated, urinated the rivers. We already do that, but what
6 about the long-term radioactive materials that can cause
7 genetic defects that have an exponential effect on human
8 populations. Never mind that all of us would die from
9 Leukemias or cancer, but think about what it is going to do,
10 the multiple effect it's going to have later on.

11 We know that the onset is 15 to 25, say 20 years of
12 the effects of radioactive materials on human populations.
13 We already know that. So that the materials that were
14 released 20 years ago we're just now start to see the effects
15 on human populations.

16 When you drive down the highways, I-25 and I-40,
17 and you take a geiger counter, and I've done it, and you put
18 it out the window as the big diesels drive by, you can tell.
19 It's amazing to see how many of those vehicles are emitting
20 radiation. This is the big trucks. Do it. I ask EPA to do

21 that.

22 I don't want to get into the details of the science
23 and technology although I do have a degree in biology and
24 chemistry. That's already been done by people much more
25 qualified than myself to testify, but I'm here to talk about

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1 political consequences, the overall long-term consequences.

2 But I know the Capitan Reef that's basically made of karst

3 features, limestone, porous materials that water dissolves.

4 I've been down in the potash mines, I've seen those

5 mines cave in. I've talked to guys who have been injured by

6 those. The Bell Canyon aquifer is the largest pool of fresh

7 water in that area. It is immediately below the WIPP site.

8 I'm sure you know that. And that the city of Midland and

9 Odessa has long-term agreements to use that water. Why do we

10 continue to do that.

11 Transuranic waste itself is a misnomer. It's

12 intended to delude the public because transuranic waste

13 involves high level waste, gama, beta radiation as well as

14 alpha radiation that can penetrate the six inches of steel

15 and essentially concrete and all that stuff we've heard about

16 since the 1950's since we were kids.

17 This is not paranoia, this is not fear. It is

18 greed that's the driving force behind the WIPP project, and

19 lack of public responsibility. We're taking the approach

20 that we criticized 20 years ago.

21 Take the time to develop the technology, to
22 neutralize, vitrification, whatever else you have to do. It
23 hasn't been done. It hasn't been done because the policy
24 makers have not wanted to do it. And I'm very upset about
25 that because we can't continue to sweep under the rug.

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1 We don't take bile from the gall bladder and store
2 it over here by the heart somewhere. Where you going to bury
3 it in your human body? Use that analogy. Don't take a tumor
4 and plant it somewhere else in the body. It's not natural to
5 your body and neither are these it materials.

6 Find a way to develop the technology, spend the
7 money. No, we're talking about more plutonium pits.
8 Generate more nuclear waste. This is stuff from the defense
9 Department that's going to the WIPP site, transuranic waste.

10 Again, it environmental injustice. It is targeted
11 at a state that is a poor state, that has a concentration of
12 and minority peoples and it's next to high concentrations of
13 Mexican Americans, Chicanos that live in the Carlsbad and
14 Loving area.

15 That's why it's happening. The same reason it's
16 happening in the northwest corner, to the Native Americans,
17 the Navajos, the pueblos where we're the cheap labor to work
18 in those mines. Where we're the ones that have to endure the
19 most exposure, where we're the ones that live in the Espanola
20 Valley being contaminated.

- 21 What are you going to tell your grandchildren?
- 22 What do you tell your children now in Los Alamos? The
- 23 non-minority children that are developing these brain tumors.
- 24 Nobody's explaining that yet but they'd like to sweep that
- 25 under the rug too.

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1 It's time to make a stand; it's a time courage.
2 Stand up, speak clearly and decisively. We don't want the
3 WIPP project in New Mexico. Technologically all the
4 arguments and scientific arguments don't hold water. Thank
5 you.

6 PRESIDING OFFICER: Thank you.

7 Next is Virginia Miller.

8 VIRGINIA MILLER: Good morning. My name is
9 Virginia J. Miller, and I'm a citizen of Santa Fe. It thank
10 you for listening to us and I urge you to take the opposition
11 views seriously because the well being of all of us is at
12 stake here.

13 I came here today to ask you not to certify WIPP
14 compliance and not to open WIPP. The EPA has not convinced
15 me that DOE's WIPP application is in compliance with the
16 effective radioactive waste disposal standards.

17 I agree with Carol Miller's health concerns and Tom
18 Udall's technical concerns at the WIPP site. Both of those
19 people spoke yesterday.

20 I also have some concerns regarding transportation.

21 Most of the canisters that will be transported to WIPP will
22 taken what they call contact handled transuranic waste.
23 These canisters emit two-tenths of a rem per hour of
24 radiation, and a few of these canisters will also contain
25 what is known as remote handled transuranic waste.

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1 These canisters can give of as much as 100 rem per
2 hour at the container surface, and five percent of these
3 canisters will emit up to one thousand rems per hour. I'm
4 reading from a pamphlet prepared by CARD, Citizens for
5 Alternatives to Radioactive Dumping. Since the dose on the
6 surface of a remote handled transuranic waste canister can be
7 up to one thousand rem per hour, a person in contact with an
8 undamaged canister could experience genetic damage in 18 to
9 90 seconds; alteration of white blood cells in three minutes;
10 radiation sickness in five to eight minutes; and death in 35
11 to 60 minutes.

12 I want to know what will be the long term health
13 effects on the people, the homes, the neighbors, the
14 communities, the crops, the animals all along the route where
15 the WIPP trucks will travel on their way to WIPP.

16 What will be the long-term effect. I don't believe
17 you know, and I don't believe anyone knows, but there is
18 bound to be some and this is dangerous stuff. We can't take
19 this lightly, and I want to know what the effect to be.

20 The people are not expendable in this nation. They

21 are not expendable in Santa Fe, they're not expendable
22 through the middle of Santa Fe or around the relief route,
23 the people that live there. None of these people are
24 expendable. Every life is valuable.
25 I want you to take this seriously. This is

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1 dangerous stuff that will be transported through our
2 community, through our state and through our nation. People
3 all along these routes need to know what the long-term effect
4 will be on their health.

5 WIPP gives the illusion of a solution and the
6 production of the radioactive waste continues. This must
7 stop. WIPP is not a solution. No one knows how to handle
8 and store the radioactive waste safely. We must stop
9 production of radioactive waste, improve above ground on site
10 monitoring and storage while continuing to search for a real
11 solution as new technologies develop.

12 I also -- and this is a total
13 irresponsibility -- but certainly as Environmental Protection
14 Agency you're concerned about these issues. I ask for phase
15 out of nuclear power in our nation as a national effort,
16 alternatives do exist and this contributes to the production
17 of nuclear waste and storage problems, so this is another
18 thing we need to be doing related to the issue and the WIPP
19 site.

20 Do not open WIPP, and as a nation let's join and

21 help lead the growing most for worldwide nuclear disarmament.

22 Thank you very much.

23 PRESIDING OFFICER: Thank you.

24 Next is Lety Seibel.

25 LETY SEIBEL: Good morning panelists. Thank you

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1 for being present and listening to our comments and concerns.

2 As the new year begins and brings us close to the
3 millennium. I am reminded daily of the responsibility placed
4 on us human beings, the crown of creation, as stewards of our
5 environment and of each other.

6 In the last one hundred years we have made
7 superhuman technology advancements that now provide us with
8 countless impressions. Yet it appears our psychological and
9 emotional development has not advanced at the same pace as
10 our intellect has as is demonstrated by our greed for money
11 and power which clouds our additions to the long-term
12 consequences of our actions.

13 We are quick to use our natural resources without
14 regard to the perfect balance of nature, throwing of its
15 equilibrium to satisfy our every whim. Hardly a description
16 of such intelligent life forms.

17 Let's look at WIPP to illustrate this point. It
18 has caused taxpayers approximately 14 to 15 million per month
19 to operate since the late 1980's. A good percentage much of
20 which has been used for P.R. expenses. Yet, these funds have

21 not been able to address crucial information such as what DOE

22 transuranic inventories contain or even how large those

23 inventories are.

24 Another gray area exists around the actual contents

25 of waste drums. Even though DOE x-rays drums to figure out

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1 what's inside, liquids cannot always be detected by this
2 method. And at least one drum that was accepted by the Waste
3 Acceptance Criteria contained a full can of flammable liquid.
4 In fact, 80 drums that the DOE had certified as fitting the
5 Waste Acceptance Criteria for shipment to WIPP, 58 percent
6 were found to be miscertified.

7 There have already been at least 13 reported
8 incidents of fire, explosion, or overpressurization in drums
9 of waste like those to be shipped to WIPP, and at least one
10 of those drums contained materials that wasn't supposed to be
11 in it.

12 Funds are also in short to address serious problems
13 with the transportation phase of the project even though
14 people in more than 22 states will be exposed along the route
15 the waste must travel.

16 Even though the DOE now states there will be no
17 releases, in past environment impact statements their
18 statistics predicted that there could be at least 78
19 accidents with several releases of radiation at various
20 locations around the country, and five accidents with one

21 release in New Mexico.

22 The containers used to transport the waste are
23 supposed to be our primary protection against contamination
24 during regular operations or accidents. But unfortunately
25 the DOE has not finished the container to transport the RH

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1 TRU waste, to my knowledge.

2 The TRU pack container is used for larger amounts
3 of radioactivity and has passed free drops, punctures,
4 thermal and water immersion tests. However, it has not been
5 subjected to a crush test even though DOE has said this would
6 be a dominant accident scenario.

7 Also, the thermal tests only subject the TRU pack
8 to 1450 degrees fahrenheit, even though there are now over 20
9 chemicals routinely transported on our roads, which includes
10 propane and butane, that have plain temperatures more than
11 twice as hot as 1450 degrees fahrenheit, a serious oversight
12 considering fire is a common occurrence in high impact
13 accidents.

14 But can loads that make it to the WIPP site be
15 stored safely for the 10,000 years that the EPA requires? Is
16 it lack of funds, that has kept the DOE from presenting a
17 plan describing how they would keep the site secure for even
18 the first 100 years after closure?

19 It is the DOE has lost contact with records on the
20 existence of too active oil and gas leases and one gas well

21 within the WIPP site, even though the well was visible from
22 the highway.

23 If records on current activities are not given any
24 attention, how likely are they to be looked at 100 or 1,000
25 years from now? The DOE has also failed to address concerns

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1 about the geologic configuration and hydrology of the site
2 even though it was originally thought that the site contained
3 only dry salt. It has since been found to also house brine
4 which is seeping into the repository.

5 The danger from a pressurized brine reservoir at
6 the site is so great that the repository location has been
7 moved twice, once in 1978 and once in 1981. Now, surface
8 base geophysical tests indicate the existence of brine
9 directly under the present site, and it may be asked why the
10 DOE doesn't move the site again.

11 Karst foundations and the more than 120 oil and gas
12 wells around the site with many more approved for the future
13 are other reasons of great concern, as well as my
14 understanding that the WIPP site is not subject to the
15 Nuclear Regulatory Commission or the Nuclear Waste Policy
16 Act. Is my understanding correct on this?

17 Finally, since DOE admits that the waste could
18 safely remain where it is for decades and that the cost of
19 maintaining the waste where it is presently stored is only
20 \$2.7 billion, roughly 50 to \$60 billion cheaper than

21 transporting it and storing it at the WIPP site plus the

22 risks of moving the waste across the country.

23 Why not use the savings to find safer alternatives

24 to deal with this waste as well as discouraging the reckless,

25 let's produce more nuclear waste attitude.

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1 Let's welcome the new millennium as truly
2 responsible and caring human beings, and give our children
3 hope and a healthy planet to live in. Thank you.

4 PRESIDING OFFICER: Thank you.

5 Next is Tom Seibel.

6 TOM SEIBEL: Good morning. I'm Tom Seibel. I'm a
7 farmer from Guadalupe County, New Mexico. For me at this
8 moment, the greatest outrage that the WIPP project represents
9 is the federal government's betray of the trust of the people
10 that it claims to govern.

11 In the community where I live, there are many
12 people who firmly believe that the federal government is
13 looking out for their safety and well being. This is true in
14 many communities across the country. It is not, of course, a
15 belief of mine.

16 In my lifetime I have witnessed many indications of
17 the government's betrayal of the people's trust. Looking
18 back over WIPP's history shows over and over that the desires
19 of the state of New Mexico and the large number of its
20 citizens have been circumvented or ignored. Agreements have

21 been broken.

22 If regulations or scientific criteria have created
23 problems, they too have been circumvented by changes or
24 releases. Inconvenient promises have been broken. The
25 exposure to people of penetrating radiation from the

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1 transuranic waste being transported to the site should be of
2 serious concern to the government. The delay of response
3 teams reaching transportation accident sites to initiate
4 containment should be of serious concern of ment government.

5 The impossibility of isolating the WIPP site from
6 human activity and natural breaching for a period of 240,000
7 years should be a concern of the government.

8 The current studies show that even with known
9 factors such as the existence of brine below the waste site,
10 that long term isolation is impossible.

11 I don't have the time or the desire to enumerate
12 all the concerns that the federal government should be taking
13 seriously in resolving before placing the WIPP project in
14 operation.

15 My point is that many citizens of the state of New
16 Mexico of the United States and even of the world have a
17 belief in our federal government that it will do them no
18 harm. A true democratic government that has all the people's
19 welfare as its most fundamental concern would not embark on a
20 project such as WIPP, which is fraught with so many known and

21 unknown dangers to its citizens and the many unrevokable

22 consequences from mistakes and greedy self interests.

23 My belief is that the current radioactive waste

24 slated for remove to the WIPP site not be transported but

25 left at or near the site of the manufacturer indefinitely

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1 while scientific effort is expended to find a truly safe and
2 permanent way to deal with the radioactive waste. This
3 should be coupled with the rapid phase out of the production
4 of these wastes until such a solution to the waste problem is
5 found. Thank you.

6 PRESIDING OFFICER: Thank you.

7 Next is Edgar Stein.

8 EDGAR STEIN: Thank you. I'm Edgar Stein of Los
9 Alamos, New Mexico. I'm a mechanical engineer, University of
10 Illinois, Class of 1947.

11 I worked at LANL and its predecessors for about 30
12 years, retiring in 1984. About two-thirds of that time I was
13 a weapons engineer. I've handled lots of uranium and
14 plutonium components and have been accidently exposed to
15 plutonium contamination on four occasions that I recall. All
16 of these were insignificant. I respect plutonium, but I do
17 not fear it.

18 I toured the WIPP site and I looked at the
19 transportation designed to take waste to WIPP. I think the
20 entire system is the safest I've ever seen. WIPP has been

21 studied for 20 years or so and we've spent about \$2 billion

22 on it. I don't think further studies can reveal anything

23 that hasn't already been revealed.

24 I think WIPP should open and the sooner the better.

25 I understand that DOE is still seeking from the state a mixed

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1 waste permit. I want to comment on mixed waste. It seems to
2 me that the worse thing in transuranic waste as currently
3 discussed is plutonium which we intend to bury 2,000 feet
4 deep. What possible harm could result if this transuranic
5 waste were mixed with chemicals or heavy metals or perhaps
6 other things that I don't know about?

7 We bury dead people to get rid of them. We create
8 dumps, now called landfills, put all kinds of stuff in them
9 and cover them with a little backfill just to get rid of our
10 domestic wastes. Any mixed additives to the plutonium
11 bearing waste will also be 2,000 feet underground and should
12 cause no problems. I think the mixed waste permit would
13 issue without further ado.

14 On another subject my understanding is that the
15 WIPP antagonists believe that plutonium can escape its
16 underground tomb. I certainly can't disprove this, but I
17 want to mention a couple of incidents including a Okonatural
18 reactor (spelled phonetically) in Gabon, West Africa.

19 Omitting details like I just discovered, about two
20 billion years ago -- that's billion, not million -- in a bed

21 of uranium were a natural fission reaction. It operated a
22 few hundred thousand years and produced fission products just
23 like today's reactors. The fission products decayed to
24 stable isotopes of more than 30 elements. Perhaps
25 surprisingly at least one-half of these elements remained in

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1 the portion of the ore bed. This retention occurred without
2 any attempt at confinement and over a period almost two
3 billion years long.

4 Now assume that some plutonium does surface
5 somehow. It's not catastrophic. On January 17, 1966,, over
6 Palmaria, Spain a bomber carrying live nuclear weapons
7 collided with a refueling tank. Three of the bombs dropped
8 on land and one in sea. In two of the bombs which impacted
9 on land, the high explosive detonated scattering plutonium
10 over a square mile or so.

11 Everything was eventually cleaned up to standards
12 more rigid than United States standards and to the
13 satisfaction of the Spanish government. About 1500 cubic
14 yards of soil were removed in the most contaminated areas,
15 which is about 462 micrograms per square meter and shipped to
16 the United States, I believe Savannah River, where ironically
17 it may be waiting to be buried at WIPP.

18 Contaminated areas less than 462 micrograms per
19 square meter were watered and plowed under. Tourism
20 continues to be a big industry in Spain and was not

21 detrimentally affected by the accident. I should also
22 mention that no humans or animals were hurt in the accident,
23 but I don't know whether the receipt of radiation caused any
24 ill effects, and we no doubt left a lot there.
25 WIPP is needed. WIPP is safe and it should be

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1 opened and the sooner the better. I also want to comment on
2 Tom Udall's statement. He had a stack of documents five
3 inches tall which criticized WIPP's opening. If people have
4 been criticizing for 20 years and he's only got a stack of
5 documents five inches tall, it seems to me like the studiers
6 are very incompetent or they are loafing on the job. That's
7 all I want to say. Thank you.

8 PRESIDING OFFICER: Thank you.

9 Next is Norbert Rempe.

10 NORBERT REMPE: Good morning. I'm Norbert Rempe,
11 an 18 year resident of Carlsbad, New Mexico, and a 9 year
12 veteran of the WIPP. I'm a trained geologist who was first
13 introduced to practical deep geologic waste isolation 25
14 years ago. My specialty area of expertise is operating WIPP
15 analogues abroad, many of which I personally visited.
16 Numerous oral presentations to general scientific and
17 technical audiences as well as the baker's dozen of
18 professional publications round out my professional
19 credentials.

20 One side remark, I'm speaking for myself, and also

21 I'm sort of from the outside from Carlsbad. Santa Fe is my
22 capital too and I'm not here on the nuclear payroll but on my
23 own vacation day. Also my taxes are paying for this
24 auditorium and I am in one sense one of the landlords here.
25 According to its proposed WIPP certification

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1 decision, the EPA needs to examine the scope and quality of
2 all relevant information. The agency must consider public
3 comment and outside reviews that support or refute technical
4 positions taken by the DOE to the extent they are relevant.

5 My comments focus on five points that I consider
6 relevant and crucial to the fate of the WIPP. They are
7 intended to provide some much needed perspective.

8 First point, the sustained, deliberate and massive
9 body of study and preparation reflected in the WIPP CCA, the
10 EPA's proposed decision and the WIPP physical plant.

11 Second point, proven record of success in operating
12 foreign repositories that are realistic analogues to the
13 WIPP.

14 Point three, assurance of long-term isolation
15 provided by natural analogues to deep geologic repositories.

16 Point four, the level of comfort derived from the
17 negligible environmental consequences of beyond worse case
18 analogues, and with that I mean confined underground nuclear
19 detonation.

20 Point five, the application of the same quality

21 standards to arguments presented by opponents as by
22 proponents of WIPP.

23 If I may elaborate on the points, point one, the
24 CCA speaks really for itself. It is a product of over a
25 quarter century of research, study and experiments. Whether

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1 it is philosophically impossible to definitively approve a
2 negative proposition, this application before you comes as
3 close as possible to the goal of proving that the WIPP will
4 not harm safety, health or the environment. Its assumptions
5 are so massively conservative as to approach the ridiculous.

6 The time spent on preparing this project for waste
7 receipt exceeds the time to wage World War II by a factor of
8 four. The physical plant has been ready for almost ten
9 years, and it is the envy of the world. Let's get on with
10 operating it for it's intended purpose before our seemingly
11 interminable delays become the world's laughing stock.

12 Point two, while the WIPP is unique in some of its
13 details, the fundamental concept has been put into practice
14 in Europe for over a quarter of a century. I have some
15 references that I will submit with my formal statement.

16 Foreign repositories have performed quite
17 satisfactorily under conditions far less ideal than those
18 found at the WIPP and continue to do so right now. Those not
19 quite as good as WIPP conditions in already operating
20 facilities include thinner salt sequences, thinner

21 overburden, disposal in facilities not originally designed
22 for that purpose, and mining and brine injection above the
23 disposal level.

24 The WIPP cannot help but do at least as well as
25 those operating analogues. By the way, I invite anyone to

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1 contact me if you're interested in a tour of those
2 repositories. I'd be glad to guide them.

3 Point three, nature without human health has proven
4 itself capable of permanently confining substances even more
5 difficult to contain than solid radioactive waste, for
6 example, crude oil and natural gas. Nature has even, on it's
7 own, started and shut down nuclear chain reactions, and I did
8 not talk to Ed Stein, I have never met him before, but I
9 quote Oculo, Gabon in West Africa, where fission products
10 were confined for about two billion year.

11 The WIPP which was deliberately designed with
12 numerous redundant safety systems will trap and isolate waste
13 at least as efficiently and permanently as those natural
14 analogues.

15 Point four, confined underground nuclear explosions
16 that plowshare program, detonated under a far lesser
17 regulatory regime than that governing the WIPP today did not
18 and still do not harm the environment.

19 One of those tests known took place fewer than ten
20 miles away from the WIPP at only half it's depth. Another

21 test, the gasbuggy (sic), was conducted in northern New
22 Mexico and two more, Rulison and Rio Blanco, in neighboring
23 Colorado.

24 The WIPP by comparison has no explosive for
25 critical potential. Its environmental consequences will

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1 therefore be orders of magnitude below the already
2 negligible ones of those peaceful tests. I would also be
3 glad to guide anyone to those sites.

4 Point five, under 40 CFR 194.22, both owner and
5 operators of WIPP must comply with specific nuclear quality
6 assurance requirements. Through its proposed certification
7 decision, the EPA acknowledges the WIPP's adherence to those
8 standards. It is only fitting therefore to demand that
9 critics and opponents of the project play by the same rules,
10 and that the same high standards be applied to their
11 objections.

12 Let me please conclude with these three notes: In
13 response to unwarranted and frivolous objections, attacks and
14 procedural roadblocks during the past decade, the DOE has
15 felt compelled to apply unheard of conservative assumptions
16 to the WIPP's performance assessment.

17 This has resulted in not only gilding the lily, but
18 in studding it with diamonds, wrapping it with platinum, and
19 topping it off with emeralds. And all this fine jewelry has
20 been paid for with my, your, our money. Enough is enough,

21 and we are way beyond enough.

22 Specific examples of worst-case assumption overkill

23 include requirements for chemical backfill, massive panel

24 closure systems, and even more massive permanent passive

25 markers. Their rationale is at best dubious and, at worst,

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1 amounts to appeasement before blackmail. Plowshare
2 detonations white markers are minimal, and international
3 repository analogues do not employ either chemical backfill
4 or the proposed massive panel closure systems.

5 The EPA's final WIPP certification decision is as
6 much political as it is scientific and technical. Make it as
7 rational, simple and economical as possible, and act now
8 without further delay. And I ask for permission to submit my
9 written statement.

10 PRESIDING OFFICER: Of course. Thank you.

11 Joe Archer is next.

12 JOE ARCHER: My name is Joe Archer. I'm a nuclear
13 engineer and I work with the WIPP project. I'll probably get
14 canned for what I'm going to say today, but I'm not going to
15 be responsible for people waking up with a major sunburn.

16 The fact of the matter is plutonium is far too
17 vulnerable to theft. Let me describe a simple theft
18 scenario. It turns out the most difficult thing is about
19 stealing plutonium is cutting into the waste rooms. Once
20 you're in there, heat in the air is at one end of the waste

21 room and exhaust gases and ashes out the other end. The
22 enclosed space and the forced air flow allows it to
23 incinerate at extremely high temperatures and burns
24 everything in there except clearly unburnable material.
25 Then to recover the plutonium that hasn't come out

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1 in the exhaust gases, you just flush the broom with soapy
2 water and filter it through filter paper.

3 Now the issue I want to point out is it's not
4 important the credibility of my scenario is not the issue
5 here. The issue is that who's going to dig this stuff up,
6 because it is inevitable that in the passage of time it won't
7 become technologically feasible to extract this material, and
8 there's only two keys to the scenario. One is the government
9 comes to the realization that this material has become
10 vulnerable to theft and they spend billions extracting what
11 they've spent billions to bury.

12 The other alternative is that somebody else who is
13 intent on obtaining plutonium comes to that realization
14 first. They come in and pull the material out. Now,
15 plutonium barrel advocates will say well, the likelihood of
16 anyone ever being able to extract this material is extremely
17 unlikely. But I feel that the EPA must choose the zero
18 probability alternative of requiring that plutonium be
19 destroyed through incineration and recovery, because the
20 implications of someone digging out a grapefruit size of

21 plutonium equal to a thousand Oklahoma bombs is entirely

22 unacceptable.

23 Just as a side note, even a conservative assumption

24 of a gram per barrel of plutonium, there's over 100 warheads

25 in that waste room. And a more realistic assumption is

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1 probably closer to 500 warhead inventory.

2 So the first thing I'd like to suggest is that the
3 EPA withdraw the special exemptions they've given to DOE that
4 allows the DOE to bury waste that's not treated. They grant
5 no exemptions to anybody. Their whole philosophy has been
6 minimize the hazard associated with burning the waste before
7 you even think of burying it. But they grant this exemption
8 to the DOE, and that's what causes the whole issue.

9 If they withdrew this exemption, then the DOE would
10 be forced to destroy this plutonium, because there's no
11 justification for burying plutonium that can be destroyed.
12 Because the implications of nuclear terrorism are just too
13 great, and whole idea of taking out one square mile, that's
14 essentially the scenario of like a decapitation strike on
15 Washington D.C. and that kind of weird stuff.

16 Anyway, in closing I want to address the issue of
17 nuclear waste in general the EPA's role in this disposal.
18 Nuclear waste consists of either or both long lived fuel
19 material or short lived non-fuel material. By not requiring
20 that those two materials be separated, we're allowing the

21 creation of long-lived environmental hazards, whereas if the
22 EPA was true to their original philosophy that all hazards
23 needed to be minimized before it's buried, we would only be
24 generating a few hundred year hazards, because non-fuel
25 material is only radioactive for a few hundred years.

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1 So I feel the EPA needs to quit granting these
2 special exemptions to nuclear waste because they are not
3 doing their job, they're not protecting the environment
4 because they're allowing these long lived hazards to created
5 when technologically they don't need to be created. It's
6 just a politically motivated decision to kill the nuclear
7 system through stopping fuel recycling.

8 Well in closing that's all I have to say. Thank
9 you.

10 PRESIDING OFFICER: Thank you.

11 Mr. Archer was the last witness that we had
12 scheduled for this morning. As I mentioned earlier, we're
13 going to try to go a little bit longer and take a shorter
14 lunch break. There are a few people I'm aware of who were on
15 the waiting list for later today that are here so I'll call
16 on them next.

17 Is Mary Lou Cook here?

18 (No response.)

19 PRESIDING OFFICER: Eduardo Zaragoza.

20 EDUARDO ZARAGOZA: Mr. Wilson, I spoke in

21 Albuquerque two days ago, and thank you for letting me speak
22 again.

23 My name is Eduardo Pablo Zaragoza. I'm here on my
24 own time and I'm not getting paid. I oppose WIPP because no
25 amount of radiation is safe. I repeat, no amount of

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1 radiation is safe.

2 My qualifications are as a peace officer in New
3 Mexico for 22 years. I have checked many, many loads
4 carrying hazardous materials on New Mexico highways. Many
5 were found to be leaking. I am also an atomic veteran. I
6 was hit by the invisible bullet, and I have been carrying
7 radiation in my body since 1945, 53 years, to be exact.

8 I carry cancer which I know I am going to die from,
9 radiation. I would like to trade my life with some of the
10 Ph.D's, some of the Sandia Lab or Westinghouse employees, of
11 how safe WIPP is.

12 My family has paid dearly. Out of eight children,
13 I lost six to radiation disease. I also have two more at
14 home. I also have experience with the DOE.

15 DOE stated to us they have checked every route and
16 how safe it is to travel with these loads through New Mexico,
17 and they said that they had loaded semis, these containers,
18 with sand. Where is sand going leak? Where is leakage going
19 to come from sand?

20 I also have experience with the DOE because they

21 lie. I have a claim with the V.A. Administration. I had to
22 pass the DOE to get me the amount of dosage that I received
23 in Nagasaki, Japan. They would keep stalling me and telling
24 me that in nine months they would give me an answer. Well,
25 this went on for three years.

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1 They have finally -- I finally went to see one of
2 the senators in New Mexico. I was there in the office when
3 the girl said, I'll see what I can do. She called DOE. DOE
4 informed her I will have an answer for you tomorrow morning
5 by 10:00. So next day this girl calls me and tells me, I
6 received the amount of dosage you received in Nagasaki.

7 So the amount of dosage came back as 1.0. They
8 said, we are giving you the highest amount of dosage of
9 anybody in Nagasaki. But in the second sentence it says, we
10 do not have anything to do with compensation, that's up to
11 the V.A., but when the V.A. calls us, we are going to have to
12 give you the amount of .01. See the difference? First it's
13 1.0, then they reverse it in the second sentence and say when
14 the V.A. calls us, then we are going to have to give you a
15 dosage of .01.

16 The U.S. Government has never followed up on a cure
17 for or found any cure for radiation. Also, the containers,
18 they have three containers and neither one has qualified for
19 what they are meant to be used for. They are saying that
20 they are going to put these 55 gallon drums in these

21 containers and they are taking them to WIPP. That's

22 misleading.

23 They are going to put these 55 gallon cans in these

24 containers, but they are going to reuse these containers.

25 Over and over again. We already know that this

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1 cartload of plutonium is so hot even when they put these in
2 these containers with the safety ring, it's still going to
3 radiate 100 rems per hour. So I oppose WIPP. Thank you.

4 PRESIDING OFFICER: Is there anybody else here who
5 was on the waiting list that would like to testify now,
6 anybody who didn't sign up and would like to?

7 (No response.)

8 PRESIDING OFFICER: Okay. It's 12:40. We'll take
9 a break and be back -- oh, go ahead.

10 LILLY ZARAGOZA: I'm Lilly Zaragoza. I'm Edward
11 Zaragoza's wife. I have had to go through 15 years with
12 this. The DOE has lied to us all the time.

13 They say that they went in right after the bomb was
14 dropped and that there was no radiation there. When they
15 finally released the papers from Japan, because in order for
16 Japan to be able to sign the treaty, Eisenhower made them say
17 that they would not release any pictures, any information to
18 the world.

19 Therefore, we were unaware of the type of exposure
20 that my husband had had, but many other people had had. When

21 they finally went in, and they were allowed to release that
22 information, they found out that the tiles, the steel, the
23 debris was so highly contaminated. When my husband went in,
24 it was nothing but debris. There was nothing there.
25 The hospitals couldn't even x-ray people because

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1 their x-rays had blanked out. He had to go into the
2 hospitals. The DOE says there is nothing there, there never
3 was anything there. And this is what people here are going
4 to get.

5 They are going to be told there's nothing there,
6 because the DOE will not tell you the truth. To this day,
7 after 50 some years, there is less than 400 veterans that
8 have gotten compensated for their exposure. But the many
9 that have died have not been able to prove that their cancers
10 have come from this radiation.

11 My husband at the present time lives with three of
12 the radiation cancers. My daughter has cancers. What do we
13 have to go through to stop it? Thank you.

14 PRESIDING OFFICER: Thank you. Thank you for
15 sharing your story with us and for sitting through so much of
16 this hearing.

17 We'll take a break until 2:00.

18 (A LUNCH BREAK WAS TAKEN.)

19

20 AFTERNOON SESSION

21 SANTA FE, NEW MEXICO

22 PRESIDING OFFICER: Okay, the next witness today is

23 N. Priest.

24 NOVA PRIEST: Hi, I'm Nova Priest. I'm an artist

25 and activist and concerned citizen. I'm here today to ask

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1 the Environmental Protection Agency and the Department of
2 Energy to answer this one question: Is it a greater threat
3 to the public health and safety of all the citizens of the
4 United States of America to leave the toxic waste stored
5 where they are now, or to transport in trucks along the
6 public highways of the United States of America?

7 I feel contained within the answer to this one
8 question is the answer we're all here to answer together, and
9 that is whether or not the Department of Energy at this time,
10 this particular point in time can legally, morally and
11 responsibly transport toxic waste materials along our
12 highways to the WIPP site here in New Mexico. Thank you.

13 PRESIDING OFFICER: Thank you.

14 Next is Margaret Anne Hesch.

15 MARGARET ANNE HESCH: Hello, I am Margaret Ann
16 Hesch. In Arthurian legend parts of all in his innocence
17 fails to ask the vital question, whom does the grail serve.
18 It is forever denied whom it is healing.

19 I fear that by failing to ask the right questions,
20 New Mexico will be forever denied nuclear health and safety.

- 21 The questions I wish to pose today are whom does the
22 government serve, what principles does the Environmental
23 Protection Agency uphold, what constituency does the
24 Department of Energy serve?
25 Within the past several months there have been two

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1 workers at Los Alamos National Lab exposed to plutonium. A
2 tear in two different gloves at the same work site endangered
3 the lives and health of two human beings. The first accident
4 was not enough to predict and prevent the second.

5 What does this have to do with WIPP? The point is
6 that every safety precaution was in place. At least we want
7 to believe every safety and health precaution was in place
8 and Los Alamos National Labs was not negligent about the
9 health of their workers.

10 Everything that science could predict and control
11 was being controlled, and still the unpredictable happened.
12 We cannot certify safety. Let me say that again. We cannot
13 certify safety, and we're fooling ourselves if we think we
14 can.

15 Here's a deep dark secret. There's no absolute
16 truth to science. It is a game, a game of prediction and
17 control where we trade of risks for benefit and set arbitrary
18 and artificial parameters about what is and is not acceptable
19 risk.

20 I'm here to say there's no potential benefit that

21 can make the risks of opening WIPP and transporting nuclear
22 waste through New Mexico an acceptable risk. If it is not
23 safe, it is not worth it.

24 Were we to consent to the opening of WIPP, we would
25 want every safety precaution in place. But even then there

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1 are still unpredictable risks. Is every safety precaution in
2 place? Heck no. The following compromises to the potential
3 certifiability of the safety of WIPP have been brought to the
4 attention of the EPA:

5 The Carlsbad salt beds are not dry but have seepage
6 which could corrode nuclear waste containers leading to the
7 potential release.

8 Nearby drilling for oil and gs reserves poses not
9 just a possible but a probable release pathway and many
10 others.

11 Has the EPA been responsive to scientific and
12 citizen concerns? I read from an information brochure
13 courtesy of Concerned Citizens for Nuclear Safety. Doctor
14 John Bredehoeft, a former member of the National Academy of
15 Sciences WIPP panel, which I would hope would give him some
16 credibility, found that the Hartman scenario could cause
17 massive releases in excess of the disposal regulations. Even
18 if the injection occurred outside of the WIPP site
19 boundaries.

20 Neither DOE nor EPA has satisfactorily modeled the

21 Hartman scenario. Instead they have simply rejected Dr.
22 Bredehoeft's work. What is the response of EPA, holding fast
23 to stringent regulations that protect human health as the
24 title Environmental Protection Agency implies? No, they have
25 caved in at every turn and changed the parameters of

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1 regulations as though increased risk was only about numbers
2 and statistics and calculations, and not about human life and
3 safety.

4 Whom does the EPA serve? I'm not opposed to
5 science or scientific progress. My first degree emphasized
6 research methodology and half my career has been in working
7 research. In fact, I'm absolutely thrilled to learn that the
8 TRU pack container is a safe repository for the transport of
9 nuclear waste. What this means is it a safer repository for
10 the waste transport? There's an even safer repository for on
11 site storage where it is generated.

12 We can save millions if not billions of taxpayer
13 dollars by simply deleting the transportation part of the
14 plan and keeping nuclear waste on site where it was
15 generated.

16 Nuclear waste storage on site is much safer because
17 number one, it can be monitored. WIPP waste can not be
18 monitored. Number two, it can be retrieved. Waste from
19 Carlsbad cannot be retrieved.

20 If waste is shipped to New Mexico, whose problem is

21 it, the problem of the state whose facility is generating it?
22 No, our problem. By keeping their own waste in their own
23 facility, just as we help a child's moral development by
24 helping them understand the consequences of their actions, we
25 help the generators of that nuclear waste and their

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1 constituencies keep an open dialogue on whether nuclear
2 technology with all its risks is really necessary and if so
3 why. Thank you.

4 PRESIDING OFFICER: Thank you. Next is Rick Lass.

5 RICK LASS: I'm Rick Lass, and I'm co-chair of the
6 Green Party of New Mexico. I'll be speaking for the first
7 half of our time and Peggy Prince will take the remainder.
8 She's co-chair of the county part in Santa Fe.

9 I'd like to address two points today. One is the
10 certification of WIPP specifically, and also the role of EPA.

11 I'd like to begin by discussing what I consider
12 inexcusable behavior of EPA in this matter and other matters.
13 The Environmental Protection Agency was established to do
14 just that, protect our environment. And by environment I
15 don't mean the romantic notion of unending wilderness or
16 pristine mountain landscapes, but the more scientific
17 definition which is synonymous with our surroundings.

18 So I mean, when I say environment, the beautiful
19 open spaces along our highways, the historic neighborhoods
20 along St. Francis Drive in Santa Fe, communities like Los

21 Alamos and Carlsbad. In addition I also mean the WIPP site
22 itself, the environment inside and around the area.
23 Basically any place where people in this country are living
24 and breathing are all the environments that the EPA has been
25 charged to protect.

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1 In looking at the history of the EPA, people start
2 to wonder if they take this charge seriously. If polluted
3 rivers, unpotable waters, our air supply is rapidly
4 degrading. These are all indicators EPA is not taking its
5 responsibility seriously.

6 There's a solid waste incinerator in Detroit,
7 Michigan. The US EPA approved it for operation and it was
8 closed for violations.

9 There's facts that Los Alamos National Labs
10 operated in violation of the Clean Air Act for years with the
11 EPA approval until a citizen lawsuit finally forced
12 compliance. Examples like this are endless, unfortunately.
13 So my point is that the EPA has been derelict in its duties.
14 And of all the governmental agencies, EPA which ought to
15 serve as protector of the people, EPA has not lived up to
16 its promise and the preliminary decision approved WIPP.

17 EPA has a credibility problem that it needs to
18 solve. The Green Party of New Mexico hereby calls on the
19 U.S. EPA to reverse its course, to confirm its commitment to
20 the health and safety of the people of our nation, and to be

21 the leading voice in making rational and wise decisions on
22 matters of energy production, waste disposal and human health
23 in general. This is your charge EPA. Be the hero in this,
24 not the villain.
25 Many people have already stated reasons that WIPP

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1 should not be permitted to open, reasons of which I'm sure
2 you're aware. I'll probably be repeating some of them, but
3 an argument put forth without facts often fails to be
4 persuasive.

5 EPA is guilty of bad science regarding WIPP. Your
6 permitting WIPP to open without full knowledge of the
7 contents to be stored there. How can you know what to expect
8 without knowing what the characteristics of the waste are?

9 Likewise the geological characteristics of the site
10 are not fully known. First we heard the caverns were dry,
11 now we know they contain a brine solution. First we heard
12 the waste was low level only, now we heard that Rocky Flats
13 high level waste will be included, and we understand that 70
14 percent of the WIPP waste has not even been created yet.

15 EPA has refused to adequately consider the
16 consequences of the WIPP site being surrounded by oil and gas
17 wells. It is as if a person's drinking water well were right
18 next to its septic system.

19 EPA refused to release the names and qualifications
20 of experts who helped compile the data for the CCA. EPA has

21 refused to re-examine these assumptions which were provided
22 mainly by DOE even after being presented with data which
23 challenged these assumptions.

24 I want to know what is the EPA afraid of and I

25 want to know to whom is accountable. Again, we call on EPA

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1 to reverse its preliminary decision and withdraw its approval
2 of WIPP. The WIPP site is not safe.

3 The courageous thing to do know for the EPA and for
4 the DOE is to abandon the WIPP site and to begin an
5 investigation into safe disposal and other possible solutions
6 to the nuclear waste buildup. This is only a first step.

7 The EPA must initiate an honest and thorough
8 examination of the nuclear weapons labs and the nuclear power
9 industries. All dangerous practices must be called to a halt
10 immediately. DOE and DOD's assertions that we need nuclear
11 power and nuclear weapons are completely unfounded.

12 Eco friendly technology for WIPP are available and
13 is one logical solution. Peace is the other. The EPA has
14 the mandate and status to effectively pursue these changes.
15 What EPA firmly is lacking are integrity and courage.

16 I'll say this again. Be the heroes, EPA. The
17 people want it and the people need your help. You can be our
18 guardians if you choose. Your stand on WIPP will make your
19 allegiance clear. The health of the people are the profits
20 of the corporation.

21 New Mexico is watching and the world is watching.

22 Please look into your hearts and reconsider this decision.

23 Thank you very much.

24 PEGGY PRINCE: Good afternoon. My name is Peggy

25 Prince. I'm the Santa Fe County Co-Chair of the Green Party.

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1 The Green Party is the third major party in New Mexico. You
2 may not be aware of that.

3 I hope that you will accept my apology for the fact
4 that I'm not going to address my comments to you. I have
5 nothing to say on the scientific, technical issues of WIPP
6 and, therefore, I know that my comments will have no bearing
7 in whatever decisions you make. Instead I'm going to speak
8 to my brothers and sisters in the audience because I have a
9 thing to say to you.

10 I've been very disappointed in the fact that the
11 Espanola City Council, a woman from the community of La
12 Bajada, a gentleman from the community of San Felipe Pueblo
13 and several other people have talked about the fact that they
14 believe that WIPP will clean up their water and will
15 eliminate the waste that has made them victims.

16 This is not true. WIPP has not been designed to
17 clean up the waste that is getting into the Rio Grande water
18 from various sources. It is only cleaning up the waste that
19 is already in monitored, retrieval storage above ground in
20 barrels, and very well reinforced tents. You guys have been

21 hearing about these tents as if they were like pup tents that
22 the Boy Scouts use. They're not. They are very strong tents
23 and they are very well monitored. This is the waste that is
24 going to WIPP.
25 The waste that is not going to WIPP is the waste

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1 you should be concerned about. Specifically from two
2 sources, one which is called Area G, which is a large
3 underground buried waste right on the edge of the Pajarito
4 Plateau where LANL is located. This area waste is not going
5 to be retrieved. That buried waste is what is leeching into
6 the Rio Grande, leeching into the aquifer, the deep aquifer
7 beneath LANL, and will never be cleaned up. They have no
8 intention of ever cleaning that up, it's not retrievable.

9 This dump has been open since the 40's. There are
10 fuel rods that were thrown into that dump and buried. Fuel
11 rods from a nuclear power plant that was leaking tritium into
12 the ground for 30 years. This is documented fact. That
13 tritium has shown up in various locations.

14 The second place where the waste is not retrievable
15 and is not going to WIPP is from storm water runoff. Now,
16 what they call dry canyons, the only thing about those dry
17 canyons off that plateau is that they don't have water
18 running 24 hours a day, 365 days a year.

19 These canyons, however, when there's a strong rain
20 or melt-off comes in the springtime from the snowfall, are

21 contaminated with effluents that comes from nuclear
22 facilities at LANL, runs down from the runoff into the Rio
23 Grande and into the aquifers. You need to know this, you
24 need to hear this again.
25 I know you've heard it, but you need to remember

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1 it. You're my sisters and brothers. We're all from here.
2 We drink the water, we breath the air, and we eat the fruits
3 and vegetables that are grown here. We need to be aware of
4 what's going on.

5 The reason they want to remove those barrels from
6 LANL is to make room for more, folks. There's a plan in the
7 works within the next couple of years, and there will be
8 hearings later this year to talk about this, to do more
9 nuclear weapons. Production up there will create more
10 plutonium and TRU waste contamination up there. They want to
11 get this stuff out of the way in order to make room for more.

12 As the person earlier said, 70 percent of the waste
13 destined for WIPP has not yet been created. We are going to
14 be the center of nuclear weapons, hit production again. We
15 have got to make this stop. Thank you very much for your
16 time.

17 PRESIDING OFFICER: Thank you.

18 Next is Barbara Stevens.

19 BARBARA STEVENS: Hi, I'm Barbara Stevens. I've
20 lived in New Mexico since 1970. I was one of those people

21 that were interested enough and suspicious enough to actually
22 read those first environmental impact statements. I mean
23 just started reading them. Well, we also used them as
24 booster chairs for our children as they were growing up.
25 So I read in an EIS that if karst -- and I don't

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1 know how I knew then what that was or maybe it was a funny
2 word and I thought, what's that. If there's karst, if that
3 was found at the site, then the site wouldn't be good as a
4 repository. I could find that passage today if need be.

5 Anyway, some young scientist began working on karst
6 experiments down there, just staked their whole life on it, I
7 believe, and along with other scientists later on in the
8 state, I know that they have presented their karst data, but
9 it appears that DOE and evidently the EPA and whatever
10 connection there is, didn't do the research. They didn't do
11 that. They passed that on. They passed by. They left off
12 that concern.

13 It seems obvious to the total layperson that this
14 should be a concern because my understanding is the Carlsbad
15 Caverns is a karst phenomenon and the geology down there
16 obviously is also known to make a much faster travel time and
17 create pathways of contamination below the ground to reach
18 aquifers, and ultimately this is this little time frame
19 that's always been tossed around as short as 15 years to get
20 to the surface.

21 So some scientists voices must have been heard at
22 karst but not the DOE. Even though they know that there's
23 karst for WIPP -- but the karst data was ignored.
24 So just a few years ago when my family and I went
25 to the Washington D. C. area because of my husband's mother's

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1 illness, I was able to attend an EPA hearing where there was
2 expert testimony being given by two scientists, I had never
3 heard of them before, they weren't those ones that I knew had
4 been involved before, and they weren't connected to each
5 other, they just seemed to have arrived at the same idea that
6 there was karst at the site from totally different
7 approaches.

8 They were obviously well qualified, reputable older
9 scientists who presented very lengthy, detailed technical
10 testimony with lots of overhead projectors with maps and
11 tremendous complicated analysis that said, okay, this is
12 going to be karst, this is karst right over the site.

13 So I heard that testimony and I thought about that
14 EIS and the WIPP in the file, and I had great high hopes that
15 the environmental watchdog agency, the EPA would do
16 something. But that day at that hearing I did get this sort
17 of sinking feeling when I looked around the room and saw that
18 none of the EPA staff and none of them were anywhere near
19 your age. They were all 20 or 25 at most. There was no one
20 older than that in this room, and that made my nervous.

21 It seems sort of an important event taking place
22 and that's who was there. But anyway, still who else but the
23 EPA could keep the DOE from making another, if you could look
24 at it that way, multi-billion dollar, multi-thousand year
25 mistake.

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1 Anyway, that testimony seems to have gotten lost
2 behind the file cabinet and the karst issues have not been
3 dealt with.

4 Now on top of the lack of concern for the geology
5 and hydrology of the site, EPA and DOE are not considering
6 the new elements related to the oil and gas drilling and the
7 events of natural resources there at the site and that
8 Hartman well scenario, ignoring the drilling process that is
9 100 percent chance of the hitting the pressurized brine
10 pockets in the changes, and definitely changes and the chance
11 for active release of radioactivity into our environment and
12 greatly changes the time frame.

13 And always I've been so concerned about
14 retrievability, and now the time frame, instead of 10,000
15 years or a thousand years, you're talking about 15 to 100
16 years, you need that retrievability possibility. And I
17 remember asking for years, years ago about retrievability and
18 it's never -- when you used to be able to call to the DOE and
19 ask them, you know, they had some public person you could
20 call -- there was never any thought of retrievability. It's

21 never been a consideration. And the institutional controls,
22 the lack of active guarding and monitoring that one nation
23 there that not any concern from what happens to anybody in
24 the future.

25 So here we are in 1998, finding out that the EPA

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1 cannot be counted on to protect the environment, is not a
2 watchdog for our people and the people of our generation, and
3 evidently the EPA does not believe the possibility of even a
4 massive rapid contamination in the Pecos River and the Gulf
5 of Mexico areas are worth standing up for. Thank you.

6 PRESIDING OFFICER: Thank you.

7 Next is Nancy Park.

8 NANCY PARK: Good afternoon. I will not be long,
9 but I do have a couple of questions that I would like to have
10 answered by somebody in the EPA. In listening and reading
11 for years, because New Mexico has been my heart for years, I
12 wondered why New Mexico, why this beautiful southern part of
13 this state.

14 Then when I got down here and found out that
15 because we have this wonderful cavernous salt beds down there
16 in the southern part and they thought it would be a great
17 place for the rest of the country to send their waste
18 materials there, their hot stuff. Could somebody tell me
19 what retrievability is? Can one of you tell me what that
20 means in EPA language?

21 (No response.)

22 NANCY PARK: You don't answer questions?

23 PRESIDING OFFICER: Well, I think it would be

24 easier and we'd be happy to chat during the break.

25 NANCY PARK: But this is part of what I'm asking.

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1 Why are you considering it to be necessary to retrieve this
2 after it is planted down there.

3 PRESIDING OFFICER: Well, I don't think we are, but
4 again we'll be happy to go through that.

5 NANCY PARK: But I'd like answer today.

6 PRESIDING OFFICER: Well, we'll be happy to catch
7 you at a break. Again, we're trying to give the opportunity
8 for as many people to have the chance to talk.

9 NANCY PARK: I will take less than my five minutes
10 if you can just answer that.

11 MR. WEINSTOCK: EPA defines retrievability as the
12 ability to go back and get the waste for a limited period of
13 time. We've determined that although it would be difficult
14 and expensive, it is possible for a period of -- I'm not
15 sure, I don't remember offhand the exact period -- but in the
16 range of 100 years or longer to go back to essentially remine
17 the shafts and to collect the waste.

18 NANCY PARK: Because of a fault in the shaft,
19 building to begin with?

20 MR. WEINSTOCK: If there was some reason that was

21 found. I mean there are also requirements for monitoring of
22 the site.

23 NANCY PARK: You have certain standards.

24 MR. WEINSTOCK: Well, they will be monitoring the
25 site.

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1 NANCY PARK: You have certain standards of DOE
2 that they have to subscribe to like have they done those
3 standards as presented.

4 MR. WEINSTOCK: Well, that was our decision.

5 PRESIDING OFFICER: That's what this hearing is
6 about. Based on their application and based on the
7 conditions we imposed on it, we believe they have and that
8 was our proposal.

9 We're here to hear your comments based on whether
10 we did the right analysis, whether you have things to point
11 to that we calculated wrong or we didn't consider properly.
12 So we're in the midst of making that decision.

13 NANCY PARK: Of course, the public doesn't know
14 what the standards are so we don't know whether it will fit
15 in this facility is what I'm getting.

16 PRESIDING OFFICER: Well, those are all published.
17 We'd be happy to make sure you get the copies.

18 NANCY PARK: Can I get them?

19 PRESIDING OFFICER: Oh, sure.

20 NANCY PARK: Another issue that I can't help bring

21 up is this earthquake issue. Earthquakes are big and

22 unpredictable and very strong.

23 For years we've known that there's a major fault in

24 New Mexico, and now we are hearing that for years it has been

25 rumbling deep down in the earth down there, and low and

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1 behold this winter it came up where people could feel it, and
2 I absolutely know that they do hit here. I'm wondering what
3 provision has ever been made in thinking, not scientifically,
4 but just in morally placing a hazardous waste plant in such
5 poor soil down there in that part of the country.

6 I lived through and saw the change that earthquakes
7 can do in my little farm in New Hampshire the day after an
8 earthquake miles away happened. My water source changed
9 completely, dramatically to the point where you could not
10 drink it after.

11 When we asked the seismologist who was monitoring,
12 he said probably it was from the earthquake that had moved.

13 The soil down inside New Mexico is porous, it is
14 full of holes where all of this water can be transferred down
15 today.

16 And my last that I do hope that EPA who has held
17 such standards but has not really lived by them can rethink
18 this whole thing and understand that perhaps keeping the
19 hazardous waste where it is produced is far safer for the
20 public than trying to bring it down here to New Mexico.

21 Thank you.

22 PRESIDING OFFICER: Thank you.

23 Next is Howard Vasquez.

24 HOWARD VASQUEZ: Mr. Hearing Examiner, Members of

25 the Panel, thank you for the opportunity to address your

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1 hearing today.

2 My name is Howard Vasquez. I'm a lifelong resident
3 of New Mexico, and have lived in Santa Fe for a little over a
4 year. I am an employee of Westinghouse's Waste Isolation
5 Division of WIPP. I present testimony today not as a WIPP
6 employee, but as a citizen of New Mexico.

7 I support EPA's certification decision that WIPP
8 will comply with the radioactive waste disposal regulations
9 found in 40 CFR Part 191.

10 EPA has not only reviewed the Compliance
11 Certification Application, CCA we call it, submitted by the
12 Department of Energy and Westinghouse, but has gone far
13 beyond what is required in evaluating the application. I
14 commend EPA for holding 15 days of public hearings and
15 responding in writing to over three 3,400 public comments
16 concerning WIPP compliance.

17 I understand also that EPA has received input from
18 independent scientific organizations such as the National
19 Academy of Sciences and the New Mexico Environmental
20 Evaluation Group, prior to making its decision.

21 In addition, EPA has conducted its own independent
22 monitoring of technical issues concerning WIPP compliance.
23 International experts have given WIPP favorable reviews --
24 PRESIDING OFFICER: Hold on for a second, please.
25 Ma'am, if you're going to talk, would you mind

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1 going outside, please. It's hard to hear and its
2 distracting.

3 Okay, sorry.

4 HOWARD VASQUEZ: Again, international experts have
5 given WIPP favorable reviews as well.

6 Members of the Organization for Economic
7 Cooperation and Development's Nuclear Energy Agency, NEA and
8 the International Atomic Energy Agency, IAEA, conducted an
9 extensive six-month joint peer review of WIPP. They
10 published their conclusions in April 1997, and stated that
11 the scientific analysis used by DOE to determine if WIPP was
12 suitable as the country's first underground nuclear waste
13 repository are technically sound and based on appropriate
14 studies.

15 WIPP was authorized by Congress in 1979.
16 Construction of the facility was completed in 1989, and it is
17 a state-of-the-art facility that is a solution to a national
18 problem. WIPP is probably the most reviewed facility, from a
19 regulatory perspective, in this country. EPA is the
20 regulatory agency authorized by Congress to evaluate and

21 regulate WIPP's compliance with the disposal regulations.

22 They have relied not only on their in-house radiation experts

23 but on national experts.

24 EPA has made a preliminary determination that WIPP

25 will comply with the disposal regulations. Once that

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1 decision is finalized EPA does not go away. EPA must
2 recertify compliance with the disposal regulations every five
3 years after disposal operations start. They have the
4 authority to review the facility throughout its operational
5 life. I urge EPA to finalize its decision that WIPP complies
6 with the radioactive waste disposal regulations found in 40
7 CFR Part 191. Thank you.

8 PRESIDING OFFICER: Thank you.

9 Next is Pat Forman.

10 UNIDENTIFIED SPEAKER: She's not here.

11 PRESIDING OFFICER: Does anyone know if she's
12 coming later?

13 UNIDENTIFIED SPEAKER: No. I thought somebody
14 else could speak in her place.

15 PRESIDING OFFICER: Okay.

16 Next is Dave Bachon.

17 DAVE BACHON: Speaking about WIPP, the first thing
18 that always comes to my mind is that it's a bad process start
19 to finish. The mining of the uranium, the enrichment of the
20 uranium, creation of uranium into Atomic weapons and then the

21 burying of the waste is all a flawed process, so I've never
22 been impressed by what the DOE has come up with at all in
23 terms of the WIPP project, from start to finish.

24 There's a number of geological questions about the
25 site, the pressurized brine, the water transmigration, that I

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1 don't feel have been answered. And I'm curious as to how you
2 reject. How do you choose the rejection of scientific points
3 of view. It seems like you have a lot of independent
4 scientists working, especially now.

5 You were saying the whole site is very shaky
6 geologically, and it seems like that is not listened to at
7 all. There are so many anomalies down there.

8 What that brings to my mind next is what are your
9 parameters for failure? When do you decide this project has
10 failed?

11 Every project that starts, that I know of, has to
12 have some kind of parameter or you say okay, we failed, we
13 got to shut it down. What are those parameters? Do you have
14 any, do you have a set of parameters?

15 PRESIDING OFFICER: Again, it's all laid out in our
16 proposal. We are -- what we're about is determining whether
17 or not this site, as DOE is proposing to operate it, will be
18 our radiation standard and that's our responsibility.

19 DAVE BACHON: I've never seen any parameters for
20 saying this has failed. I've never seen those.

21 Like the gentleman who just spoke in favor of WIPP
22 said it's been peer reviewed, it's been recommended, but I've
23 never seen a failure parameter on the thing. It seems like
24 that would have to come first. It seems like that would be a
25 big part and I've never seen that. Do you have those

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1 parameters?

2 PRESIDING OFFICER: Yes, we have standards, we have
3 taken those standards and developed compliance criteria and
4 it is against those that we are testing whether or not DOE's
5 planning to meet those.

6 DAVE BACHON: But you're only going to have 100
7 years, do you know what I mean? EPA is going to be around
8 checking those for 10,000 years?

9 PRESIDING OFFICER: Well, you asked whether or not
10 we had the criteria. Again, that's all laid out. We can get
11 you copies. There are copies outside. Okay I've never seen
12 those parameters.

13 DAVE BACHON: Okay. I've never seen those
14 parameters.

15 I have yet to see anything that convinces me that
16 this is a good idea. And what I get is like the Romer in
17 Denver saying we've got to get this stuff out of Denver. So
18 then the waste is bad, it's dangerous. Then when it gets
19 shipped through, it's perfectly safe, any parameters are
20 safe. Then when it gets down there it's like, you know, is

21 it bad or good.

22 But it's this kind of thing that's gone on the

23 whole time. To me there has been no hard boundaries

24 established for what you're talking about. When it is

25 politically expedient, the waste is very dangerous and has to

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1 be moved. When it comes through it is safe, practically any
2 amount of it is safe, and so it's -- I feel like you guys
3 haven't even really done step one in this, although you've
4 spent millions or billions of dollars. I haven't seen
5 anything that makes me feel good about it. I'll check those
6 parameters if you have them outside.

7 PRESIDING OFFICER: Okay, good. Thank you.

8 Next is Al Elder.

9 AL ELDER: I've recently been to the Carlsbad Hobbs
10 area and was impressed to see how much drilling goes on down
11 there. It's one big drilling rig for miles and miles and
12 miles. I understand that the original idea of putting the
13 WIPP site in a subterranean salt bed was to sequester the
14 hazardous waste in a safe environment.

15 Now it turns out the sale is not all that stable
16 and there's brine under it and moving through it. With all
17 of this drilling that's going on in the area, it seems to me
18 that the potential movement of radioactive material off site
19 and into a subterranean environment could adversely affect
20 the retrieval of badly needed oil and gas supplies that this

21 country needs so we don't have to be dependent on foreign

22 oil.

23 Everybody is concerned about the water and killing

24 people but we also have to be concerned about other energy

25 sources that we need. Also, I'm a Santa Fe resident, and I

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1 live near the uncompleted bypass and have to drive St.
2 Francis road every day with hundreds of lost tourists from
3 Germany looking for Cerrillos Road and they're changing lanes
4 without looking. And I just worry about trucks hauling
5 hazardous waste into a fiery wreck that could turn this
6 beautiful place into a ghost town really quick. That's just
7 one of my many concerns, but thank's a lot.

8 PRESIDING OFFICER: Thank you.

9 Next is Peggy Coyne. Yes?

10 UNIDENTIFIED SPEAKER: I think I was supposed to
11 take the other half of David Bachon's time.

12 PRESIDING OFFICER: Okay.

13 LOUISE BALM: Thank you very much. My name is
14 Louise Balm. Language is a very interesting tool and it is
15 often used to disguise rather than reveal it, but let's be
16 frank. The nuclear nonproliferation treaty means no more
17 bombs, no more testing of bombs. So why are the scientists
18 at Los Alamos proposing to make more bombs and testing more
19 bombs? Why are they calling this stockpile stewardship? Is
20 this to keep themselves employed? Is it to fill up WIPP?

21 WIPP is called a secure off site location long time
22 disposal, but WIPP is not a secure, long time repository at
23 all. The more I learn about WIPP, about what will be
24 transported, is being transported to WIPP through almost
25 every state in the union and on a crowded city streets, the

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1 harder it is to sleep at night.

2 It is very hard to have any faith in our everyday
3 life continuing, when you look at what's happening behind the
4 language. It's clear we're being put in jeopardy and
5 conditions are being set up for disaster to take place. Why
6 are you being so irresponsible?

7 Why are you urging the opening of WIPP when it's
8 now clear that WIPP's location in the Salado formation is not
9 dry but wet brine with the pressurized gases and karst
10 formations that crack and fracture.

11 Is it good science to disregard the geology of the
12 WIPP site? Can the EPA certify the WIPP site when its
13 geology has not been thoroughly explored or understood and
14 people who have thoroughly explored it and spent years doing
15 it are being ignored? Has DOE thoroughly tested the
16 hydrology of the site?

17 Independent scientists fear the contamination will
18 migrate to the Pecos and Rio Grande rivers within a score of
19 years. Has this been thoroughly investigated?

20 The WIPP site is very rich in natural resources.

21 It is now surrounded by oil wells, also potash mines. The
22 state of New Mexico Environmental Evaluation Group predicts
23 100 percent chance that drilling will breach the WIPP site.
24 Is DOE EPA going to ignore this?
25 In the Hartman well case, the bring traveled for

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1 miles and blew out another well miles away from it. This
2 happened numerous times in the WIPP site area. Why is the
3 EPA ignoring the potential of oil field injection to cause
4 massive releases from WIPP?

5 Obviously there's a lost of pressure to open WIPP.
6 We can all read this in the newspaper. It's a passive
7 garbage mentality. Everybody wants to get it out of their
8 backyard. I understand this, but it's not going to help to
9 put it in a place that is not safe.

10 The WIPP site is not secure for this terribly
11 dangerous and long-lived waste. The WIPP site is unstable,
12 riddled with holes, full of brine that will corrode metal
13 containers, and in many ways that's how radiation came into
14 the environment.

15 It is not safe now, it won't be safe for the
16 thousands of years it will take for the waste to become
17 non-harmful. What is being done to protect future
18 generations, to control access to the site in 100 years, a
19 thousand years?

20 Why aren't these dangers being considered? What is

21 going on? Why aren't you protecting us?

22 PRESIDING OFFICER: Okay, next is Peggy Coyne.

23 PEGGY COYNE: Thank you for allowing me to express

24 my concerns. Quite frankly I have no faith in DOE's ability

25 to isolate radioactive wastes from the environment for a

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1 1,000 thousand years, 10,000 years. This is true fantasy. I
2 mean, just the thought that the arrogance of the DOE and the
3 complicity of the EPA could take this thing, the state
4 seriously is beyond logic at all.

5 I don't have confidence because when the DOE had
6 the opportunity decades ago to develop a comprehensive energy
7 plan for this country and choose a clean form of energy like
8 solar energy that did not create waste, it chose instead the
9 nuclear options. And not we're all sitting here billions of
10 dollars later worried about the waste.

11 But I think probably the most stinging criticism of
12 the WIPP site comes from the pictures from outer space.
13 There we see photovoltaic cells bumping around the landscape
14 of Mars, on the moon, in the blue of the sky, and there
15 there's not a waste problem constituent in it's lack of
16 waste. Billions of people see these.

17 I was wondering why the DOE doesn't ban those
18 images. That's an option that the DOE had for the Planet
19 Earth, not just outer space. In fact, photovoltaic, solar
20 energy is the energy source of choice for NASA, not nuclear

21 energy, although there's some of that going on now. But NASA
22 prefers solar energy for outer space because it is
23 dependable -- I mean, these incredible projects, billions of
24 dollars up there and what do they choose, solar energy.
25 Why isn't the DOE and why isn't the EPA making

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1 policies for us on earth so we don't have to deal with this
2 waste problem.

3 So I'm not impressed with the intelligence when the
4 simple, elegant solution to energy is disregarded and the
5 dirty nuclear option is the one we go with. So I am not
6 impressed with the DOE or the EPA's ability to make decisions
7 that are good for the people or good for the planet.

8 I think that WIPP isn't what the DOE thought it was
9 20 years ago, and EPA needs to reevaluate and say, we've got
10 the geologic problems, we've got earthquakes down there,
11 we've got brine.

12 I know it's hard to put so much down the hole, so
13 to speak, but it's never late than never. Perhaps it is time
14 to look at these problems and think about the future.

15 The DOE and the EPA disposal of waste at WIPP is a
16 journey to the underworld in mythological terms. Our heroes
17 of the past who went to the underworld, the Oden and Ortheus
18 they went to the underworld with great trepidation, danger,
19 but they felt they had to go there for knowledge to bring it
20 back to the people.

21 EPA and DOE have no such trepidations or worries.
22 It's basically like an animal digging a hole in the earth and
23 sticking its waste down there. So again as the DOE and the
24 EPA take us to the edge of a brave new world, it's doing it
25 like the fool walking off the cliff blithely 10,000 years.

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1 It does not inspire confidence.

2 It inspires great fear, and as a mother, I say
3 shame on you. Shame on you that you are not worried about
4 making a decision for seven generations. Not even speaking
5 about 10,000 years. We're lucky that those beautiful cave
6 dwellers who did those beautiful drawings in France 15,000
7 years ago didn't just write us off. I think 10,000 years
8 isn't near long enough to isolate the waste at WIPP. Thank
9 you.

10 PRESIDING OFFICER: Thank you.

11 Next is Linda Pedro.

12 LINDA PEDRO: My name is Linda Pedro and I'm From
13 Chimayo. I woke up at 3:00 this morning thinking about
14 these hearings and trying to decide in my heart of hearts why
15 I was going to take the time and the trouble to get in my
16 wheelchair and come down here.

17 I decided -- I could quote you all the different
18 things people have told you today because I've read up on it,
19 and I decided I didn't want to do that. I really came here
20 to speak on behalf of my grandson.

21 I believe that in this century we've created the
22 greatest monster the greatest Frankenstein of all and that
23 was nuclear energy, and we created it and brought it forth to
24 the world right here in New Mexico. It's been beyond our
25 comprehension ever since.

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1 The original story of Frankenstein, he was a
2 composite of human error, really. When I look at my grandson
3 and know he can't speak for his life, when I'm gone I would
4 like to speak for him.

5 I don't believe there is any way in the world that
6 you can guarantee that it's going to be safe to open WIPP
7 for my grandson. All the officials in Russia a who oversaw
8 Chernobyl, all the officials who oversaw Three-Mile Island,
9 all the people who ran Exxon in the Exxon Valdez forgot to
10 account for one thing and that was human error.

11 There will always, always has been and always will
12 be human error. There will be human error in this project.
13 When the human error occurs, we humans will be the sufferers
14 of it, our grandchildren. I would hope that you will
15 grandchildren.

16 The only inheritance I have to give him is my small
17 piece of land in northern New Mexico and teachings, good
18 teachings that he might be a good citizen of this land. He's
19 predominantly Native American. He was born of the stewards
20 of this time and he has a great pride in all that, and I hope

21 he can live out his life and see his own grandchildren.

22 So I'm asking you are we going to become the bride

23 of Frankenstein, are we going to join in this marriage. I

24 would ask you as loving parents to prevent this marriage,

25 that there may be a place here in New Mexico for children.

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1 There's no guarantee because you cannot prevent human error.

2 Nobody can do that.

3 I'm sure the officials in Russia thought Cherynobl,
4 was a safe situation. And I'm sure whoever monitored Exxon
5 Valdez was sure that something like that would never happen.
6 All the facts are there in black and white.

7 Like I said, I could quote you those facts. I
8 don't it. I don't believe it's safe. If I believed it was
9 safe, I would be here to say I'm glad you have found a safe
10 solution for this Frankenstein, we live with, nuclear waste,
11 but I don't believe it's been found and I don't believe you
12 can guarantee that my grandson's life will be safe in
13 northern New Mexico if this project is allowed to continue.
14 Thank you very much.

15 PRESIDING OFFICER: Thank you. Thanks for coming
16 today. We appreciate it.

17 Next is Kirk Larson.

18 KIRK LARSON: My name is Kirk Larson and I
19 appreciate the opportunity to talk to you today. I
20 complement the EPA on its proposed rule and agree with the

21 findings there.

22 I work with Sandia Labs, and my role in the last

23 few years has been to essentially write, edit or review most

24 of Sandia's contributions to the Compliance Certification

25 Application and to work in responding to EPA's questions and

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1 other people's questions regarding the application. The
2 level of criticism and interest that we have had to respond
3 to has been extremely high.

4 A lot of the questions have been very difficult and
5 thought provoking and have indicated a very deep
6 understanding of the issues that are basically the things
7 that are at issue in this matter. And I think that the
8 reviews are thorough and I'm proud of it, it's going to stand
9 up, it's a good review.

10 There are a few other things I'd like to say. One
11 is the recent issue of nesquehonite that has been raised by
12 several people. I just want to get it into the record that
13 back when we were undergoing the independent peer reviews,
14 Sandia scientists made a fair and candid presentation of all
15 the nesquehonite issues, conceptual model peer review panel.
16 That issue was discussed, and it was documented in their
17 findings and essentially they didn't think it was an issue.

18 I've heard a lot of people here talk about
19 disclosure of contractor names and so forth. I know that
20 that's probably some sort of policy or something that the

21 federal government has, but I don't really know. I think it
22 would be nice to know the names of those people and so forth
23 that give things. I don't think it is necessary. I don't
24 judge the quality of an idea by the letters behind someone's
25 name; I don't judge the quality of an idea by who is

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1 presenting that idea; I don't judge the quality of an idea by
2 whether they belong to a certain professional organization or
3 not, or whether they have the right degree from a college or
4 whatever.

5 The technical decisions, the technical findings
6 that EPA has found and documented need to stand independent
7 of who wrote them, and I think they will and I think they do
8 and I think you've done a good job of documenting them. So
9 the conflict of interest issue is real but maybe it's not
10 necessary.

11 A couple of other things I wanted to say in
12 response to comments that are really not relevant to your
13 hearings but I won't to say namely. One is I've heard
14 several people here representing various organizations
15 interested in public health talk about baseline surveys who
16 seem to be ignorant of recent developments and ongoing
17 developments in New Mexico.

18 First of all, Westinghouse and EEG have been
19 monitoring the environment around the WIPP site for a long
20 time, and recently a new organization affiliated with New

21 Mexico State University and the Carlsbad Environmental
22 Monitoring Research Center has initiated a baseline health
23 study of both the humans and the environment around WIPP.
24 That's an organization that is rapidly on its way to having
25 an unparalleled international reputation for health

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1 monitoring internationally, and it's vigorously independent
2 and they will be doing a good job.

3 The fifth thing is I really want to comment on the
4 concerns that people have raised about getting the waste out
5 of Los Alamos. Several people have been here to say from La
6 Bajada, from Espanola, from some of the pueblos along the Rio
7 Grande, that they want to get the waste out of Los Alamos
8 into WIPP. Other people have gotten up and said, look, WIPP
9 isn't going to solve your problem because there are wastes at
10 Los Alamos that are causing the problems that are going to
11 stay there.

12 The comment after is that the answer is true and
13 it's a little bit disingenuous because the reason WIPP is not
14 going to solve some of those problems is because Congress has
15 not allowed WIPP to solve some of those problems.

16 So the full potential of WIPP to solve some of the
17 nation's nuclear problems is not being realized because of
18 political limitations, domestic politics. And those people
19 who are concerned about waste and waste in your area, why
20 it's not being cleaned up -- I don't know anything about Area

21 G. It sound like maybe it ought to be clean up, maybe not, I
22 don't know. But call your Congressman and say, why aren't we
23 solving these waste problems. Ask them, are there technical
24 reasons why WIPP can't take more TRU waste? Are there
25 technical reasons why WIPP can't take waste besides TRU

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1 waste. Why do we separate waste in the defense. It's all
2 plutonium or uranium.

3 There's a lot of domestic politics involved in
4 these decisions that prevent WIPP from solving more of the
5 nation's waste problems. Thank you.

6 PRESIDING OFFICER: Thank you.

7 Next is Ray Stevens.

8 RAY STEVENS: My name is Ray Stevens and I live
9 here. My wife testified earlier, and we were here in the
10 70's when WIPP started. We moved away for a while and then
11 went back again. And like some of the other people, I don't
12 want to run through all the you know already, I just want to
13 give some ideas.

14 Back in the 70's the idea of disposal of nuclear
15 waste became a major issue. And the best scientists that the
16 government and Westinghouse and the industry had apparently
17 came up with came up with the idea hey, lets dig a hole and
18 bury it. At that point you lost all the credibility, as far
19 as I'm concerned. It's the stupidest idea I've ever heard
20 of.

21 All science based on that from there on out is
22 bogus. It's just playing games and talking among yourselves,
23 stroking each other and not getting anywhere because you're
24 not dealing with the problem.
25 When they first started talking about this in the

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1 70's, and this is one of the things I want to bring out.

2 Everybody seems to have forgotten what WIPP stands for. It's

3 Waste Isolation Pilot Project. It was supposed to be a

4 fairly small hole in the ground in this very stable dry salt

5 in a very geologically stable area.

6 They were going to put a little bit of not very

7 dangerous radioactive waste in there. They were going to

8 leave it in that hole for 20 years or so and then they were

9 going to get it out and evaluate whether this was a good idea

10 or not.

11 They were lying then, they've been lying for the

12 last 20 years, and they are lying to you now. But the lies

13 now have gotten to the point where we're talking about this

14 stuff I picked up out of the papers, and in fact, 6 million

15 cubic feet of TRU waste estimated, 13 tons of plutonium they

16 estimated. We've heard that essentially 70 to 75 percent of

17 the waste hasn't even been generated.

18 You don't know what they are going to put in there,

19 they don't know what they are going to put in there. The

20 waste is now -- early on we found out it wasn't all

21 radioactivity. There's a lot of very serious other types of
22 environmental hazardous waste mixed in with it. They don't
23 really know what they've got. They're telling you that
24 they've got a model of what it might be and that might be
25 okay and you're accepting that.

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1 The geology has been changing as the stories
2 change, as they have trouble building WIPP, they've had to
3 change their plans. As they find out more about the geology,
4 they've had to make up new stories about why it's always safe
5 every time the story comes around again and every time the
6 public hears something about it.

7 This is where we are now. You're going to let them
8 put this kind of quantity estimate, maybe it's every bit of
9 nuclear waste, everything we've got we'll stick it down in
10 that hole eventually without ever doing the Waste Isolation
11 Pilot Project.

12 What I'd like to suggest is that the time limits up
13 for the pilot project. Why don't you just shut it down.
14 Write the final statement on the pilot project. Why don't
15 you tell the world it was such a lousy idea 20 years ago, the
16 two and a half billion dollars and massive propaganda
17 campaign you can't even open the damned thing. Leave it at
18 that. Go home. Let the people down in Carlsbad spend the
19 next 20 years filling the hole back in. I mean, it doesn't
20 take 20 years but DOE knows exactly what to do about that.

21 All they do is lie. That's all they've been doing all along.

22 PRESIDING OFFICER: Thank you.

23 Next is Robert Light.

24 ROBERT LIGHT: I will take my five minutes. I

25 really probably could have gotten ten since I have a state

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1 appointment on the Mining Commission, but I would rather just
2 take the five minutes. I've been to every hearing that the
3 EPA and the DOE's had concerning WIPP and I do have a written
4 statement.

5 Before I read it, I'd like to say Linda, I enjoyed
6 hearing your comments. I find that these things get
7 extremely emotional and I can understand why, because I've
8 heard these comments numerous times before. Let me say this,
9 I came out here to New Mexico in 1951 as a geophysicist with
10 Continental Oil, and my work was concentrated in the Carlsbad
11 area almost exactly where the WIPP site is today.

12 We were looking for oil and gas. I later joined my
13 father-in-law in the oil and gas business and I've been at it
14 for 40 years in oil and gas production in the Carlsbad area.

15 I later became interested in being an Eddy County
16 Commissioner, and that was in 1979, serving four years which
17 was the limit. After that I came to the legislature and
18 served 12 years.

19 I'd like to show you that background of what I've
20 done in New Mexico since arriving here in 1951. My wife and

21 I were married in 1952 in Carlsbad. I too have a
22 granddaughter just three years old. She's the cutest thing
23 you ever saw, and your grandson is too.

24 UNIDENTIFIED SPEAKER: Speak into the microphone
25 please.

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1 ROBERT LIGHT: Now to read my presentation, I'd
2 like to give you first some of my qualifications for writing
3 this paper. I've already told you I was in the house and a
4 county commissioner. I was a member of the House of
5 Appropriations and Finance Committee for the entire time I
6 served, 12 years, in the legislature.

7 I served as chairman of the Radioactive And
8 Hazardous Materials Committee from 1991 and '92, and again in
9 '95 and '96, four years.

10 I was on the House Finance Oversight Committee. I
11 was on the New Mexico Science, Technology and Defense
12 Conversion Committee, and I was on the Executive Board of the
13 Energy Council which deals with the ten western states who
14 are energy producing states.

15 While there I served as chair of the Center of
16 Legislative, Environmental and Energy Research called CLEER.
17 I served as chair of that. I also served as chair of the
18 Energy Committee of the National Conference of State
19 Legislators, a member of the Clean Air Working Group, the
20 Radon Working Group, the state-federal assembly on Energy

21 Committee which helped establish the national energy policy.

22 I was also a member of the assembly on Federal

23 Issues of Energy and Transportation, a member and vice chair

24 of the High-level Radioactive Storage and Transportation

25 Working Group. I was a member of the Department of Energy's

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1 High-Level Radioactive Interim Storage and Transportation
2 Task Force. So I have a background for what I'm going to say
3 here today. It's going to be quite different than what I've
4 ever said before, and I want you to know it gets almost
5 global in nature. Here I go, this is my official
6 presentation.

7 My name is Robert S. Light of Carlsbad, New Mexico,
8 having served 12 years in the New Mexico Legislature and four
9 years on the Eddy County commission, I present the following
10 comments to this hearing today, and I'll try not to be
11 repetitive in comments in support of the WIPP I made in
12 Carlsbad. I also have submitted an attached list of
13 qualifications for making this statement which I have already
14 explained.

15 I've been actively involved with the WIPP project
16 from 1979 through 1996 as a county commissioner and a state
17 legislature, WIPP being located in my commission and
18 legislative district. The WIPP was always in my district
19 while in office.

20 Numerous recent articles published in bulletins and

21 news releases support the need for a project to demonstrate
22 the safe isolation of transuranic nuclear waste. I'm aware
23 that WIPP is a defense related project and is being globally
24 as a step in the right direction to safely isolate nuclear
25 waste from the public.

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1 An article recently appeared in the December 1997
2 issue, Nuclear Energy Insight concerning China's growing
3 nuclear power generation. China today produces a meager,
4 small amount 2,000 megawatts of nuclear generated
5 electricity. By 2010, this is estimated to grow to 20,000
6 megawatts. By 2020 it will be estimated at 50,000 megawatts,
7 and by 2050, the need will be for 150,000 megawatts of
8 electricity generated by nuclear energy.

9 If these estimates are accurate, China will have
10 150 1,000 megawatts generating plants by mid century. That's
11 150. We have 120 in the United States. They will exceed
12 that by now 30. That's important to realize that the nuclear
13 age is with us and it's not going away. I know that you
14 wished it never come about but it is here and we have it.

15 PRESIDING OFFICER: Mr. Light, your time is up.
16 Can you conclude.

17 ROBERT LIGHT: Is my time up? Can I read my last
18 page?

19 PRESIDING OFFICER: Of course.

20 (Audience heckling.)

21 PRESIDING OFFICER: Please, would
22 everybody -- we've gone through the hearing and I think
23 everybody's been very courteous even though there are strong
24 feelings on each side, and I ask you to continue that and
25 let's -- we've tried to let people finish out their comments

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1 even if they're over time.

2 ROBERT LIGHT: It shouldn't take me more than one
3 minute.

4 PRESIDING OFFICER: Go ahead. Please do.

5 ROBERT LIGHT: Fully aware this presents a high
6 level spent fuel problem quite different from the transuranic
7 mid level problem addressed by WIPP. However, we cannot
8 resolve the transuranic waste problem and show the world how
9 to safely dispose of waste problems. If we can't do that,
10 how can we expect to move effectively in the future with high
11 level waste problems? It's important that we move forward.

12 In October of 1997, the EPA issued their proposed
13 rulemaking to certify that DOE WIPP will comply with
14 radioactive waste disposal regulations set forth in 40 CFR
15 Part 191 of the environmental standards. It was
16 approximately one year coming to fruition, and contained
17 100,000 pages of submittals.

18 The reason I am participating in this hearing today
19 is to support the effort to open WIPP and assure you as a
20 local businesswomen living in Carlsbad with considerable

21 personal activities in Carlsbad, that I speak not only for
22 myself but for the citizens of Carlsbad in Eddy County. We
23 feel comfortable with the pilot plant's opening in May of
24 1998, the safety thereof and to delay any longer in moving
25 forward with the project would certainly be detrimental to

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1 those people with waste deteriorating in their own backyards.

2 My comment to all of you, and I wrote this on
3 Monday long before I came here. I feel strongly these
4 group's concerns are genuine, but it is time to move forward
5 on behalf of the people who are not here today with genuine
6 concerns for their safety. Thank you very much.

7 PRESIDING OFFICER: Thank you.

8 KATHERINE MONTANO: Let me see the list.

9 PRESIDING OFFICER: Ma'am, if you'd go talk to the
10 staff outside, they're keeping track of the list.

11 KATHERINE MONTANO: Mr. Chairman, he was not on
12 the list. You are catering to pro WIPP people because he's
13 not on the list.

14 PRESIDING OFFICER: Ma'am, if you'd like to
15 testify, we'll be happy to add you to the list.

16 KATHERINE MONTANO: No, the thing is you're
17 catering, because he's not on the list.

18 PRESIDING OFFICER: Ma'am, we will be happy to make
19 sure everybody who wants to testify has that chance to
20 testify. As you well know, we've been up to 11:00 most

21 evenings making sure that happens. We have not been

22 catering.

23 KATHERINE MONTANO: Why did you let him testify

24 when he's not on the list?

25 PRESIDING OFFICER: Who?

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1 KATHERINE MONTANO: Kirk Lancer.

2 PRESIDING OFFICER: No, he replaced Mike Irwin who
3 is on the list. That's why he testified. A number of other
4 people on both sides have taken other people's places, so
5 that's what happened.

6 By the way, for people who have come in I just
7 mention -- it's hard to see when you first come in -- you're
8 welcome to stand there, but there are more seats over on this
9 side than on that side. It's hard to see them when you come
10 in.

11 The next witness is Ann Dasburg.

12 ANN DASBURG: Good afternoon. Thank you for
13 listening to us even though we're paying your salaries and
14 these hearings are being supported by our taxes, so you
15 really don't have much choice, so you have still have to
16 listen to us.

17 The impression one gets is that the EPA and the DOE
18 are happy bedfellows. I would like to point out that many of
19 us are quite wary of the protection of the environment that
20 is taking place in our state.

21 Granted the Carlsbad may be ready to receive
22 nuclear waste, the same thing cannot be said for every
23 transportation route planned all over the country. If you
24 have seen those maps, they are pretty incredible. It comes
25 from all over the country. Few of these have been

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1 resurfaced, redesigned or safeguarded with realistic speed
2 limits to prevent accidents.

3 All you have to do is stand out and watch the
4 traffic and the big trucks go up and down St. Francis. The
5 millions, make that billions, already spent or to be spent on
6 the Waste Isolation Pilot Project could so much better have
7 been used to secure all nuclear waste wherever it is
8 produced above ground around, and easily monitored in highly
9 perfected containers.

10 Personally I resent having to contribute some of my
11 taxes for this project. It is unfortunate in this country
12 that there is no way citizens can so indicate.

13 Meanwhile we will continue to protest this
14 potentially disastrous plan. Thank you.

15 PRESIDING OFFICER: Thank you.

16 Next is Diana Bryer.

17 UNIDENTIFIED SPEAKER: She isn't here but she would
18 like Ike DeVargas to speak in her place.

19 PRESIDING OFFICER: Okay.

20 IKE DeVARGAS: Good afternoon and thank you very

21 much. I appreciate this opportunity to voice my opinions.

22 I'm not a scientist I'm really just a logger in

23 northern New Mexico. I'm also a veteran and I'm going to

24 make my comments very short. I don't like the way the

25 government has dealt with the people. What has been done

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1 with Vietnam Veterans who were exposed to Agent Orange, to
2 the veterans who were exposed in the Gulf War to chemicals
3 and then the cover-ups that occurred have made me extremely
4 distrustful of the U.S. government.

5 The initial nuclear program exposed quite a few
6 citizens to the hazards of nuclear exposure and many people
7 have died. The Navajos in the reservation who mined the
8 uranium to make this country the great nuclear power it
9 supposedly is have never been taken care of.

10 I deeply resent the fact that the government would
11 choose a politically not powerful state to dump all their
12 junk in. I would just like to say that nothing that has been
13 put out into the public has convinced me that burning waste
14 that would be hazardous for tens of thousands of years is
15 going to be safely deposited in Carlsbad.

16 Now, it's really sad to me that people in Carlsbad
17 or in other areas would be willing to receive this garbage,
18 this toxic garbage for a dollar, to make a few bucks. I'm
19 deeply disturbed by it. Thank you very much.

20 PRESIDING OFFICER: Next is Bob Wilson.

21 UNIDENTIFIED SPEAKER: Bob Wilson is not here but

22 Judy Goldberg and Lucy Cutter are going to take his place.

23 PRESIDING OFFICER: Okay.

24 JUDY GOLDBERG: I'll just take a few minutes. My

25 name is Lucy Cutter and I live in Chimayo, and I've been

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1 living there for 25 years. I commute daily almost to
2 Albuquerque, and it is particularly crowded now with the road
3 from the Pojoaque area in through Santa Fe and, of course,
4 the road down to Albuquerque, but that section will be very
5 much affected by transportation of these wastes. And the
6 bypass seems to be stuck somewhere and not happening.

7 I just don't see how this could be contemplated
8 without that bypass. It's going to be an incredibly
9 dangerous road for trucks carrying waste.

10 But I'd like to ask the gentleman here how he would
11 answer the question about the gas and oil drilling,
12 destabilization and possible movement of this waste. I'm not
13 saying -- why aren't these questions answered? Questions
14 about the geology, the idea of this waste and polluting the
15 aquifers and at some point, whether it is 15 years or 100
16 years or 1,000 or 10,000 getting into the aquifers and into
17 the rivers is just completely crazy, that's the blink of an
18 eye about what's on this planet.

19 So I don't really have anything more to add to what
20 people have said before. It doesn't seem that the EPA has

21 considered fully the questions brought up recently. I
22 understand also from what's been said today there is high
23 level waste being contemplated being deposited in WIPP. Is
24 that the case at this point in time?
25 PRESIDING OFFICER: No, ma'am, that's not.

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1 LUCY CUTTER: And then you said something about you
2 believe DOE would comply with these standards. Is that
3 something you have to do, your standards?

4 PRESIDING OFFICER: Yes, they do, and the question
5 before us is whether or not their plans for operating will
6 comply. We proposed and concluded they would, and that's
7 what we're taking comment on.

8 LUCY CUTTER: You think they would, you don't know
9 that they would comply with your standards.

10 PRESIDING OFFICER: Well, they'll have to comply
11 with our standards, but again the question was whether or not
12 we believe that that site operated the way they planned to
13 operate. It will meet our standards.

14 LUCY CUTTER: That doesn't really make any sense to
15 me what you said, but anyway that's all I have to say for
16 now. Thank you .

17 PRESIDING OFFICER: Thank you.

18 ROBERT LIGHT: And may I say it will be my pleasure
19 to talk to Ms. Cutter.

20 PRESIDING OFFICER: Maybe you can have a

21 conversation outside during break.

22 JUDY GOLDBERG: My name is Judy Goldberg. I've
23 been a resident of New Mexico for 20 years. I'm a mother, a
24 wife, a daughter, a neighbor, home owner and I'm a video
25 producer and I'm a teacher.

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1 I'm not a scientist nor have I followed all the
2 technicalities during this long arduous struggle concerning
3 opening of WIPP.

4 I have been and continue to be concerned about the
5 safety of the WIPP site and this is why I'm here before you
6 today.

7 The problem of nuclear waste is unfathomable and
8 unmanageable. Personally it is hard to comprehend how much
9 lethal waste has been produced and how it continues to
10 threaten more and more lives.

11 The problem with the waste is clearly a result of
12 short-term thinking rather than long term. It is the result
13 of fear and aggression.

14 I would like to propose learning from our mistakes
15 by asking some long-term questions. Why open WIPP when it
16 has not been proven to be safe?

17 What are all the potential scenarios should highly
18 lethal radioactive waste be stored at the WIPP site in terms
19 of environmental contamination and release of deadly poisons?

20 Are the tests to determine the soil composition at

21 the site definitive and is the waste being stored in wet

22 brine or dry salt?

23 Who are the individuals making these tests, what

24 are their qualifications, who is paying for them to do this?

25 What are the characteristics of the waste, how will

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1 this be tested and monitored?

2 How is it known that the specific waste can be
3 safely stored in canisters and place at the WIPP site without
4 corrosion and release of radioactive?

5 What are the plans to handle deadly pollution of
6 the environment should drilling for oil or gas
7 unintentionally release radioactive waste?

8 Why does the EPA ignore independent scientists
9 views that the WIPP site is not adequately prepared to handle
10 permanent storage of the waste?

11 My last question is about economics. Is the
12 pressure to open WIPP a result of billions of dollars already
13 spent rather than objective determination of what is safe for
14 the public and future generations.

15 Thank you for the opportunity to speak. I, a
16 non-religious person, at this moment pray these questions and
17 all other questions raised today and all through these
18 hearings will be answered before the opening of WIPP.

19 PRESIDING OFFICER: Thank you. It's 3:35. We're
20 going to take a ten-minute break until 3:45.

21 (A SHORT RECESS WAS TAKEN.)

22 PRESIDING OFFICER: We had skipped over Pat

23 Foreman, I believe, and Corrine Sanchez is going to speak in

24 his place.

25 CORRINE SANCHEZ: Good afternoon, hello, my name is

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1 Corrine Sanchez and I'm from San Ildefonso Pueblo. I'm here
2 speaking on behalf of myself and my community. The youth
3 groups that I represent are the Pojoaque Lions, Children
4 United and others.

5 I'm here to speak -- I spoke at a hearing last year
6 on WIPP, and people have mentioned before, wonder why should
7 we come back again and present our views. I think a lot of
8 the issues in your report and in your studies haven't
9 addressed the social and cultural concerns of the people that
10 live in the communities through which these transportations
11 are going to occur, where the these waste products are
12 produced and where they're stored.

13 We think of this as just a local issue. This is a
14 national issue. There are congressmen in Illinois who are
15 protesting the transportation of waste to Yucca Mountain.
16 Where are our congressmen protesting the transportation of
17 WIPP through our communities?

18 Tom Udall was here yesterday and he brought up a
19 lot of issues that are very important and relevant to our
20 communities. You stand there, EPA, and you say that you are

21 going to rely on DOE, DOD to self-regulate is pretty much
22 what it comes down to, that they are going to meet these
23 standards. When the track record of DOD and DOE at Los Alamos
24 National Laboratory has been zilch.
25 I also come here to speak as a past member of the

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1 citizens -- well, I'm still a current member of the Northern
2 New Mexico Citizen's Advisory Board. And we heard this man
3 earlier spew all of these documents, you know, he sits on
4 this board, that board, he has this education, that
5 education.

6 I come from the education of life. I've already
7 been educated in the university. I come from the background
8 of my community and my cultural people who mine a strip of
9 land that belongs to them where is this nuclear stuff
10 developed and who are not getting the adequate health risk
11 and all these other issues dealt with.

12 You are looking to DOD and DOE to do
13 self-regulation. Their track history at Los Alamos National
14 Laboratory, you can pull up any health risk report that you
15 can, you can look at their CMR report and see they are not
16 accountable.

17 They have stripped the voice of the people when
18 they silenced the Northern New Mexico Citizen's Advisory
19 Board, and they covered that up with lies, saying that we
20 weren't meeting the concerns of our people. I'm a volunteer

21 on that board. I met every concern that my constituents
22 brought to me and I put it before DOE. We asked them about
23 the continued production and the speeding up of production of
24 their plutonium pits.
25 We're saying, and we mentioned earlier, that we're

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1 putting that stuff in the ground and this is supposed to
2 cover and supposed to be our solution to the waste problem in
3 our nuclear facilities. This is not a solution to the waste
4 problem in our nuclear facilities.

5 I do not bow to the high priest of patriarchy that
6 spew all of their background, their degrees, all this stuff,
7 when it is common sense that tells you you cannot stick stuff
8 down in the hole in the ground and it's not going to come up
9 eventually.

10 We're seeing the realities of this. In our
11 communities that we are in an active area, that we have
12 earthquakes happening, we have hot springs all within a
13 50-mile radius of Los Alamos Laboratory, all along the routes
14 that are going to take this waste to the Waste Isolation
15 Pilot Plant.

16 There are no studies done. Now Los Alamos is
17 sending people to study this, and we're also saying to our
18 people that this is an economic viable program for you to
19 develop, for you have. We're going to put a lot of money
20 into your programs. They've been around for 51 years, they

21 haven't done shit for our communities.

22 I went to school at Pojoaque High School when Los

23 Alamos High School gets a subsidy from Los Alamos National

24 Laboratory in the millions of dollars. And the local

25 communities and schools don't get anything.

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1 New Mexico what used to be 48th state on the list
2 for economic growth, now we're down to 50. So where is the
3 track record for Los Alamos, DOE and DOD saying that hey,
4 we're bringing all of this money to your state. We have the
5 highest dropout rates in our high schools; we have the
6 highest suicide rates among our children; we have the highest
7 drunk driving fatalities on our roads in New Mexico and
8 you're going to travel them? You're going to have those
9 trucks traveling on our street when you have even stated they
10 are not safe.

11 There was an incident not too long ago where a
12 truck was lost, because, you know, we have all of this
13 sophisticated, supposedly, satellites that are monitoring
14 this stuff. They didn't know where it is. You know, they
15 can't admit to their fault. They can't admit that they are
16 not meeting the needs of their people, that they are not
17 meeting the accountability and responsibility.

18 As a citizen of my state, as someone who pays,
19 who's gone to school, who's done everything that I'm supposed
20 to do, I'm not listened to.

21 Tom Baca, Secretary Pena, silenced my voice on the
22 New Mexico Citizen's Advisory Board, and they are going to
23 silence all of those who oppose WIPP, because we don't have
24 those public -- right now even in this hearing we don't have
25 that voice. We're in the community in Santa Fe county, Rio

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1 Arriba County, Los Alamos County, all around here and we
2 should be the people whose voices you hear at this hearing
3 and not trucking in people from Carlsbad.

4 You know, you had your chance to speak. Now it is
5 our chance to speak and we need to have our voices heard.
6 We have hearings on Fridays when we know people are working.
7 Hell, we're at the bottom of that lift in income for our
8 people, so you're going to tell us if you want to have a
9 voice in this public arena, you have to take of a whole day
10 in order to be heard.

11 How many people can afford that? How many working
12 mothers, how many single mothers, how many people out their
13 in this audience can wait that long? We need something that
14 is accountable to the people. These hearings are not
15 accountable to the people.

16 Unless we have a voice where we can be heard and
17 our concerns -- and like I said last year when is it going to
18 be enough, how many people do we have to hear to say yes or
19 no?

20 They never gave us a number and I don't think they

21 ever will. I think it is still a top decision of EPA or DOE

22 or DOD, whoever has the bucks. And I don't know I don't.

23 Thank you.

24 PRESIDING OFFICER: Thank you.

25 UNIDENTIFIED SPEAKER: And before you say anything,

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1 I know I'm probably way at the bottom of the list, but I'm
2 not accustomed to people coming to my home and telling me
3 when I can speak or when I can't speak.

4 First of all, the hearings here are for the people
5 of northern New Mexico to be heard. The other thing is that
6 you're in my home, you know, and you're in Kathie's and
7 you're in Gilbert's and you're in Juan's and you're in many
8 people's homeland that you should learn how to respect.

9 If you have a busload of people coming in from
10 Carlsbad that it was paid for -- you see, we don't have the
11 money to pay for the people that if an accident happens that
12 it's going to affect.

13 Now, if you even study what's happening in the
14 southern part of southeastern part of New Mexico where you
15 plan to put all this waste, you know, it is the poorest -- we
16 have the poorest community. Chicanos or Hispanos or Mexicano
17 community and when they promised our people that we were
18 going to get jobs, our people didn't have any other
19 alternative. They either work there or they work for Navajo
20 Refinery.

21 The majority of my people are dying in Artesia. My
22 family is originally from Artesia, and I could sit here and
23 tell you how many of my people are dying from cancer, and yet
24 we have to work at that refinery. But I won't see any of my
25 people that are opposed to WIPP here, because they don't have

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1 the financial capability to get here. If my people had the
2 financial capability to be here, they'd be here. They don't
3 have that luxury.

4 And I'm very offended by the fact that you can come
5 here and tell me that I can't speak.

6 PRESIDING OFFICER: Ma'am --

7 UNIDENTIFIED SPEAKER: I don't care if you're paid
8 to stay until 11:00 at night, I don't care, you understand.
9 And if you want to bring in the state police, I don't care.

10 PRESIDING OFFICER: Ma'am --

11 UNIDENTIFIED SPEAKER: If you want to make it an
12 issue, and I didn't want to make it an issue. I went up
13 there and I asked you. Now there's people that want to speak
14 and they are my people, they are from this area and I think
15 the people should be courteous to do it.

16 PRESIDING OFFICER: We have a schedule.

17 UNIDENTIFIED SPEAKER: Forget your schedule.

18 PRESIDING OFFICER: Look, there are a lot of people
19 from this area who signed up and have been given a time.
20 They took the time to sign up. We have, I think, from

21 everybody who's been here, realized we've done everything we
22 can to make sure that people, whoever wants to come, have
23 time to speak, and we will continue to do everything we can
24 to do that. It's not us. We're going to be here until
25 everybody's finished, so it's your brethren whose time you're

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1 taking. We'll make sure everybody has a chance to speak. I
2 don't think it's fair for people to come in and override
3 somebody else's turn. Now if that's what you all think is
4 fair, you know.

5 KATHERINE MONTANO: You know what, it's not fair
6 because this is a roster of Carlsbad. They could have spoke
7 in Carlsbad. There's a lot of blank here and what did they
8 do, they took over the Albuquerque hearing, the took over the
9 Santa Fe hearings, and you talk about fairness? Look at all
10 these blanks. Why didn't they speak in Carlsbad? Why did
11 they come to our hearing.

12 You gave them two days in Carlsbad. They should
13 have spoken there not here. It's not fair because our people
14 should speak here because this is our part of New Mexico.
15 They should have spoke over there. You had a lot of open
16 slots.

17 PRESIDING OFFICER: I'm not trying to keep anybody
18 from speaking, I'm just asking that we work our way down the
19 list.

20 KATHERINE MONTANO: You have, because there's been

21 people that wanted to speak at --

22 PRESIDING OFFICER: We're trying -- our staff is
23 out trying to work with everybody.

24 KATHERINE MONTANO: Carlsbad should stay in
25 Carlsbad.

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1 PRESIDING OFFICER: Well, if we can get back to the
2 schedule, we'll make sure everybody gets a chance to speak.

3 The next scheduled speaker is John Watters.

4 JOHN WATTERS: Well, first of all, I'm glad you
5 gave me the opportunity to speak. I am from Carlsbad and I
6 was not bused down here.

7 UNIDENTIFIED SPEAKER: Why didn't you speak there.

8 JOHN WATTERS: I didn't speak over there because I
9 couldn't get off. So quite frankly this is my opportunity to
10 speak.

11 I'm the environmental manager for the city of
12 Carlsbad. I'm also a college instructor with the College of
13 the Southwest, New Mexico State University. I teach
14 environmental management, environmental science and advanced
15 biology. I'm a scientist by trade.

16 My job in the city of Carlsbad is to protect it
17 from any environmental hazards to protect it from any danger
18 that could come from the air, the water, the ground.

19 When people ask about citizens of Carlsbad they
20 think well, the only reason they're here is because money

21 brought them. That's not true. A lot of us care about what
22 goes on. We care about what's happening with the waste right
23 now. What's it doing. We'd like to find a good solution for
24 it.

25 The Waste Isolation Pilot Plant is a plant that's

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1 been studied. It's been studied thoroughly. You have
2 Westinghouse and the Department of Energy, EEG, National
3 Academy of Sciences, several people have studied and
4 evaluated both the testing, the methodology. I'm convinced.
5 Nothing is totally 100 percent safe, I'm sorry. That's the
6 way life is.

7 Since the beginning humans have created waste. Are
8 we to stop creating waste?

9 (Audience yells yes.)

10 Well, that would be nice. That would be nice.
11 Now how we going to do that. Are we going to store
12 everything? I mean, we're not just talking about just
13 nuclear waste, we're talking about all waste in general.
14 People didn't want waste water treatment plants when they
15 first came out. Hey, flush it down the river, we don't want
16 to smell it. We know now that that's what need to do with
17 it. When there's a way to recycle the waste in the future
18 some day, I'm sure we'll go for it. That's progress.

19 Right now, you've got to realize what we've got
20 down there. A lot of people have thrown around radiation as

21 a fear mongering term. What you got to realize is the salt
22 beds are stable. People get an idea of salt beds, and they
23 think of the stuff they have on their table. This stuff is
24 stable.
25 To illustrate that, I've got a rock that sits on my

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1 desk. It is a rock taken from the Waste Isolation Pilot
2 Plant. It was taken and it has a small teeny, tiny droplet
3 of water. That water has been in there for millions of
4 years. It's not just a blink of the eye in the earth's time.
5 Two hundred million years is a big chunk of time. It's safe.
6 That water hasn't moved anywhere, it stays in the
7 same place. In my opinion, if something breaks down in the
8 waste isolation pilot plant, that's what's going to happen to
9 it. It's going to be encapsulated, the salt is going to seal
10 it in and that will be the end of the story. Thank you.

11 PRESIDING OFFICER: Thank you.

12 The next witness is John Beasley.

13 Again, I just ask the audience, we've had a really
14 good set of hearings. This is a controversial issue, but
15 everybody's been courteous, I think, to the other speakers
16 even though there's been things you don't agree with. I'd
17 ask -- I think the only fair way is for us to keep that
18 tradition going.

19 I think we'll get through this and we'll give
20 everybody a chance to speak on whatever side you represent,

21 and I'd also ask the speakers address us, that's what the
22 hearing for, The same way I'd ask the crowd not to react,
23 I'd ask the speakers not to grandstand to the crowd either,
24 just tell us what you want to tell us.

25 JOHN BEASLEY: Good afternoon. My name is John

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1 Beasley from the city of Carlsbad. I came up early this
2 morning.

3 KATHERINE MONTANO: Another one from Carlsbad.

4 JOHN BEASLEY: Yes, ma'am, and proud of it.

5 UNIDENTIFIED SPEAKER: Why didn't you stay there?

6 PRESIDING OFFICER: Please.

7 JOHN BEASLEY: I was born and raised in Carlsbad.

8 I'm a native New Mexican, educated in New Mexico. I left
9 Carlsbad for about 20 years after high school and then came
10 back.

11 I work with the community. I work with people in
12 the community. I have worked with several or many people
13 that work at the Waste Isolation Pilot Project, DOE and the
14 other organizations that work with the program. I want to
15 say right of the bat that I've never met a more intelligent,
16 more dedicated, more respected group of folks in my life.
17 They work hard and they earn our respect.

18 I came up early this morning and listened to a
19 couple of people this morning at 9:00, George Dials, Leif
20 Ericksson. I was impressed by the science they were talking

21 about. I was impressed by Mr. Ericksson's speech. He more
22 or less equated a death to radiation as equivalent to a
23 meteor coming out of the sky and hitting you in your left eye
24 going down the street in Santa Fe. I think it was slim to
25 none.

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1 I also listened to a lot of verbiage. A lot of
2 rhetoric and misinformation. It appeared to me that there's
3 a large chicken little ostrich head-in-the-sand attitude. We
4 have a lot of waste up in Los Alamos, and we have a
5 diametrically opposed group here at this point in time.

6 As far as Carlsbad is concerned, the first place
7 it's going to go is Los Alamos to Santa Fe. So enough said
8 about that. I also teach decision theory called culture of
9 the southwest. There comes a time when you have a marginal
10 point of return. If you need to make decision, you go on,
11 you have to move on.

12 I've also heard a lot of people slam the DOE and
13 EPA and I really don't appreciate that either. Last summer I
14 took my children, my 16-year-old boy, my only son, and my
15 two-year-old daughter to community day at the Waste Isolation
16 Pilot Project and we toured the underground area, we toured
17 the containment area, we toured the transportation system,
18 monitoring system.

19 Personally I was impressed. I was impressed with
20 the safety measures, I was impressed with the people working

21 at the site and I was impressed by the facility. The major
22 item that impressed me was my son, who by the way is a Jemez
23 native, pueblo native. He's 16-years-old and attends
24 Montano High School. And we were watching the transportation
25 screens and they were demonstrating their use and their

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1 ability to track a truck containing waste in the U.S., and we
2 were watching how they monitor those kinds of things.
3 Shortly after the demonstration, when we were walking back to
4 the car and after toured everything we had seen, I heard
5 probably the best affirmation of the WIPP that I have ever
6 heard anywhere. My son turned to me as we were walking along
7 and said, Dad, I want to work here, and I appreciate that.

8 I appreciate the time that you guys have spent up
9 here and have shown the endurance that you have shown. I
10 support the EPA's decision to open WIPP. I support the
11 opening of it. Thank you.

12 PRESIDING OFFICER: Thank you.

13 Next is Ernie Carlson.

14 UNIDENTIFIED SPEAKER: We're still on the bus
15 people?

16 UNIDENTIFIED SPEAKER: No, hold it, hold it, hold
17 it. What we are working through is not bus people or non-bus
18 people. We had advertised these hearings a month ago and
19 gave numbers to call to register, to testify at the hearings
20 and we had spaces open at all hearings up until a few days

21 ago.

22 What we're doing, when people called and asked to
23 testify, we did our best to put them in a time spot that best
24 fit their schedule, and we've been going, I think, every
25 night this week practically in order to make sure people who

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1 had a job during the day could come at night and vice versa.

2 So what we have done is scheduled people and we're
3 working our way through the schedule. I'm just trying to,
4 because I think there's a lot of questions about this, I'm
5 trying to explain.

6 So we also have a list outside that we're keeping
7 of people who didn't get a chance to sign up before hand and
8 would like to testify. They are on our waiting list, and
9 staff is working hard to try and schedule people on that
10 waiting list in a way that fits their schedule best, so we're
11 trying to do that as fairly as we possibly can.

12 Mr. Carlson.

13 ERNIE CARLSON: My name is Ernie Carlson. I'm from
14 Carlsbad. I'd just like to say I go out to the WIPP project
15 every week, and there's not a better, dedicated, educated and
16 more caring bunch of people than work at the WIPP project.

17 Also the safety practices at the WIPP project are
18 of the highest caliber. Everything they do is safety first.

19 Being born and raised in Carlsbad, there's a lot of
20 things that probably some of these guys don't know. And I've

21 been out there and I've not seen one animal that glows in the
22 dark or one person that's traveled out there that was born
23 with a deformity or one person out there that's a rancher or
24 anybody that stays out there a lot that has problems with
25 some strange cancer or anything like that.

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1 And I think that if you're going to put waste
2 someplace, that the WIPP project is a great place to put it.
3 Thank you.

4 PRESIDING OFFICER: Thank you.

5 Next is Bob Murray.

6 UNIDENTIFIED SPEAKER: Go home.

7 UNIDENTIFIED SPEAKER: Another Carlsbad suit.

8 UNIDENTIFIED SPEAKER: Why didn't you speak in
9 Carlsbad.

10 UNIDENTIFIED SPEAKER: Keep it down.

11 BOB MURRAY: Good afternoon. My name is Robert
12 Murray and I'm from Carlsbad. I'm a vice president of
13 Norwest Bank and a city councilman for the city of Carlsbad.

14 UNIDENTIFIED SPEAKER: Go home.

15 BOB MURRAY: And I'm the father of two children. I
16 grew up in Carlsbad, graduated from high school there in
17 1977, left for about 12 years, and then in 1989 had the
18 opportunity to come home.

19 I was excited to get back to Carlsbad to raise my
20 own children. I would not and would not support any project

21 in Carlsbad or in southeast New Mexico that would cause harm
22 to my community or to my children.

23 I read in today's paper that our Attorney General
24 stated, an underground nuclear dump might leave oil and gas
25 drillers running into radioactive fissures.

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1 Imagine for a moment that the critics of WIPP were
2 around when electricity was invented, and if a process such
3 as this had to be followed at that time. Such statements as,
4 we cannot have power lines, the wind might knock of the
5 wires, or a motor vehicle might hit the pole and we might
6 have a problem. Or possibly that a hot air balloon might
7 come in and hit the power line.

8 If this was the case and they were successful, we
9 would not be here today and the world certainly would not
10 have progress to the point it has. WIPP was the best
11 solution for disposing of defense related transuranic
12 radioactive waste in the 70's, the 80's and the 90's.

13 Going forward into the 21st century, it's the best
14 solution we have today. If in time better technology is
15 developed, then we can adapt at that time to the new
16 developments then. At this point we still must move forward.

17 In the four years I've been a city councilman I
18 have yet to have a constituent of ours come up and tell me
19 that they are opposed to WIPP. The vast majority of the
20 citizens of Carlsbad and the people most affected by WIPP are

21 100 percent in support of WIPP.

22 They realize it is safe and the best solution we

23 have today. Please do your part in allowing WIPP to open as

24 scheduled this year. Thank you for your time.

25 Next is Marian Naranjo. She's taking Susan Diane's

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1 place.

2 MARIAN NARANJO: Good afternoon. My name is Marian
3 Naranjo, and I'm a member of the pueblo of Santa Clara, which
4 is one of the core tribes, meaning that it's one of the
5 tribes that's mostly affected by the waste at Los Alamos.

6 I decided at the last minute to change what I came
7 here to say. I have been a potter for 24 years, and this is
8 a tradition of my people since prehistoric time. My
9 connection to understanding what happened at Los Alamos was
10 explained to me to my mentor in pottery who is not living
11 anymore but her spirit lives on.

12 When I approached her in asking her the questions
13 on the designs of pottery from prehistoric times of our
14 people, the designs are the feathers, the serpent and the
15 bear paw. And these designs were done on individual pots and
16 they were powerful, powerful designs. Symbols as the
17 scientists use symbols.

18 Now our ancestral people were, to me they were the
19 top notch scientists. They lived natural law. They left
20 these things for us to learn from. Their dwellings. You

21 know, they didn't have microscopes in that time, but yet the

22 dwellings they built were circles and squares.

23 You look under a microscope and you see cell

24 structures of life. There's an animal, it's found. If it's

25 plants, it's got corners, squares.

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1 They lived this natural life. Our dances, our
2 songs are in praise to life.

3 The story that she told me that I want to share
4 with you is because of the place of our ancestral home, the
5 Puji Cliffs, which is in the Jemez Mountains, our sacred
6 mountains, there are writings on the wall there of a dragon
7 with the fire coming from the mouth and that symbol is still
8 utilized. It's a Santa Clara symbol.

9 I asked of the meaning of this. I was told that
10 during the time of our people's migration of all of these
11 sacred places, that there were reasons of moving on and there
12 were reasons why these places were covered.

13 We were told that you are not to uncover these
14 places, especially this place of Puji, because you will be
15 opening the mouth of the fire dragon. Well, at that time
16 nobody knew what that meant, but you never questioned what
17 the elders told you .

18 During the time in the late 1800's when Dr. Edgar
19 Hewlitt and Adolph Bandelier approached the tribe to ask them
20 permission to uncover our sacred mountain, it was at a time

21 of change and it was time to move on to a new circle, and our
22 elders, our spiritual leaders knew that. And it was a very
23 hard decision for them to make, in that half of the people
24 said we can't do that because we'll be unleashing -- opening
25 the mouth of the fire dragon even though not knowing what it

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1 meant.

2 The leaders at the time decided that it's time. The
3 reason she was telling me this is to explain our meaning of
4 what full circle meant. In that you cannot have good without
5 bad, man without woman, hot-cold, positive-negative. That
6 all of this completes a circle. And that when the digs
7 happened and they uncovered our sacred place, that Los Alamos
8 happened. And if that ain't opening the mouth of the fiery
9 dragon, I don't know what else is.

10 Now this knowledge has become full circle. It is
11 around the world. Let me back up a little and tell you the
12 power of those symbols that I mentioned before, their
13 meanings.

14 The feathers are the protectors and keepers of our
15 sky; the bear paw is the walker, keeper and protector of the
16 land, and the serpent is the controller and keeper of the
17 water.

18 This, these power signs or symbols were also
19 universal in that countries utilized these power symbols for
20 their power. In that we have the United States eagle, the

21 feathers, the Russian bear, the bear paw and, the Chinese
22 dragon, the serpent. So these are very powerful things and
23 these symbols are also your symbols. Environmental
24 Protection Agency, our environment, includes these symbols.
25 As I watched you yesterday and I have watched you

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1 today, I can really see who you are in that our ancestral
2 people have given us these knowledges and these powers, and I
3 see that in your spirit as these people in charge of our
4 environment, our livelihood, that the power is in your hands
5 to help us go on to a new circle.

6 This circle, and it's a job and it's almost a war,
7 so to speak, and that it's time to close the mouth of the
8 fiery dragon. We are at a time at the end of this circle
9 where WIPP is not the answer. We don't want to tail end it
10 and WIPP it. It's waste and it stinks, this dragon. And we
11 have these accord agreements, and I really would want to pay
12 more attention to these because it's only been a one-way
13 street.

14 You're dangling, our U.S. government is dangling
15 these dollars in front of our leaders and telling them for
16 money, you know? It's a detrimental thing to think that
17 sacred really means something, that we messed with this
18 sacred thing already. Let's learn a lesson from that.

19 The other thins is that it hurts me deep inside to
20 know that we're touching another sacred thing. We have a

21 thing called salt woman, salt mother, and now it's destroying
22 something else sacred. Why bother with that, that is not the
23 answer.

24 So I am asking you to utilize the power that you've
25 been given to save us, clean up this thing, reroute the

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1 money, to really save us, because if you safe us, you're
2 going to save the rest of the world. This knowledge will
3 start again and it will go full circle again.

4 So please, take us into this new circle. Help us
5 go into this new circle of closing that mouth of the fiery
6 dragon. Stop the source and then let's concentrate on
7 cleaning up as good as we can so there will be future
8 generations.

9 My bloodline from way back can continue. I'm a
10 mother of four children and I'm a grandmother. I don't want
11 to leave a legacy that we didn't do anything about this. I'm
12 sure we don't wish this on you, that you have this power and
13 that it won't be documented that you go down or we go down
14 doing nothing about continued destruction.

15 This Los Alamos it's the whole opposite of what our
16 whole essence is was life. Los Alamos was the opposite,
17 destruction. We need to really find those balances, and
18 taking the knowledges we've learned from this 50 year
19 experience and utilizing these knowledges that are beneficial
20 for mankind. And all of those things that are destructive,

21 put them back and don't touch it no more. Thank you.

22 PRESIDING OFFICER: Thank you.

23 Next is Mark Lee.

24 MARK LEE: It's nice to see so many of you here

25 again. We've been doing this for so many years, and I'm

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1 getting tired of it. I'm not getting paid, I know you are.

2 It's a nice little junket going on here, but this is serious

3 stuff and you -- actually I should ask you. Do you actually

4 have the power to stop this?

5 PRESIDING OFFICER: Sure.

6 MARK LEE: Do you have the power to stop the WIPP?

7 PRESIDING OFFICER: Sure. We're in the midst of

8 deciding whether DOE's plan to operate the WIPP will meet our

9 radiation protection standards.

10 MARK LEE: Okay. And if all five of you decide

11 that it's really not a good idea, you could say no and it

12 would stop.

13 PRESIDING OFFICER: Yes.

14 MARK LEE: I'm glad to hear that. The first thing

15 that happened to me when I came here, I walked in through the

16 back door there, and there's a guy in a black suit and he

17 pulls out a huge wad of cash. And he's joking with some of

18 his buddies, and I said, "You must be from Carlsbad," and he

19 said, "Yes, I am, how'd you know?" I said, "I saw all that

20 money."

21 And we got into a little discussion about whether
22 plutonium was good or not, and he actually thinks it's a good
23 idea to put all of this stuff in his backyard. He said, "I
24 have children. This is a really good idea."
25 I talked too him about critical mass, I know you

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1 have already heard about critical mass and you've probably
2 heard every argument in one way or another, so I feel almost
3 like I'm wasting my time to get up here. And I've only got
4 five minutes to convince you that this is a crazy idea.

5 But there was a guy that came down here that said
6 dying of nuclear waste was about as common as getting hit in
7 the left eye by a meteorite. I wish he would go and talk to
8 some Navajo miners, because they would tell him a different
9 story.

10 One of the big problems with this nuclear waste
11 thing is it doesn't really nail you until many years later.
12 And the government can always say, well, you smoked
13 cigarettes, you drank the water, you ate the food, there's
14 pesticide, vegetables -- how can you prove it was actually
15 nuclear waste that is killing you. You can't. There's no
16 way to prove it.

17 But we know that when you move things around, when
18 you dig them up, when you drive them through Santa Fe, you're
19 setting up a time bomb that is going to be big trouble.

20 And I do want to mention that our wonderful

21 republican Governor Johnson took the money that was supposed
22 to be used for the route that was going to go around Santa Fe
23 to keep these deadly trucks out of our beautiful city, and he
24 gave it to some company down in the south of New Mexico. And
25 mysteriously there was only one bidder to widen that road,

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1 and guess what, they got the money.

2 This is the kind of stuff we're dealing with. This
3 reminds me a lot of when the government would send out a
4 couple of generals to talk to the Kiowa or the Navajo or the
5 Apache or the Ute's and make deals, make them feel good.
6 They they would go back to Washington and say, well, we made
7 this treaty and we can't take away their land. The
8 government would actually say, to hell with you. We're going
9 to do whatever we want, and the government has always gone
10 ahead and done what they want, and I have a very sick feel
11 that exactly the same thing is going to happen here.

12 This is a bad idea. You've seen the reports,
13 you've talked to Dr. Richard Hayes Phillips, the geologist
14 who has told you about karst. Karst, it sounds like a dirty
15 word, doesn't it. K-a-r-s-t. According to the Oxford
16 English Dictionary, karst is a region with underground
17 drainage and many caverns caused by the dissolution of rock.

18 That's what underlies these salt beds. We had a
19 little short professor who talked about salt and how the salt
20 was very old. Well, I happen to have a packet that says

21 Permian age rock salt, 225 million years old, which happens
22 to be the half life of plutonium, conveniently, from 2,150
23 feet underground storage level. Waste Isolation Pilot Plant
24 east of Carlsbad, New Mexico. U.S. Department of Energy,
25 Carlsbad Area Office and then it gives an 800 number you can

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1 call.

2 I would like to know how much of our tax dollars
3 went to make these packets. (Mr. Lee stepped on the packet.)

4 If would you like to put nuclear waste into salt,
5 take this home to your motel tonight and throw that into a
6 glass of water and wait ten minutes, not 10,000 years, just
7 wait ten minutes and see what happens to this salt. Thank
8 you.

9 PRESIDING OFFICER: Thank you.

10 Next is Karrey Prince.

11 KARREY PRINCE: I'm Karrey Prince from Carlsbad,
12 New Mexico. I came here today to encourage you into opening
13 the WIPP site. The WIPP has more than satisfactorily proven
14 the safety of the sight for disposal of transuranic related
15 radioactive wastes. These results have been based on a
16 strong indisputable scientific basis.

17 I feel strongly that the responsibility lies with
18 our generation to do something with the waste we have
19 created. I don't think it would be responsible of us at all
20 to pass the problem of nuclear waste to our children or our

21 grandchildren.

22 I live there in Carlsbad just a few miles from

23 where the waste will be trucked and where it will be stored.

24 I feel safe considering where it will be stored, and the

25 effort that has gone into preparing the safety of such

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1 storage facilities.

2 I think it far better for us to store waste in a
3 place that is prepared for, built and designed and monitored
4 for such storage rather than the above ground storage
5 facilities that it sits in now that are not prepared and
6 monitored in such a fashion. Much safer for us and our
7 community and future generations to operate in this fashion.

8 Further delay of the EPA approval for the WIPP site
9 is simply extending the amount of time the transuranic waste
10 remains in these above ground unsafe containers. And I hope
11 and I encourage the approval and opening of the WIPP site
12 this year. Thank you.

13 PRESIDING OFFICER: Thank you.

14 Next is Bill Whiting.

15 BILL WHITING: My name is Bill Whiting. I speak on
16 my own. I'm a Westinghouse Electric Company employee for the
17 past 19 years, and I also speak on behalf of the thousands of
18 Westinghouse employees around the country that support my
19 position.

20 UNIDENTIFIED SPEAKER: Do you live in Carlsbad?

21 BILL WHITING: The employees of Westinghouse are
22 proud of the job they've done for the U.S. government. From
23 building of the world's first nuclear-powered submarine, the
24 USS Nautilus, to now the construction of the first
25 underground repository for transuranic waste.

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1 Thanks to the EPA's proposed rule, we have in our
2 grasp a solution to an environmental problem that poses risk
3 to more than 53 million Americans around the country. And I
4 wouldn't, as an individual, take the word of scientists that
5 say that individuals are at risk lightly.

6 While continuing to pursue a timely, favorable and
7 rational decision on the opening of WIPP, I'd like to take
8 this opportunity to commend the EPA for the rigorous job it
9 is doing. I know it is very difficult.

10 It has taken more than 20 years to get to this
11 point, and Westinghouse has been involved with the project
12 every step of the way.

13 The waste isolation division was selected as the
14 WIPP technical support contractor in 1978, and has been the
15 management operating contractor at the WIPP since November
16 1985.

17 During the past several decades, Westinghouse has
18 worked hand in hand with its partners, U.S. Department of
19 Energy, its predecessors, Sandia National Laboratories, to
20 devote the safest and most effective disposal system for

21 radioactive transuranic waste in the world.

22 One of the team's most significant achievements

23 came in October 1996, when the WIPP Compliance Certification

24 Application was submitted to you.

25 As you are fully aware, it took an extraordinary

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1 effort to accomplish this feat. To say the compilation of
2 the document was a monumental task, is an understatement. A
3 propose, however, that further demonstrates the combined
4 talent and dedication of DOE, Sandia and Westinghouse.

5 The employees of Westinghouse are proud of their
6 achievements not only in managing and operating the WIPP, but
7 in their involvement in several defense related sites around
8 the nation. At the Savannah River site near Aiken, South
9 Carolina, Westinghouse manages special nuclear material for
10 the nuclear weapons program.

11 In recent years, Westinghouse has also begun
12 managing the cleanup of more than 40 years of defense related
13 operations at Savannah River. Central to that effort was the
14 1996 start-up of the nation's first large scale plant to
15 vitrify radioactive high-level waste.

16 At a location near West Valley, New York,
17 Westinghouse is leading the clean up and decommissioning of a
18 former nuclear fuel reprocessing plant, the West Valley
19 Demonstration Project. Central to that effort was the
20 design, construction and operation of facilities to vitrify

21 liquid high-level radioactive waste.

22 We are also managing the cleanup and stabilization

23 of plutonium and uranium residues at the Department of

24 Energy's Rocky Flats Environmental Technology site outside of

25 Denver.

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1 Our management experience and records for cleaning
2 up former defense facilities is impeccable. Westinghouse has
3 the best safety record in the DOE complex. The company is
4 consistently cited for safety achievements and receives
5 environmental and quality awards, including:

6 Two-Voluntary Protection Program Star Status
7 recognitions.

8 Five-National Safety Council Awards of honor.

9 Eight-National Council Awards of Merit.

10 Two-National Safety Council Awards for
11 Accomodation.

12 We're registered with the International
13 Organization for standardization, the ISO 14001 for
14 demonstrating stellar environmental management.

15 We're the only nuclear facility, both for
16 commercial or government, in the United States received that
17 of this nation.

18 We received two Closing Circle Awards for
19 Environmental Innovation.

20 We received Vice President Al Gore's Hammer Award.

21 EPA's Green Light Partner of the Year Award.
22 The EPA Certificate of Achievement.
23 Not only are employees among the safest in the
24 Department of Energy complex and the nation, they are highly
25 trained and competent. They are the engines that power the

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1 many facilities that Westinghouse manages.

2 This record of performance should be considered as
3 part of your decision.

4 In closing I would like to request that the EPA
5 reconsider conditions No. 2 and No. 3 in this proposed
6 certification decision for the WIPP. These conditions
7 address certifying the waste characterization process for
8 generator/storage sites. The conditions are redundant, time
9 consuming and costly and add no additional assurance in
10 protecting human health and the environment.

11 When a conventional solid waste site, a garbage
12 dump, applies for a permit to receive trash, the process does
13 not include certifying the trash cans along the curb and the
14 homes or your conditions would be very similar. It is the
15 WIPP is technically sound and now is the time to move
16 forward. Thank you.

17 PRESIDING OFFICER: Thank you.

18 Next is Tom Baca.

19 BOB YEAROUT: I'm Bob Yearout, and I'm a scientist
20 at Los Alamos National Laboratory speaking for Tom Baca. Tom

21 Baca is in the audience and he is the director of the

22 Environmental Management Program at Los Alamos.

23 UNIDENTIFIED SPEAKER: Where's Tom? If Tom's here,

24 let him speak.

25 UNIDENTIFIED SPEAKER: Let Tom speak for himself.

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1 PRESIDING OFFICER: Let him talk. Go ahead.

2 BOB YEAROUT: Los Alamos National Laboratory has

3 approximately 43,000 drum equivalent of defense related

4 transuranic waste in storage awaiting shipment to a permanent

5 repository. The waste drums stored at LANL are in above

6 ground pads under earthen cover and have a limited lifetime.

7 Most of the drums contain storage transuranic waste at LANL

8 are older than ten years.

9 The cost of maintaining, repackaging as required

10 and verifying that the waste is stored according to federal,

11 state environmental regulations is substantial and will

12 continue to increase until a permanent repository for

13 disposal is licensed.

14 LANL is protecting the continued TRU waste

15 production rate of approximately 1600 drums per year as a

16 result of future cleanup of existing defense related

17 facilities and in support of the laboratory's stockpile

18 program.

19 The Waste Isolation Pilot Plant is the U.S.

20 Department of Energy facility that has been extensively

- 21 studied to establish the suitability of the site as a
- 22 permanent repository for disposal of the category of
- 23 intermediate radioactive waste known as defense related
- 24 transuranic waste.
- 25 To affirm the suitability of WIPP as a safe and

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1 effective facility for the permanent disposal of TRU waste,
2 LANL has for several years been actively engaged in
3 conducting extensive and elaborate experiments to assure that
4 the behavior of TRU waste during transport to WIPP is safe
5 and predictable, and that the waste, once placed in the WIPP
6 will not exceed the EPA limitations for the release of
7 radioactive materials to the acceptable environment under
8 different release scenarios.

9 Additionally, the experiments conducted at LANL
10 have established the gas generation rate of different waste
11 matrices and the true element concentration to verify the
12 department of transportation regulations can be fully
13 managed.

14 To assure that the WIPP does not exceed the EPA
15 standards for release of radionuclides under different
16 protective scenarios, LANL has been conducting long term
17 experiments with actual LANL inventory TRU waste. These
18 experiments continue to provide quantitative chemical and
19 physical data on the behavior of TRU waste in the WIPP on a
20 long-term basis.

21 The experimentation that's recommended by the
22 National Academy of Sciences and the New Mexico Environmental
23 Evaluation Group and is being conducted by LANL under
24 controlled conditions similar to those of the underground
25 disposal rooms in the WIPP.

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1 These experiments are being conducted by LANL and
2 experts with the most sensitive, state-of-the-art
3 instrumentation and technology available under the most
4 rigorous quality assurance requirements. The results of
5 these tests continue to provide realistic measurements of
6 soluble actinide concentrations that could be potentially
7 available for transport to the accessible environment under a
8 variety of WIPP released scenarios.

9 The analytical results of these experiments has a
10 loud comparison to WIPP and affirms the results of actinide
11 source term solubility models developed by Sandia National
12 Laboratories that have conclusively shown that release of
13 actinides in the accessible environment will not exceed EPA
14 standards.

15 A summational result to date of the actinide source
16 term waste test program, experiment with actual TRU waste at
17 LANL, provides no scientific evidence that the concentration
18 of actinide under any release scenario will approach the EPA
19 release limits as set forth in the U.S. Code of Federal
20 Regulations.

21 Based on the analytical results from these long
22 term tests conducted at LANL, Los Alamos National Laboratory
23 is confident that the WIPP will fully comply with relevant
24 EPA release standards required of a permanent repository for
25 transuranic waste.

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1 We believe that the results from extensive LANL
2 experimentation contributes to the scientific assurance that
3 the Waste Isolation Pilot Plant is the best means for
4 disposal of defense related TRU waste while maintaining
5 long-term protection of the environment.

6 On September 12, 1997, Los Alamos National
7 Laboratory became the first DOE site to obtain certification
8 authority to transport and dispose of its TRU waste in the
9 WIPP. This authority is currently limited to legacy debris
10 waste but it includes authority transport waste to the WIPP
11 via TRU pack 2 shipping containers.

12 The authority to certify TRU waste for transport
13 and disposal in the WIPP was obtained as a result of
14 successfully completing a certification audit for the past
15 two years. The purpose of the site certification audit was
16 to assure the capability of LANL to:

17 One, manage and implement the TRU program in an
18 effective manner.

19 Two, provide and apply a quality management program
20 to all systems and processes, and

21 Three, assure implementing procedures are effective

22 and provide a margin of safety.

23 As part of the audit DOE and EPA auditors assess

24 every aspect of the LANL TRU waste program. In addition to

25 the DOE and EPA inspectors, representatives from the Nuclear

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1 Facility Safety Board, New Mexico Environmental Department,
2 New Mexico Environmental Evaluation Group and New Mexico
3 State Government were participated as observers.

4 In summary, the certification process established
5 by DOE is exceptionally thorough and rigorous and provides a
6 determination whether quality assurance and technical
7 programs are adequate, effective and implemented
8 satisfactorily.

9 The degree of regular DOE certification audits was
10 of such high quality that LANL believes that the
11 characterization of certification of the waste meets or
12 exceeds all the EPA requirements for disposal at WIPP as set
13 forth in the U.S. Code of Federal Regulations.

14 As a result of the certification process, LANL is
15 fully prepared to ship and dispose of the LANL TRU waste in
16 the Waste Isolation Pilot Plant according to federal
17 standards.

18 The assertions made in this statement of record by
19 Los Alamos National Laboratory cannot be based on opinion or
20 supposition, but only on the quantitative results of

21 comprehensive and elaborate experimentation conducted under

22 stringent quality, management systems. Thank you.

23 PRESIDING OFFICER: Thank you.

24 UNIDENTIFIED SPEAKER: What about the contamination

25 in Area G?

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1 PRESIDING OFFICER: Next is Laurien McClenegan.

2 LAURIEN McCLENEGAN: I'm Laurien McClenegan. I'm

3 glad you all are here, and I assume you live around

4 Washington D.C., all of you and nobody lives here, right?

5 I'm glad we're having EPA. I was thinking about

6 that. I looked up environment and it says that which

7 surrounds a developing organism. So I guess we're included

8 in that. I'd rather it be EPPA, Environmental People

9 Protection Agency, because I think we need to emphasize that

10 we're being threatened, and somehow I don't think we've got

11 it.

12 You don't live here and you're part of the decision

13 making of where we live. That's your job to be paid. It's

14 unfortunate that the people whose survival depends on what

15 decisions they are making or that it's complicated by that.

16 So all I can do is to ask you all to really be the very best

17 you can be.

18 Since I've come to Santa Fe, I've become

19 environmentally ill. I talked to three different physicians

20 here who truly believe that something is happening in our air

21 quality because they are having more and more people in Santa
22 Fe, and not they are getting not just newcomers, but people
23 who have lived for long periods of time are becoming
24 environmentally ill here. It is becoming an illness of this
25 area. Just like the thyroid cancer in Los Alamos has become

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1 an illness in that area.

2 We had an article recently where Los Alamos
3 revealed that they had been releasing radioactive iodine into
4 the air. Something is going on here. I'm actively looking
5 for another place to go, and I'm very sad about it. So we've
6 got a problem already.

7 I'm not a scientist, I don't what that problem is.
8 I do know how it has affected my life. I do know that we all
9 know that radioactivity does have a lot to do with people
10 getting cancer. We already have -- the statistics is almost
11 one in three in our country.

12 I'm sure each of you has had a direct relationship
13 with cancer in your family as has everyone in this room.
14 We're taking huge risks with everything today because we
15 don't know what to do. I can't tell you what to do. I don't
16 know what to do. I know you've got a lot of stuff up there
17 that's contaminated and you have to do something with it.

18 I support you doing that in the safest possible
19 manner. I don't want anymore people having the problem I've
20 had for the last three years of trying to get well from

21 chemical sensitivity. It is extremely expensive, there's
22 very little known about it. There's very little help. If
23 you don't get help you'll eventually go into cancer or you
24 are completely incapacitated. I mean my doctor told me not to
25 go into any public place for a year. That's incapacitating.

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1 I'm back out again and I'm trying to see if I can stay here,
2 and it's a real emotional experience for me.

3 I am a citizen of this community by choice, because
4 it is a such a remarkably unique place, and because I really
5 like to see the coming together of many cultures sharing and
6 creating something together which is potential here.

7 However, we have a problem of this Los Alamos
8 Laboratory up there whose job is to create dangerous things.
9 And those are not bad people, I know that, but what's
10 happening there is bad for my health and everyone else's
11 health.

12 I'm just really praying a whole lot those days that
13 somehow we as a culture can move to be greater than we are,
14 that we can look at what we're doing now about how to defend
15 ourselves in the world and turn that over somehow. I mean my
16 mind goes to things like maybe we can turn LANL into another
17 kind of Disneyland and bring children from all the world who
18 are from countries that threaten us, and try to create
19 different friendships in different ways.

20 Just like when somebody asked Dalai Lama what he

21 should do when he talked to the head of Russia years ago.

22 And he said I think you should go play golf together.

23 That may be sounding silly to you because that

24 sounds silly to me, but I know what we are doing is not

25 within the harmony of the divine plan for this planet. You

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1 know that and we all know that. We just don't know what the
2 answer is.

3 So I'm asking you decision makers who have this job
4 which is an incredibly important job and I honor that you
5 were chosen to do it, and I'm asking that you somehow find it
6 within yourself, the incredible magnificence that you are and
7 that we all are, to make decisions that will be as safe as
8 possible. And that in the meantime I'm going to do
9 everything I can to try to stop anymore of this time of thing
10 being developed.

11 Years ago I was walking on the streets of Scotland
12 and met this man on the way to the Post Office and we stopped
13 and talked. He had been traveling around the world for
14 Australia. He was the head of the parliament there. His job
15 was to decide whether to put a nuclear power plant into
16 Australia. He had visited, at that point, ten different
17 countries and no one had told him about the waste and that
18 there was no easy disposal of the waste. He didn't have that
19 information.

20 I told him to call several different numbers to get

21 that kind of information. He took it back to Australia and
22 they chose not to do that. I mean, that was a ten-minute
23 conversation and it's so simple, it's so clear when we look
24 at it basically that what we're doing is -- it's like giving
25 matches to a three-year-old and saying you can play with

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1 these.

2 We're playing with something we don't understand.

3 We are dealing with something that -- well we have to believe

4 the scientists to develop things, but we don't know how to

5 take care of the results. There's some ethic involved in

6 that that's pretty important for mankind. I think we need to

7 start looking more and more at the ethics of life and about

8 what it means to us.

9 My boyfriend was going to speak today. He's Native

10 American. He decided he would not do that, but it kind of if

11 tickled me because we were talking about the things he could

12 say, and one was that he wanted to say that he had once

13 received a ticket for the improper disposal of a dead animal,

14 he had buried it in the ground, and that says a lot to me.

15 It's like he got a ticket because he buried hid dead dog in

16 the ground, and yet we're talking about burying stuff in the

17 ground that amass may in the future be real serious and we

18 don't really -- I mean, I have not read or heard, and I'm not

19 a scientist, but the things I've read and tried to figure

20 out, I do have a lot of advanced -- I have graduate degrees

21 and so I'm not stupid, but I can't understand it all, but

22 what I do know is that I'm not satisfied that this is safe.

23 I am satisfied it needs to be buried somewhere.

24 I'm satisfied that the people of Carlsbad adamantly need

25 more.

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1 Jobs and ways to make a living, and I'm more than
2 willing for us to support them in that, but in doing that I
3 would like for us to not poison this beautiful area anymore
4 than it already is poisoned. Because I'm a living result of
5 it. Fortunately I'm getting help, but I may not be able to
6 stay here.

7 I appreciate your coming and I just call on you to
8 pray to your God and to really try to get in tune with what
9 would be best for everyone concerned. Thank you.

10 PRESIDING OFFICER: Thank you.

11 Next is Michael Kormen.

12 UNIDENTIFIED SPEAKER: He's not coming.

13 PRESIDING OFFICER: Okay.

14 UNIDENTIFIED SPEAKER: Sir, may I ask a favor.

15 PRESIDING OFFICER: Sure.

16 UNIDENTIFIED SPEAKER: I'M 80 years old and I don't
17 want to drive home in the dark. May I speak for three
18 minutes?

19 PRESIDING OFFICER: Go ahead.

20 MARY LOU COOK: I am Mary Lou Cook. I speak as an

21 elder of this community. Elders occupy the position closest
22 to spirit because of their age and experience. The role of
23 the elder is to intervene on behalf of the younger members
24 and the seven generations yet unborn and always to speak the
25 truth.

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1 It is wise to look at the overview. We're dealing
2 with decisions and issues never before faced by mankind. My
3 concern is for the earth and those who inherit it. My
4 concern is for the state of New Mexico.

5 I now ask what is moral, what is immoral.
6 Scientific bodies tell us that geological burial of nuclear
7 waste is gravely dangerous to the earth. We also realize
8 that the decision for WIPP is political rather than
9 scientific. Just because a billion or more has been spent
10 does not mean it is the solution. WIPP is not inevitable.

11 We no longer have a civilization. The way we live
12 is not civilized because we are destroying the earth. We do
13 not care for the earth. We've lost joy, harmony,
14 appreciation.

15 It seems that conflict, stress, ignorance, greed
16 are the operating words. What are we doing? We must
17 understand that our lives depend upon the web of life
18 underneath us. We must value our fellow creatures. We must
19 examine critical values and look at keys to survival.

20 I have several suggestions that I suggested before.

21 Like many of us in this audience, I testified for ten years

22 or more. I have other jobs, we all, do, but this means so

23 much to us that we do it. So I have several suggestions.

24 Number one, stop working with and producing nuclear

25 for energy. Instead investigate and promote energy

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1 conservation, its use, solar, et cetera. Consult with Emery
2 Mothers of Colorado whose simple and effective ideas are used
3 in other countries but here not a great deal.

4 Number two, focus massive attention on the subject
5 of transmutation. Of course, it is being looked at here and
6 there, but not in enormous effort of funding and manpower. It
7 is critical we learn how to neutralize nuclear waste on site.
8 Tragically, it is everywhere in the world.

9 Number three, develop skills of mediation to be
10 used nationally and universally instead of threats of weapons
11 and military might where everyone loses and no one wins.

12 Number four, and my last point, let us wage a war
13 of peace. We need to choose hope over fear. I suggest that
14 we need to have a department of peace in this country, and I
15 have been suggesting that for a long time.

16 I'll end and say, as a minister and as a bishop, I
17 remind that we are caretakers of the earth. Let us
18 experience a sense of the sacred that deepens our lives and
19 enriches our spirit and serves this exquisite planet. We
20 care. We care. We care. Thank you.

21 PRESIDING OFFICER: Thank you very much.

22 Next is Richard Fabrick.

23 RICHARD FABRICK: I'm Richard Fabrick and I guess

24 I've been in Santa Fe for about give years now. I was in Las

25 Vegas and Las Cruces which is near White Sands. And next I'm

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1 going to San Obispo, go figure, but yes, it's in my interest
2 and everybody's interest that this is safe.

3 I feel like there is a rush to complete it because
4 you have some sort of 1998 deadline and you want to be able
5 to start transporting stuff there, so you're trying to sort
6 of leave out important things or something and not making
7 sure it is safe.

8 For instance, I guess there's a pressurized brine
9 reservoir beneath WIPP which if there are micro fractures in
10 there and there's corrosion or something, because I guess
11 plutonium is very corrosive and very hot and makes the salts
12 more fluid or something, if you're putting metal barrels in
13 there, I guess which create a lot of gas and stuff, and you
14 know, if there's an explosion, whose to say that the floor of
15 the thing isn't going to move or that some barrels aren't
16 going to fall on top of each other and create some sort of
17 real problem.

18 I guess the waste you're putting in there is real
19 high-level waste from nuclear power plants and defense
20 contractors and stuff like that and it's like very hot stuff,

21 Fuel rods or whatever, and what if this stuff, if the floor

22 moves due to a seismic activity or whatever, or if the

23 plutonium starts eating through the salt floor.

24 There's just a whole lot of things that can happen.

25 I feel like you're rushing it and you're leaving out

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1 important information.

2 I heard Tom Udall speak yesterday. He said that
3 metal barrels create some sort of gas or something like that
4 which would be explosive, I guess.

5 There are oil fiends around there. If they should
6 get in through like the brine drilling that they do,
7 pressurized bring of forced air or whatever, if that oil
8 should get in there, that would be very explosive.

9 And just the process of nuclear today is very
10 explosive. I think you really need to be concerned about the
11 danger of the explosions or something like that going on in
12 there and moving the floor and making barrels sort of fall
13 over on each other. I guess the salt is just going to come
14 down and entomb the barrels, and eventually the barrels are
15 going to burst open even through radioactive decay.

16 The plutonium decay turns into other things and it
17 becomes less dense, so it expands, and this would cause the
18 barrels to pop open.

19 I just have some sort of weird thing that I saw. I
20 read an article in The Reporter from a few months back, and I

21 guess that at the nuclear laundromat on Siler Road they found
22 these radioactive fleas, they call them, and I guess it was
23 like cobalt or something, but it moves on its own and jumps
24 around. And they found one actually in the parking lot of
25 this place. But they called them radioactive fleas because

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1 they jump on their own from their own radioactive thing.

2 I'm wondering, if these barrels open and these
3 things get out and they're jumping all over, what's that
4 going to do to the floor of the thing. Have there been any
5 studies on radioactive fleas? They might be doing that for
6 thousands of years, jumping around. What's that going to do
7 to the salt floor?

8 Also I'm concerned because you haven't named the
9 scientists who did the technical studies and you haven't
10 released the names of the scientists, so I guess you're
11 saying it's because you're trying to protect them from us or
12 something, but who is going to protect us from them? If they
13 won't release their names, how do we know they don't work for
14 Westinghouse or the Department of Energy or LANL? How do we
15 know that they are not getting kickback or that they have,
16 you know, stocks or something in Westinghouse or whoever is
17 going to manage it?

18 How do we know that they have the, I mean, if you
19 have to deal with something like radioactive fleas jumping
20 around and what effects that's going to have on the floor and

21 micro fractures and oil drilling -- I guess there was some
22 sort of thing where this guy sued Texaco or something because
23 he said he was 45 miles away from their well where they did
24 this pressure drilling or whatever, and they go brine in his
25 oil.

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1 And he sued them because they like messed with his
2 profits or whatever, but he won the case because they proved
3 that it could travel up that far. So from what I understand,
4 they just left it out of the study and said that it's not
5 relevant somehow or that it can't happen when this guy won a
6 bunch of money off a major corporation with major lawyers.
7 So I really think you should consider that.

8 Finally I guess I want to say that the only real
9 solution to this is to stop creating the waste. We have to
10 just stop because it's making so much waste; every nuclear
11 power plant operating in the country is creating plutonium
12 which I guess isn't even going to go to WIPP because it's
13 just for defense type stuff.

14 But I mean we're creating so much of this stuff.
15 If you could get WIPP through with all these hearings and all
16 this sort of stuff, it's only going to account for maybe one
17 percent of the solution. There's so much of it that the only
18 real solution is initially just stop creating it.

19 I think if you have any power with the president or
20 whatever, your report should state in there first and

21 foremost that without stopping creating the waste and taking
22 out nuclear reactors, however long that would take, like 30
23 years and all the waste that would create, but until we
24 actually start having a resolution to stop creating it, then
25 there's no real solution. Thank you.

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1 PRESIDING OFFICER: Thank you.

2 Next is Dr. Richard Phillips.

3 DR. RICHARD HAYES PHILLIPS: My name is Richard
4 Hayes Phillips. As you know, I am a doctor of karst
5 geomorphology. I have studied the WIPP site for 19 years
6 and I've conducted eight months of fieldwork at the WIPP
7 site.

8 I have already presented to you a cogent
9 description of the regional hydrology of the WIPP site and
10 the Nash Draw watershed, based upon measured data and field
11 observations. My concerns are not imaginary, they are real.
12 I address you today as if I were an attorney making closing
13 arguments to the injury on appeal.

14 I will specifically address the technical support
15 document for the EPA's proposed decision, which is what these
16 hearings are supposed to be about.

17 I will point out some the false statements made by
18 the DOE to the EPA and relied upon by the EPA, in arriving at
19 its proposed decision.

20 Searching for a presumed barrier to rainwater

21 recharge and karst hydrology at the WIPP site, DOE indicated
22 that the Mescalero caliche is typically present beneath the
23 sand. DOE told EPA that the Mescalero caliche covers the
24 WIPP area as a hard caliche crust up to ten feet thick which
25 led EPA to conclude that karst development is not a threat to

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1 waste containment of WIPP.

2 DOE also said that the Mescalero caliche is
3 expected to be continuous over large areas and that WIPP data
4 are limited mainly to boreholes. The EPA is referred once
5 again to my doctoral dissertation. EPA has three copies,
6 including one with color photographs submitted at public
7 hearings in Albuquerque in 1990.

8 My dissertation contains site specific maps and
9 photographs of the Mescalero caliche surface based on 1,000
10 auger holes and ten backhoe trenches which I dug at the WIPP
11 site and vicinity.

12 Four of these trenches were located in eastern end
13 of a karst valley within the WIPP site, within the rainwater
14 recharge area where Mescalero caliche is in direct contact
15 with the Dewey Lake Red Beds.

16 The karst valley one mile long is plainly visible
17 in the WIPP site air photos. Trench exposures in the karst
18 valley revealed 15 solution pipes, one to 14 feet in
19 diameter, most of them passing entirely through the caliche,
20 the largest of them displaying surface collapse in the Dewey

21 Lake Redbeds.

22 All together 15.3 percent of the caliche surface

23 was absent with surficial sand in direct contact with the

24 Dewey Lake Redbeds. A smooth continuous caliche surface

25 cannot be expected. The effect is more like Swiss cheese.

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1 After heavy rainstorms, water runs along the
2 caliche surface until it disappears into the solution pipes
3 and infiltrates into the Dewey Lake Redbeds.

4 DOES knows this. DOE videotaped the trenches.
5 Larry Barrows, Al Lappin, Steve Lambert and George Bachman
6 all viewed the trenches as did a number of other scientists
7 affiliated with New Mexico Tech, Texas Tech, EEG and EPA.

8 DOE stated that the Dewey Lake Redbeds have not
9 produced water within the WIPP shafts or in boreholes in the
10 immediate vicinity of the waste panels, and that the Dewey
11 Lake exhibits no flow at the WIPP site. These statements are
12 false and here is why.

13 The Dewey Lake Redbeds have produced water in the
14 WIPP exhaust shaft at approximately 100 feet below the
15 surface which EEG says can be traced to recharge. The Dewey
16 Lake produced water in the air intake shaft as well. The
17 Dewey Lake Redbeds have produced water in four test wells in
18 the immediate vicinity of the waste panels H-1, H-2, H-3 and
19 WQSP-6.

20 One of these wells, h-1, is located directly above

21 the waste panels. The Dewey Lake Redbeds do exhibit flow at
22 the WIPP site. According to the neutron log for H3-b4, a
23 downhole camera recorded water streaming from a fracture only
24 35 feet above the Rustler formation which leads to the
25 inescapable conclusion that, in the immediate vicinity of the

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1 waste panels the Dewey Lake Redbeds contain feeder channels
2 which readily transmit water to the Rustler Formation.

3 DOE's fallback position is that the Rustler
4 anhydrites, siltstones and claystones are confining layers,
5 Barriers to rainwater infiltration. In performance
6 assessment, the Forty-niner, Tamarisk and lower unnamed
7 members of the Rustler formation are assigned a permeability
8 of zero despite occasional reports of Rustler claystones
9 producing water at rates equivalent to the caliche or magenta
10 dolomite.

11 CARD has correlated and presented borehole data
12 showing washouts and consistent loss of core in two distinct
13 horizons of Rustler mudstone in the forty-niner member, about
14 20 feet above the Magenta and in the lower unnamed member
15 immediately beneath the Culebra.

16 These are not occasional occurrences. CARD
17 succinctly summarizes 12 such encounters above the Magenta
18 and 14 beneath the Culebra, all of them at or near the WIPP
19 site.

20 CARD describes a similar horizon in the Tamarisk,

21 member with washout for loss of core in five locations and

22 reports of dissolution residue in seven others.

23 Evaporite rocks are not typically fractured, and

24 the consistent lack of core recovery and horizons identified

25 by the actual drillers as being dissolution residues is a

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1 clear indication of unconsolidated or cavernous zones capable
2 of transmitting water with little resistance. When these
3 occurrences are correlated and mapped as CARD has done, it is
4 shown that those zones snake across the WIPP site,
5 penetrating its heart at the ventilation shaft.

6 DOE claimed that Magenta dolomite is unfractured at
7 WIPP. This claim was later modified to read that the Magenta
8 has no hydraulically significant factors at WIPP. The peer
9 review panel was unconvinced. DOE in response stated that
10 the only location on the WIPP site at which open fractures
11 have been observed in the Magenta is WIPP-13.

12 At WIPP-13, according to the lithologic log, the
13 Magenta dolomite is broken and shattered by numerous
14 fractures dipping 60 degrees to 80 degrees and displacing
15 bedding planes.

16 At WIPP-19 open fractures were found in the Magenta
17 core and in the WIPP ventilation shaft 11 fractures in the
18 Magenta, all of them vertical to subvertical, all of them
19 open were observed and matched. DOE told EPA that it does
20 not appear that the Culebra dolomite has extensively been

21 fractured in the vicinity of the WIPP shafts.

22 The truth is that in the WIPP air intake shaft much
23 of the Culebra dolomite exhibits extensive subvertical to
24 vertical fracturing. About half the fractures are filled
25 with gypsum and the rest are open. The lower six inches

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1 consists of brecciated dolomite.

2 At H3-b2, the Culebra is totally fragmented. Only
3 three core samples totaling four feet were recovered, 18 feet
4 of Culebra core was lost, and another five feet of core was
5 lost in black clay -- not claystone, clay -- immediately
6 beneath the Culebra.

7 At H3-b3, the while Culebra interval was broken
8 into pieces less than one foot in length. Where pieces were
9 preserved, the core was very porous. Some fractures were
10 open, some were filled with gypsum. 14.5 feet of Culebra
11 core was lost and another four feet of core was lost in the
12 black clay beneath the Culebra. This is entirely consistent
13 with a cavernous groundwater flow path through the Culebra
14 dolomite and the claystone of the lower unnamed member of the
15 Rustler.

16 DOE says that Culebra groundwater is saturated with
17 respect to gypsum. DOE made this statement in response to
18 EPA's concerns about the potential for dissolution of gypsum
19 fillings in fractures in the Culebra dolomite. DOE convinced
20 EPA that dissolution processes are not presently occurring in

21 the Rustler formation and that conditions are not expected to
22 change during the regulatory period, that is, in the next
23 10,000 years. DOE's argument is that infiltrating waters
24 that would cause the dissolution would become saturated with
25 respect to gypsum and therefore would be unable to dissolve

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1 anhydrite or gypsum.

2 The truth is that infiltrating groundwater will not
3 be saturated with gypsum until it has dissolved enough gypsum
4 to become saturated. Presently some Rustler groundwater is
5 saturated with respect to gypsum and some is not.

6 Concentrations of dissolved calcium and sulphate vary not
7 only from well to well, but also from time to time.

8 For example, along the entire southeastern flowpath
9 from the WIPP site to Nash Draw at test wells H-3, DOE-1,
10 H-11 and P-17. Dissolution of gypsum fillings in Culebra
11 fractures is presently occurring. DOE states that there's no
12 evidence from hydraulic conductivities that the karst
13 development found at WIPP-33 extends into the WIPP site. The
14 truth is that WIPP-33 was never converted to a hydrologic
15 test well and so there are no multi well pump tests designed
16 to determine whether or not the five water filled caverns
17 WIPP-33, two in magenta dolomite, two in forty-niner gypsum
18 and one in Dewey Lake siltstone are hydraulically connected
19 to the WIPP site.

20 If there's no evidence, this is because DOE has not

21 done the necessary testing. Absence of evidence is not
22 evidence of absence. However, a multi well test centered in
23 the Culebra at WIPP-13 located within the WIPP site did show
24 a hydraulic connection to WIPP-25 located four miles away in
25 Nash Draw, which DOE admits is a karst valley.

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1 The response was extraordinarily rapid, the delay
2 in maximum draw down at WIPP-25 was only 26 hours. The
3 transmissivity between WIPP-13 and WIPP-25 was calculated at
4 650 square feet per day, which works out to a hydraulic
5 conductivity of 27 feet per day. WIPP-33 is located almost
6 exactly midway between WIPP-13 and WIPP-25. WIPP-33 is the
7 western most of a chain of four sink holes, they are almost
8 perfectly aligned with WIPP-13.

9 There was also a measurable response at the WIPP
10 exhaust shaft, 1.5 miles southeast of WIPP-13, which suggests
11 an existent northwesterly flow path from the WIPP repository
12 all the way to Nash Draw by way of WIPP-33.

13 Ladies and gentlemen of the EPA, you have been
14 deceived through no fault of your own. You have a duty to
15 overturn the proposed decision to open WIPP because it was
16 based upon false testimony. To change your mind now would
17 not be an embarrassment, it would be an act of courage.

18 PRESIDING OFFICER: Next is Bill St. John.

19 BILL ST. JOHN: My name is Bill St. John. I'm from
20 Carlsbad. I'm Vice President of Carlsbad National Bank and

21 past president of Carlsbad Chamber of Commerce. We've
22 enjoyed the WIPP project in Carlsbad for over 20 years. As a
23 community we know it is ready to receive transuranic waste.
24 We know Carlsbad better than anyone. The quality
25 of the people administering the WIPP project both the

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1 Department of Energy and Westinghouse. Their knowledge on
2 the storage of transuranic waste is unsurpassed anywhere in
3 the world.

4 There's been many obstacles to prevent opening of
5 WIPP in the past few years. Many know WIPP has overcome
6 every obstacle with pride and dignity. Just proving one more
7 time they are ready to begin receiving transuranic waste.

8 The waste is presently being stored on top of
9 ground throughout our nation. WIPP is the answer to a safe
10 solution of storing transuranic waste. The closest is ready
11 to be opened and the community of Carlsbad is read to give a
12 solution to the United States, put a storage of transuranic
13 waste.

14 WIPP is not a problem, it is a solution. WIPP is
15 without a doubt the best and safest way to permanently store
16 transuranic waste. As a concerned citizen of Carlsbad, I
17 urge the EPA to strongly endorse WIPP and give them the final
18 approval. Thank you.

19 PRESIDING OFFICER: Thank you.

20 Bob Forrest.

21 BOB FORREST: I'm Bob Forrest from Carlsbad, the
22 mayor for the past eight years. I'd just like to thank EPA
23 for holding the hearings and the role that you play. I just
24 want you to know in that draft that Joe Skeen's bill came our
25 that EPA would be taken out as a regulator and DOE would take

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1 their place, that we were one of the first groups to protest
2 that.

3 We've always felt from day one that EPA had to be
4 the regulator, and we've been working on this project for
5 close to 25 years. When we started, the number one project,
6 the number one object was to make the project safe. If we
7 kept that safety issue up there in front of us, we wouldn't
8 hear the stories about Los Alamos being lied to and the
9 things that have happened in the past. Hopefully we've
10 learned from their mistakes.

11 We've got a project we're proud of. Maybe 20 years
12 track record doesn't give us enough time to trust someone,
13 but we've got excellent relationships with DOE, with EPA,
14 Westinghouse and with Sandia, and we want to do what's right.

15 I know you can probably blame Pete Domenici for
16 this project, blame DOE for the project, but the real people
17 to blame are the citizens of Carlsbad. This is a people's
18 project. There's money power, there's political power, and
19 there's people power. We have driven this project. It's
20 where it is at today because of the citizens of Carlsbad.

21 We're proud of what's happened. We want to learn
22 what happened in Los Alamos. We don't want a Los Alamos at
23 Carlsbad. We don't want a Rocky Flats. We want a good safe
24 project.
25 The first phase we came here seven years ago

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1 through all these hearings, a packed house over at Sweeney
2 Hall. We had six or seven testimonies going on at one time.
3 The number one issue seven years ago was transportation. I
4 think we resolved that problem pretty good.

5 Bob Neill of the EEG said we need to go from the
6 square container to a cylinder container. We agreed and it
7 cost DOE \$40 million.

8 We watched the containers tested, dropped, burned.
9 They were built in Carlsbad, New Mexico. They are going to
10 be hauled by state of the art transport trucks, two drug-free
11 drivers, and the only 18-wheeler going 55 miles an hour on
12 the highway.

13 All of these things have happened. If you was to
14 say I'd give you have a blank check to delete anything you
15 want to, to improve the transportation, I don't know what you
16 could do. Take the facility, take the site.

17 State-of-the-art facility. State-of-the-art inhalation, roof
18 poles twice as many as we have in our potash mines, rescue
19 mine teams that's won all kinds of awards. The only tornado
20 proof building in New Mexico.

21 All these things have been put in. Number one
22 bluecap safety is our issue. I just can't thank DOE enough
23 and everybody working together to show what can be done.
24 We've got a problem. I think it is a lot better to take that
25 waste that's sitting on the ground at Los Alamos, and when

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1 you see that tornado that came through Cimarron, New Mexico
2 last year and see what happened, what do you think would
3 happen with 40,000 drums of waste if a tornado was to come
4 through Los Alamos. It can happen.

5 Another thing I think we have is this
6 environmental, and this is another thing that DOE put in
7 Carlsbad through the help of local citizens, and we're going
8 to have 40 scientists in our community. They've got a budget
9 of \$32 million. And they are going to monitoring the air,
10 the water, the soil before we ever get a drum of waste into
11 Carlsbad so that we don't have another Los Alamos and Rocky
12 Flats.

13 I think with the insurance of all of these things
14 happening, that EPA will never get closer to opening the WIPP
15 facility than they have the Carlsbad opportunity. You'll
16 never find a community, a situation with the geological
17 formations, the salt beds that are 250 million years old that
18 we need to address these problems. And to sit there and
19 think they are going to go away, it will not happen. Like
20 we've always said before, WIPP is the solution not the

21 problem. Thank you.

22 PRESIDING OFFICER: Thank you.

23 Next is Brenda Fry who I believe will speak for

24 Eddie Lyons.

25 UNIDENTIFIED SPEAKER: She's left.

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1 PRESIDING OFFICER: She's left? Okay.

2 Next is Richard Doss.

3 RICHARD DOSS: My name is Dick Doss. I am from
4 Carlsbad. I'm a Vice President of Carlsbad National Bank. I
5 have followed the development of the Waste Isolation Pilot
6 Project since it was first proposed by the late Senator Joe
7 Gann.

8 Senator Gann saw a need to secure the nation's
9 nuclear waste and recognized the deep salt beds of
10 southeastern New Mexico as a viable repository for this
11 waste. He would only have approved the certification of the
12 site if it was deemed safe. I know that he did before his
13 death, because I spoke to him about it extensively.

14 Those of us who have followed the development of
15 this site and marveled at the engineering feats accomplished,
16 the environmental monitoring methods developed and the human
17 resources committed to making this test site safe.

18 We can only verify its safety by opening the site
19 to shipments of transuranic waste and monitoring its
20 progression in the salt beds.

21 The transportation system has been developed to
22 which is an engineering marvel in safety, and it's packaging
23 of waste and its monitoring during movements.

24 From its trench sites to Carlsbad, this waste will
25 be entirely safe. The people involved are of the highest

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1 quality.

2 The trench sites, Los Alamos, Rocky Flats and
3 others, are unsafe with waste stored in deteriorating barrels
4 above ground where they can rust and release their contents
5 into the environment.

6 The people of Carlsbad recognize the competency of
7 the engineers, technicians and administrators of Westinghouse,
8 CPS, Sandia and the many other agencies involved with the
9 WIPP site.

10 We are confident that the project is safe and a
11 viable solution to the storing of transuranic nuclear waste.
12 WIPP is not the problem. WIPP is a solution. I strongly
13 urge the EPA to give final certification to the opening of
14 the Waste Isolation Pilot Project. Thank you.

15 PRESIDING OFFICER: Thank you. Next is Jack White.

16 JACK WHITE: My name is Jack White, Jr. I'm from
17 White City, New Mexico, a small resort town down at the
18 Carlsbad Caverns National Park. My grandfather homesteaded
19 the land there in 1927. Our family has been serving cavern
20 visitors ever since. My two children and four grandchildren

21 now live in White City and live there.

22 We have more propane trucks come through White City
23 in a year than will WIPP receive in total shipments during
24 its lifetime. Each of these trucks contain 10,000 gallons of
25 extremely flammable explosive material. As volunteer fire

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1 chief for 15 years, responsible for the safety of the
2 citizens of White City and the visitors to Carlsbad Caverns,
3 I would happily exchange those 10,000 bombs for the WIPP
4 shipments that are being sent in the most highly tested,
5 safest containers on the road today.

6 If one of those propane trucks were to explode, you
7 could not sweep up the residue and put it back in the
8 container and continue to the repository, there would be
9 nothing left.

10 We have been safely transporting much more
11 dangerous products than what will go to WIPP through our
12 state for many years. How do the citizens of Santa Fe think
13 the plutonium reaches Los Alamos or that the nuclear bombs
14 that were flown in from Europe into Albuquerque were
15 transported to Amarillo, right through Santa Fe with no
16 incidents, with the same Department of Energy that we're
17 using at WIPP.

18 The early opposition to WIPP was much more evident.
19 Over 500 people crammed Sweeney Center when I testified there
20 the first time. They were dressed in black rubber suits with

21 skeletons painted on them. They spat on our bus. Almost

22 every Santa Fe business had a sign in the window saying,

23 "Another Business Against WIPP."

24 Today, through education and scientific proof,

25 much of this opposition has been dissipated. The crowds are

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1 gone, and you see few "Another Business Against WIPP" signs.

2 You have heard native Americans asking you to
3 remove the waste from sites where it is contaminating their
4 crops, lands and flocks. You've heard northern New Mexicans
5 that have realized that the waste would be safer out of Los
6 Alamos and transported to WIPP.

7 A few politicians think they can still make hay by
8 opposing WIPP and this is unfortunate. We must put aside the
9 emotional arguments, rely on our best scientific minds, the
10 EPA, National Academy of Sciences, Sandia National Lab, Los
11 Alamos National Labs, Department of Energy and Westinghouse
12 have created the safest repository in the world.

13 The opposition asks that it be certified safe for
14 100,000 years. It was later reduced to 10,000 years, which
15 is still almost inconceivable, I would think, to the human
16 mind. Nothing is forever. Nothing is certain. We have all
17 been told the only certainty was death and taxes, but with
18 the arrival of closing a non-profit corporation, even these
19 are not certain anymore. Open WIPP because it is the
20 solution not the problem. Thank you.

21 PRESIDING OFFICER: Thank you.

22 Next is Terry Marshall.

23 TERRY MARSHALL: My name is Terry Marshall. I'm

24 also a resident of Carlsbad. Last month I published a book

25 called Carlsbad, based on three-and-a-half years of research

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1 and writing. It documents quite well, I think, what makes
2 our community unique.

3 In addition, I have finished draft of the 300 page
4 study based on a year of research socioeconomic effects on
5 Carlsbad. My study is the most extensive one ever conducted
6 on this topic and includes a careful analysis of how Carlsbad
7 residents perceive the WIPP's effects on the community.

8 I am an independent, self-employed sociologist and
9 writer, with a Ph.D. in Sociology Development from Cornell
10 University. I have two points to make:.

11 First, the remarkable quality that sets Carlsbad
12 apart from other communities on the issue of nuclear waste
13 disposal is the fact that it's leaders have versed themselves
14 fully in the dangers, problems and technical solutions WIPP
15 presents.

16 I urge EPA to consider carefully the testimony of
17 the speakers from Carlsbad. They bring a long history of
18 involvement and understanding to the issue. They have been
19 involved with this process for 25 years. Carlsbad residents
20 bring to the analysis the unique and valuable asset, a long

- 21 standing, practical, working knowledge of Chihuahuan Desert
- 22 ecology, Delaware Basin geology, mining and oil and gas
- 23 extractions as well as a deep and personal concern for the
- 24 future of their city and its natural environment.
- 25 Their support of WIPP is not a knee-jerk reaction

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1 but a study, careful analysis of the potential effects on
2 the community. They led the movement to create the Carlsbad
3 Environmental Monitoring Center, a first-class scientific
4 effort that will dispassionately determine whether or not our
5 health is in any way in danger by WIPP.

6 Because of that facility, we in Carlsbad are
7 confident that WIPP poses no threat to us or to our families.

8 Second, we're all aware that WIPP is embroiled in
9 the political debate as well as the scientific one.

10 Considerable testimony has been offered here that
11 addresses not WIPP per se, but moral, philosophical and
12 environmental issues of nuclear energy, nuclear weapons and
13 nuclear waste.

14 This political debate seeks to frame WIPP in
15 context of issues that have little bearing on the safety or
16 national contribution of the WIPP project.

17 These larger issues are important. They involve
18 critical and national dilemmas and they must not be lost in
19 the EPA decision over whether WIPP should be certified. I
20 urge EPA to view this certification not merely as the end of

21 a long regulatory procedure, but as the beginning of a
22 serious effort to inform and educate and involve citizens in
23 resolving the complex issues of nuclear energy and nuclear
24 waste.

25 Too many Americans remain confused about these

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1 issues. Too often the discussions cloud the debate rather
2 than clarify it. Too many Americans remain apathetic and
3 uninformed. EPA's certification does not address the crying
4 need for citizen education and involvement. If we are to
5 draw from WIPP the lessons that helped this nation resolve
6 its nuclear waste problem, we must learn to foster
7 constructive debate and truly embrace ideas that stem from
8 different perspectives. Both EPA and DOE should now reach
9 out to enlist the minds, the commitment, the fervor and an
10 energy that all of us, both proponents and opponents, bring
11 to the nuclear discussion.

12 Carlsbad has willingly stepped up to the plate.
13 This community alone in the nation has said yes, bury it in
14 our backyard. Carlsbad should be considered a national model
15 for how local citizens must be become aware of and involved
16 in complicated, scientist issues.

17 I urge you to certify WIPP then launch an all-out
18 campaign to use it as a stepping stone for a national effort
19 to understand and resolve the larger nuclear issue that
20 remains. When do you do, call on Carlsbad. Urge opponents

21 and advocates alike to visit Carlsbad and learn firsthand

22 about the WIPP as it exists in real life. Thank you.

23 PRESIDING OFFICER: Thank you.

24 Next is Michael Boniuto.

25 MICHAEL BONIUTO: My name is Michael Boniuto. I'd

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1 like to read a few paragraphs here from the New Mexican,
2 December 11, 1997. Los Alamos National Laboratory has found
3 new evidence of tritium, a radioactive form of hydrogen from
4 the contaminated canyon bottom, down toward the deep aquifer
5 from which Los Alamos and White Rock residents draw their
6 drinking water.

7 Tritium is found in two separate subterrean layers
8 at a lower level than the Los Alamos canyon and the lab
9 boundary of the national monument. The layers are at a depth
10 of 180 feet and 275 feet, well above the aquifer estimated in
11 this region to be 650 feet below the surface.

12 This goes on to say that some low levels of
13 strontium 90 were found which, of course, is much more
14 dangerous. Similar articles to this have appeared throughout
15 the years. I'm just aghast with the consideration of trying
16 to store such large volumes that could possibly contaminate
17 the vast areas.

18 I think it's unacceptable that the EPA could accept
19 unstudied information from the DOE, and I'm saying this
20 because it seems it would take hundreds of years to study the

21 physical movements of the earth and how could the DOE study

22 what these movements could do? I mean, for computers, a

23 computer couldn't even predict for hundreds of years or

24 thousands of years.

25 A good example of this would be the recent earth

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1 tremors called swarms near Estancia. I mean, could a
2 computer predict that these swarms would come?

3 If there's any question, any question at all that
4 the water table and aquifer would be contaminated, the EPA
5 should reject WIPP permanently. How far will -- if there is
6 contamination, how far would the water with the contaminants
7 spread underground? Would it leech over into the next
8 border, would it be hundreds of perhaps thousands of miles?
9 Does the DOE or the EPA have a plan to clean up something of
10 that extent?

11 Finally I think the EPA oversight of the DOE itself
12 is unacceptable, and I would call for an independent citizens
13 review board to oversee safety for the citizens not only of
14 this country but citizens of Mexico. This could be the
15 biggest disaster of human kind.

16 What I would propose, and this is not -- I'm not
17 saying this as a joke -- is that the caverns be used for the
18 bats of Carlsbad.

19 I think I just have a tiny bit left and my daughter
20 wants to say one thing here. Thank you.

21 MIKA BONIUTO: Well, I don't really have much to

22 say.

23 PRESIDING OFFICER: Could you give us your name?

24 MIKA BONIUTO: Oh, my name is Mika Boniuto and I

25 don't really have much to say, but I think that the last

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1 three people over there what they were talking is crazy,
2 because these WIPP trucks are going to be going in front of
3 the schools, and if they crash, a lot of kids that are in
4 school could get cancer or something like that.

5 And even as they are driving by, if there are kids
6 in the schools, there are toxic fumes going out and we could
7 have some damage done.

8 And I just am totally against that and I don't
9 think they should be driving by our school.

10 PRESIDING OFFICER: Thank you.

11 Shelly Boniuto.

12 SHELLY BONIUTO: I'm conceding my spot to Beverly
13 Garcia.

14 PRESIDING OFFICER: Okay.

15 BEVERLY GARCIA: I'm Beverly Garcia. I'm a
16 resident of Santa Fe, a lifelong resident of New Mexico. I
17 am president of the Neighborhood Association that has about
18 800 households and I'm here because in recently considering
19 the general plan for the city of Santa Fe, we learned
20 something about a proposed relief route that was proposed for

21 construction about ten years ago and an environmental
22 assessment was done at that time.

23 That relief route was proposed as a means of
24 relieving traffic congestion in Santa Fe, but what it has
25 turned into is what the town now commonly calls the WIPP

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1 group, because they proposed to put WIPP waste onto this
2 relief route so you bypass Santa Fe.

3 There are a few problems with that because in the
4 environmental assessment and the draft environmental
5 assessment, that I just finished reading last week, that
6 relief route never was intended to transport WIPP.

7 It's not part of the interstate highway system.
8 It's not part of the national highway defense system. What
9 it is is a major arterial. Therefore, the standards for
10 constructing it are not what the nation would require for an
11 interstate highway.

12 I have prepared a map here that I would like to
13 show you, and this is just for a two-and-a-half miles span of
14 this relief route that would come behind our neighborhood in
15 very close proximity to it. I would just like to show you
16 what's currently taking place in Santa Fe on the proposed
17 WIPP route.

18 (Referring to map.)

19 Casa Solana is located in the northwestern part of
20 Santa Fe, just as you're coming in from Taos and Espanola.

21 The green along here is a 13.2 mile relief route that would
22 carry traffic around the western side of Santa Fe.

23 Here is the intersection of U.S. 84-285 where we
24 intersect with proposed relief route. There would be one
25 interchange here. From this point to this point, the fifth

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1 red circle is 2.5 miles. One interchange is proposed here.

2 A second in interchange 1,058 feet down the roadway, just

3 one-fifth of a mile, a third interchange, and I just found

4 out from the Highway Department yesterday, that this is going

5 to be much closer, is about 1100 feet from the second

6 interchange. So we have a third interchange proposed another

7 fifth of a mile.

8 A fourth interchange at this point, a fifth

9 interchange, five interchanges within a two-and-a-half mile

10 span. This is the route on which we're going to introduce

11 this transport.

12 It was proposed as a bypass to relieve traffic. It

13 was supposed to be a straight shot around Santa Fe. The blue

14 circles that you see on this map are the proposed commercial

15 developments now that are being proposed since the relief has

16 been clearly defined.

17 Now the proposed commercial developments -- there

18 is no commercial there yet but the proposed zoning in that

19 know way. These people would now want access so people could

20 get on and off the relief route to these commercial

21 establishments.

22 You know, all of these stops and starts along the
23 roadway, that according to the environmental assessment was
24 designed to carry traffic that would travel an average of 39
25 miles per hour. And I heard the head of our Highway

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1 Department testify at a neighborhood meeting before our
2 neighborhood two weeks ago that it was designed to carry
3 traffic 60 miles an hour conflict with the EA's assessment.

4 Now we're introducing all these stops and starts,
5 and this is supposed to be the route upon which nuclear waste
6 and WIPP waste is supposed to be transported and diverted. I
7 wanted you to know that.

8 I don't know if similar things are happening around
9 the state, but to me this is just downright stupid. I mean,
10 it really is foolish. This is in very close proximity to our
11 neighborhood, the 800 homes right here. Further down it
12 comes within 100 feet, this relief route does, of Cottonwood
13 Mobile Home Park about four to 600 people live there, and
14 it's pretty much a silent group of people in Santa Fe. It
15 comes in about 100 feet of that mobile home park. I don't
16 think that's right. Thank you for listening to me. I wanted
17 you to hear this.

18 PRESIDING OFFICER: Thank you.

19 Next is Harriet Elkington.

20 HARRIET ELKINGTON: My name is Harriet Elkington

21 and I live in Santa Fe, and I have many questions about WIPP.

22 One of these is that the WIPP site is surrounded by natural

23 resources. It is an area with a high concentration of

24 drilling activity. The site rests on top of the pressurized

25 brine reservoir.

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1 I ask EPA to look at the safety of that. Brine and
2 carbon dioxide injections are used in secondary recovery of
3 oil in the area around WIPP. Oil fields near WIPP are known
4 to have numerous waterflows from injection. In the Hartman
5 case water traveled several miles before blowing out another
6 well. What would be the effect of a water blowing out the
7 shaft or borehole attached to the WIPP site.

8 There are many other questions which can be asked
9 of the EPA and have been asked by other speakers. It is my
10 understanding that WIPP is designed not just for existing
11 waste but for future waste as well. This implies that more
12 production is going to go on making more and more of these
13 poisonous substances. I'm alarmed by what appears to me to
14 be a massive denial of what we are really dealing with.

15 I feel we are acting as if we believe that if we
16 can just hurry up and get this waste out of site, we can
17 pretend we are in control of something. We are most
18 definitely not in control of it.

19 Pretend there's no danger and thus avoid looking at
20 and dealing with the realities of the deadly issues that will

21 affect all generations in the future. Thank you.

22 PRESIDING OFFICER: Thank you.

23 Next is Patti Bushee.

24 (No response.)

25 PRESIDING OFFICER: Not here?

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1 Next is Juana Montez.

2 UNIDENTIFIED SPEAKER: She had to leave.

3 PRESIDING OFFICER: She had to leave? Okay.

4 Gilbert Sanchez.

5 GILBERT SANCHEZ: For those of you that don't
6 believe that nuclear waste and radiation has an impact, look
7 at me good because I'm the nearest thing you can have from
8 radiation. And, Miss, I'd ask you to turn your recorder off.

9 With due respect, sir, we are allowed to speak, I
10 ask for your forgiveness and hopefully that I do not break
11 your respect or any of your dignity here. My name is Gilbert
12 Sanchez. I am a stakeholder and a member of the Pueblo San
13 Ildefonso, and I want to clearly state that I'm not
14 representing the pueblo San Ildefonso in any iota, in any
15 form.

16 The expressions that I will give are my own and on
17 my own I will responsible for those. First of all, I'd like
18 to thank you our congressional delegation for past and
19 present economic gains afforded us New Mexicans. With that,
20 I would like to ask, I know earlier there was a lot of DOE

21 people, a lot of folks from Las Cruces, a lot of state people
22 that have the vested interest of where they are employed, and
23 I was going to ask them to stand up or raise their hands.
24 To those of you have who are here from Las Cruces
25 or the WIPP site area, would you raise your hands because I

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1 would like to see who you are. I know most of you are
2 wearing suits today.

3 With that, I'd like to say something else. Roughly
4 in 1992, the great Senator Domenici and our great governor
5 Bruce King came to the Indian people of which I was at the
6 meeting as an official.

7 Senator Domenici was telling us Indians that we
8 should not get into gaming because it was going to make us
9 millions of dollars which has come true. But he did not want
10 us to get into gaming, but he told us open up your lands so
11 that we can put salted waste facility on there.

12 And the reason I don't want you getting into gaming
13 is because it is Mafia run, Mafia operated at every corner.
14 I still put my hand up and I asked Senator Domenici, with due
15 respect to both you and Governor King, who in this world
16 controls the waste pockets, waste systems in this world if it
17 is not the Mafia.

18 Folks, you've been had, you've been taken. If I
19 had a vested interest -- the other thing I wanted to ask was
20 how many people from the lower income levels of Las Cruces

21 and the people of color of those communities are here to
22 speak their mind, or have they spoken, I didn't go to Las
23 Cruces, I didn't go to Albuquerque to hear them.

24 We have been 48th in economic stature for this
25 country for the last 50 years. I want to especially thank

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1 and congratulate our congressional delegation, our state
2 government and those of you in power for lowering us down to
3 the 50th spot. Yes, we added two more states about 20 years
4 ago, 25 years ago. Six months ago or back in October we were
5 lowered down to 50.

6 I do not believe but we are the poorest state in
7 this country. Even with all the economic impacts that have
8 been brought to our forefront and to our noses as activists,
9 as members of the communities, the disenfranchised
10 communities especially, that the defense and energy
11 department have brought their millions of dollars and come
12 into this state.

13 They are not doing a damned thing for us. It is
14 going to the bankers and it is going elsewhere.

15 You talk about what's going on. I look at the
16 genocide, the continuing genocide of our communities
17 especially indigenous and native peoples in this state and
18 country. And it is continuing. This is one form of it.
19 Economic impact. The impacts of the radiation that is there.

20 I am not a scientist, I am not a doctor, I don't

21 have a Ph.D. or anything else, but the only things that I see
22 in my life is that there's going to be a tremendous economic
23 gain for physicians 20 years from now, 30 years from now,
24 because of what we're putting into the ground. What I've
25 heard over and over and not only at these hearings but from

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1 the National Science Foundation, National Sciences Academy,
2 those scientists who have been opposed to WIPP over the
3 years.

4 I heard in the presence of Tom Grummly and Ms.
5 O'Leary, in the past administration time there, by one of
6 their better renowned and respected scientists to be told the
7 only way WIPP should go into salt mine is in a natural dome.
8 Not in the situation or scenario that is in Las Cruces in the
9 salt beds there. A natural dome because it will hold up and
10 stand up and up and you will not find water in there.

11 Yes, I'm concerned. I'm concerned of what's going
12 to happen. We're not looking to the future. You, the
13 economic structure and stature and the backbone of Las
14 Cruces, of Hobbs, of White City, of Little Texas as we call
15 it, the only far you can see is your nose and how much money
16 is going to come into your pocket and and into your bank.

17 You're not looking at the reality of things, of
18 what was has been told to you over and over and over again
19 over the last 25 years. That what we put in the ground, even
20 us when we meet our final demise, that we are going to

21 deteriorate and we are going to become a part of where we've
22 been implanted.

23 One of my concerns is the health and impact.

24 Mother Nature has a way of getting back to us. You're

25 putting this stuff down, miles into the ground closest to the

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1 groundwater table. Where does that groundwater travel to?
2 You are hydrologists. You are educated. You know the best.
3 It goes into the Pecos River drainage.
4 Where does that water go into? Brownsville. Look
5 at the Brownsville babies. Look at the scenario of what's
6 going to happen. Where do we get all our fruits and
7 vegetables.
8 The middle Rio Grande valley of Texas provides us
9 with all of those fruits and vegetables through the year.
10 Once that water gets contaminated, who is it going to come
11 back to? The banker who is too old today to be standing up
12 here 100 years from now, his grandchildren or family will
13 move away from here. But those families that can't afford
14 to move away from here and we are across this country are
15 going to get that contaminant. And where does it go? Gulf
16 coast shrimp, prongs, whitefish. Guess where it's going to
17 be at 100 years from now, maybe less than that, because I
18 cannot believe and I cannot agree to what LANL, our
19 government, DOE has told us.
20 I come from the area that our groundwater sits at

21 2500 below the surface. Tom Baca came to my office four or
22 five years ago and told me that it's going to take 2500 years
23 for that groundwater to be contaminated. Four months later
24 at the end of the summer we were finding tritium in our
25 groundwater. We have all the radionuclides that are there

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1 are there and they cannot deny it because I have the records
2 of those.

3 They came into my community saying we have trace
4 amounts of tritium. But we're going to EPA in the next
5 paragraph and ask them to raise that drinking water standard
6 for this state and for this area to 60 times what it is now,
7 so that we can be safe, so that we won't be regulated.

8 You talk about regulations, I was at Yucca Mountain
9 on a review up there, and I was a party of 150 people. We
10 were bussed up to the site and we were standing there and I
11 was walking across the road and there was a sign that says
12 desert turtles, endangered species, 25 miles per hour.
13 Guess what, folks, there was a five-ton truck coming around
14 the corner doing 85 miles an hour. And I almost got hit, a
15 couple of us almost got hit. I raised my hand to the DOE
16 person that was doing the thing, the dog and pony show, as I
17 would call it, I says, who's regulating this guy? Oh, the
18 county sheriff does. He comes on here and he regulates them.
19 I said, huh huh, it's in your manuals to say that you're
20 going to be traveling this much in this areas. You're not

21 going to be doing those things.

22 And you ask the EPA is saying, wait a minute, I

23 think we're going to do this thing and we're going to do

24 those things. No, Mister, you are the Commission, you are

25 the people who are doing those things. Los Alamos National

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1 Laboratory has scored rigorously high continually to be
2 placed on the national priorities list, but because of
3 politics, Senator Domenici, and because everybody runs scared
4 from him when he opens his dollar pocket and his mouth, you
5 don't do those things.

6 And you're telling me that my boys, the state
7 police officers are well trained to go out there on the route
8 of WIPP to start transportation routes in May? Why, because
9 you gave them a rubber glove?

10 You haven't given them the proper training. You
11 may have given somebody training somewhere, but you have not
12 given us the proper equipment to Santa Fe, to my pueblo. We
13 have children who are riding buses on those routes. We have
14 schools within one mile, less than a mile of certain routes,
15 but we have not been given that assurance.

16 The state of New Mexico went and hired the ex-fire
17 chief from Boston whom I heard some 15 years ago at a
18 conference say, I don't give a shit if Boston gets
19 contaminated, because if it does, I'm going to go to San
20 Diego.

21 We hired that guy to come in here, and for the last
22 15 years has not trained anybody but an elite group. The
23 last time we had a radioactive accident on this highway, it
24 took them three and a half days to get somebody out of
25 Amarillo, and you're telling me I should sleep safe, that I

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1 should be safe, that the city of Santa Fe should be safe and
2 the constituency of Las Cruces is safe, Carlsbad, wherever,
3 that we're safe? What is going on?

4 I would like to state to our government that they
5 need to be more truthful about what is going on. We have not
6 yet learned the truth of the nuclear development, of the
7 testing of all of the scenarios of what has gone on in World
8 War II, when the creation of the nuclear device was first
9 started.

10 We did not even know what's happening. You talk
11 about dying. The gentlemen made that comment. I can give you
12 statistics of iodine-131 deaths in this country that did not
13 happen because a meteorite fell out of the sky and hit
14 somebody's head. They are staggering. If you were born in
15 1951 or 1952, you have a better chance than I do of coming
16 down with thyroid cancer. If in your communities you're
17 starting to see respiratory problems, it is not because you
18 have asthma that's inherited in your genes, it's because
19 things are happening.

20 In my community, and I've traced my community back

21 35,000 years, I find that the generations after, two or three
22 generations after, we're coming back up with allergies that
23 should have been become immune to our system.

24 Remember the Hantavirus. It did the not occur in
25 downtown Santa Fe. It occurred where every time there was a

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1 disruption of uranium in the tail pilings were there, in
2 every instance, and if you can prove me wrong, from Maine,
3 Pennsylvania, Pittsburg, all the way across the United
4 States, the only place Hantavirus actually came up is where
5 uranium was disturbed and brought about and tail pilings were
6 there.

7 I challenge you to prove me wrong on that, because
8 that's where it happened. It didn't happen in north central
9 New Mexico. It didn't happen in Ojo Caliente where we don't
10 have any mines, but those are the things we have to say to
11 you the government again. You must be more truthful than
12 you've been, more open than you've been. A little bit of
13 openness does not get you where you want to get.

14 Science for science same, it doesn't work anymore.
15 We shot to the moon, we're going back to the moon to seek
16 water. Those type of things, fine and dandy. But a
17 statement was made earlier about the rock being on somebody's
18 desk.

19 I would like to say to you the safest place to put
20 this nuclear waste, the 43,000 barrels plus at Los Alamos,

21 let's transport them to national capital to where those

22 subways there under the halls of congress and the president's

23 place and let them sit on it for 10 years or 20 years and

24 tell us it's safe.

25 Or let Senator Domenici take a rock -- and where's

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1 that gentleman that said he had a rock? I'd like to go out
2 to our sacred area, congressionally approved sacred area, and
3 I'd like to get one of those rocks and I'd like to give it to
4 you and I'd like for you to set it on your desk and see how
5 long you can last with those things.

6 What I am saying to you is that the aspects of the
7 health impacts of what we've created and are creating have
8 never been looked at.

9 The Russians are no longer in existence. They are
10 no longer our greatest enemy. They never were. We were our
11 greatest enemy because we falsified everything we did, so the
12 defense department and DOE can continue to develop weapons of
13 destruction that took them millions and billions of dollars.

14 Again, to bury nuclear waste when and where you
15 will, because no matter how deep it goes it surely comes back
16 to haunt us in the future.

17 I might not be here in the future, but I am the
18 future of 35 years of that generations and I am here today to
19 make sure that 35,000 years from now that my people, my
20 ancestry will be able to survive in this area.

21 We are not as transient and not loosely tied to our
22 homelands, us indigenous peoples, as you are born as
23 visitors, immigrants who come here. We have a place in our
24 communities, our lands, our church, our sacredness, the water
25 that we hold, and everything has a cycle, like the young lady

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1 said from Santa Clara.

2 We are of the earth, we will return to the earth

3 and we will continue to be a part of the earth in that sense.

4 So you know, we have stewardship, stewardship programs at Los

5 Alamos, and I'm sorry Tom Baca left, but I think if

6 stewardship is something that we want to do, why not give a

7 barrel of that 43,000, one each to all of the scientists that

8 believe this stuff is so safe and put it in their homes,

9 that's my solution.

10 I ask again for your -- if I have disrespected or

11 broken any of your respect, I ask your forgiveness.

12 And that gentleman that took my picture earlier

13 from Las Cruces, please destroy that picture because my

14 faith, my belief, my custom does not allow that.

15 I thank you very much.

16 PRESIDING OFFICER: Thank you, Mr. Sanchez, for

17 coming.

18 Teresa Juarez.

19 DANIEL SHREP: I'll speak for my wife. Hey, I want

20 to apologize to the people from Carlsbad. I was giving you a

21 bunch of shit earlier. God, I didn't realize you guys were
22 so spiritual, so wonderful and so right. I mean god damn,
23 I'm sorry. You guys have got it all.

24 Hey, you guys from LANL, man, let me get down,
25 okay. You know, I mean, we're just crazies here in Santa Fe.

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1 What do we know?

2 You know, Gil has shown me that to apologize and to
3 forgive is the better part of allure. And, you know, we are
4 foreigners. I went to St. John's College, I went to Williams
5 College in Williamstown, Massachusetts. What did I learn
6 there? White ideology. Man, I was way too Irish to ever be
7 White, except they tried to teach us that we were White.
8 Except we're not.

9 So I don't know how many of you guys are actually
10 Anglos. I'm not Anglo enough to be an Anglo. If there was
11 the parliament of my own soul, my own heart, 100 members sit
12 in that parliament, 41 of them are from Ireland, 33 of them
13 from England, and 25 of them are Irish-Mexican.

14 My dad was from Mitamura Brownsville, so we have a
15 tradition in Ireland about the St. Patrick's Brigade. We
16 came to the defense of Native America. I was asking myself
17 the question, I said, I could see what Ireland could do for
18 Native America, but I really didn't see what Native America
19 could do for Ireland, except they gave us a home here.

20 What did we do actually, huh? We stole all their

21 land, we took all their resources, we stiffed them. To the
22 max we stiffed them. And what, now you want to talk
23 technicalities of, hey, the science works? So what? I don't
24 care whether the science works or not. What's that supposed
25 to mean? Do you want to move in and kick somebody out of

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1 their house, move them into the outhouse and take over their
2 house, and say, hey, it's our house.

3 I don't think that works in anybody's country.

4 Every time I see a golf course, I'm reminded that we got run
5 out of Scotland by the English lords buying of our chiefs to
6 run us off our land so the lords could have an estate and run
7 sheep on it so there would be a nice lawn and then they'd
8 golf.

9 But hey, you guys from Carlsbad and LANL, you guys
10 believe what you're doing, so do we. There was an English
11 lord named C. P. Snow. He wrote a book called The Two
12 Cultures, and it was about how the scientific culture and the
13 artistic culture really don't communicate with each other
14 very much anymore. We had a couple of bridge guys that
15 probably you scientists think are pretty flaky. I mean, I
16 did read The Dow of Physics, you know, and The Dow of
17 Physics, they were trying to make the bridge between
18 spirituality and science.

19 We also in the Irish, English, Welsh, Scottish,
20 Galician tradition, we also have a myth about the fire

21 dragon. It's called the Myth of Merlin and King Vortiger
22 (sic). I don't know how many of you people study English
23 poetry, probably one of those Santa Fe pursuits that I have
24 to apologize for. You want a grudge match with Carlsbad,
25 man? Hey, we'll come down and play you, whatever sport you

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1 want to play. Of course, just keep your police back.
2 These guys up here, I guess, are a damned sight
3 easier on the eyes than the ones down there in little Texas.
4 So anyway, Merlin and King Vortiger, a nice myth in the
5 English language. What it's about is we, too, in the
6 European culture have a spiritual teaching about not
7 disturbing the fire dragon. Now this myth it goes that
8 Merlin is dragged in front of the king. He's supposed to be
9 about ten years old, and he comes up in front of the King,
10 and King says, apparently you have something to say about
11 what we are doing. Merlin says, well, you know what you're
12 doing is your building your castle on top of the lake in
13 which the fire dragons live, the red and white dragon.
14 Now you can study this in Jeffrey of Monza, the
15 history of kings of Britain, if anybody really wants to get
16 into the material. And Merlin tells the king, he says, look
17 you have asked your sorcerers, your scientists, your magical
18 people to capture these two serpents, and use their power to
19 turn the earth into a waste land.
20 So why does Merlin train the knights of the Holy

21 Grail? So they can go to the spring of life, the spring of
22 St. Bridgett who used to be known as just simple Bridgett,
23 and when they drink from the well and realize what's going on
24 and get that clarify, then what do they do?
25 They go try and rescue the dragons from their

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1 castle. So they break into the castle and they bust the
2 serpents out of jail, and the first thing the serpents do is
3 they go right back into the water. When they go back to
4 sleep, because when they're asleep is when the earth has been
5 healed, then life on the surface gets back to normal.

6 So that's the whole reason Merlin taught King
7 Arthur how to find the Holy Grail. I mean, I know this stuff
8 doesn't come out in Sean Connery movies, okay, but it does
9 come out if you hang out in the St. John's Library, okay.

10 So I guess as far as the spiritual lesson concerned
11 in European culture, we are foreigners, you know.
12 European's, it is a foreign dynasty in a native land. I
13 mean, if we can't accept that, then we're going to be denying
14 all the things that happened.

15 I can accept it. I'm Irish. What the hell, the
16 English are never going to give me any porter anyway, so my
17 bread is buttered on the Native American side of the toast
18 anyway.

19 So I don't know about you other guys, but hey,
20 anybody from Carlsbad wants to get up a football game, we're

21 ready for you.

22 PRESIDING OFFICER: We're going to take like a
23 five-minute break, maybe ten-minute break. We'll be back.

24 (A SHORT RECESS WAS TAKEN.)

25 PRESIDING OFFICER: Let's go back on the record.

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1 Bryan Howard, who I believe we skipped over
2 earlier, is now here, I understand.

3 BRYAN HOWARD: My name is Bryan Howard, that's
4 B-r-y-a-n H-o-w-a-r-d. Im speaking as a citizen of Carlsbad,
5 New Mexico. I'm a husband and father of three children who
6 live in Carlsbad.

7 I'm a U.S. citizen and a U.S. taxpayer. I am
8 currently employed by Westinghouse, and I have at the WIPP
9 facility, but I'm speaking to you on my own behalf tonight.

10 In my capacity at WIPP, I have led Westinghouse's
11 efforts to prepare the CCA and provided regulatory advice to
12 CAO along the way. Through my knowledge of the CCA and the
13 EPA standards, it is, in my opinion, both broad and fairly
14 mature.

15 My role in the CCA development process required
16 that I continually challenge the compliance assessment from
17 every plausible angle. I have done this throughout the many
18 stages of CCA's development from the 1994 CSR to the 1995
19 draft compliance certification application to the update of
20 the draft compliance certification application to the final

21 certification application which was supplied to EPA in 1996.

22 One thing has remained true throughout this

23 process. The compliance assessments show that the repository

24 will meet the EPA's definition for safety. The containment

25 requirements of 40 CFR 191. Although my education and

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1 practical work experience is to a large extent technical, I
2 would like to make a few important points which represent my
3 beliefs as the generals.

4 First, the EPA proposal to certify WIPP is a
5 correct decision. The requirements to meet EPA standards are
6 clear and the CCA compliance assessment shows that the
7 repository will meet the standards.

8 Number two, the CCA represents the most detailed
9 and well documented compliance demonstration that I have ever
10 seen. There are over 700 detailed technical and scientific
11 reports which support the CCA compliance assessment. There
12 are over 20 detailed appendices that support the CCA
13 compliance demonstration, and the suite of documentation
14 represents years of site characterization work, the most
15 thorough scenario development process ever undertaken, and a
16 risk assessment unparalleled in its combined detail,
17 precision and accuracy.

18 In almost every case during the years of CCA
19 development activities, when decisions were made relative to
20 the conduct of this compliance assessment, conservative

21 choices predominated.

22 It is true for experimental activities, input

23 parameter value choices, conceptual model, numerical code

24 development, numerical code testing, scenario development and

25 calculation of the CCA results.

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1 The product of this conservative approach is a
2 compliance demonstration that must give you confidence that
3 the repository will perform well.

4 Number four, 40 CFR 191 standard, which includes
5 the measure of acceptable performance, is by its very nature
6 also conservative, as you know very well. It is important to
7 remember that the EPA has the responsibility and the
8 authority to ensure continued compliance throughout the
9 operational period.

10 Should a future situation ever merit
11 reconsideration of the certification decisions, I am
12 confident that the EPA will reconsider their decision. Since
13 the CCA includes an acceptable demonstration of the ability
14 to remove the waste, you should consider carefully any
15 concerns that a certification decision would represent the
16 repository by default, and the decision that cannot be
17 reversed. Such concern is clearly unfounded in my opinion.

18 In closing, I would like to say that I consider it
19 a pleasure to have spent the last eight years of my career
20 working on this project. I feel honored to be one of the

21 people given an opportunity to be involved in a decision so
22 meaningful and of such global significance. I believe you
23 should feel the same.

24 I urge you to continue to move forward
25 expeditiously and in a businesslike way to finalize your

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1 certification. I urge you to do so, so that you can set an
2 example for the NMED, who will soon engage in a similar
3 effort on the WIPP wrecker permit.

4 Thank you for your time and attention.

5 PRESIDING OFFICER: Thank you.

6 Next is Amy McKay.

7 AMY McKAY: Hi, my name is Amy McKay, and I am the
8 business manager of the Carlsbad Current Argus.

9 Four years ago while living in Omaha, Nebraska, my
10 employer at the time, Neil Hollwell Harold, purchased the
11 newspaper in Carlsbad and wanted me to transfer. When asking
12 about Carlsbad, I was told about the lovely community, the
13 warm weather and the WIPP site. I didn't have much knowledge
14 of the WIPP site at that time and kind of raised my eyebrows
15 in question.

16 They informed me about the site and that did not
17 frighten me from moving to Carlsbad, and my husband and I
18 moved there in January of 1994. A couple of months after
19 that I was fortunate enough to tour the site. For myself I
20 was amazed and truly impressed by the safety, security, and

21 planning by everyone involved.

22 They were not only concerned about the safety of
23 their employees, but me as a tourist of the facility, the
24 city of Carlsbad, the county of Eddy, the state of New
25 Mexico, and the other states that the waste would travel

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1 through. After my tour, all fears were eased.

2 Right now the waste is stored in temporary storage
3 facilities across the nation aboveground that can be affected
4 by the elements. WIPP is designed to store the waste 2,150
5 feet below the ground securely.

6 My employer, the Current Argus is one of only many
7 businesses in Carlsbad that support the WIPP project. They
8 were willing to allow me to make the trip here today to
9 testify on behalf of the opening of WIPP in May.

10 Last May, May of 1997, my husband and I purchased a
11 house in Carlsbad. We've decided to plant some roots in that
12 lovely community with warm weather and the WIPP site that
13 ODVH personnel told me about four years ago.

14 In closing, I would like to commend Westinghouse,
15 DOE, Sandia, all the employees of WIPP and the other
16 contractors for working diligently for the solutions to the
17 problem. I ask for your support in opening the WIPP site in
18 May. Thank you.

19 PRESIDING OFFICER: Thank you.

20 Next is Billie Jenkins.

21 BILLIE JENKINS: Good evening. My name is Billie

22 Jenkins, and I'm from Carlsbad. Thank you for the

23 opportunity for letting me speak here this evening.

24 I'm from Carlsbad and I've been there since 1945.

25 I'm married and I've raised three children in Carlsbad. I'm

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1 not like most that because Carlsbad is a retirement place, I
2 don't plan to retire there.

3 I plan to work there and keep involved in my
4 community like I have this WIPP project for the past 20
5 years.

6 I've been actively involved in both civic and
7 governmental affairs for the past 30 plus years.

8 Back in the 1950's, it was concluded that rock salt
9 was the most promising geological medium for safe disposal of
10 radioactive waste. Carlsbad, New Mexico was selected as the
11 location to meet the site selection criteria. I wish that I
12 could ask how many of you have taken time to view our
13 facility in Carlsbad. I'm sure if everyone here in this
14 auditorium and the ones that have already left had gone to
15 see it, that we would probably have no protestors. The site
16 has been proved environmentally safe with no risks to the
17 public health and safety.

18 We have the perfect place. Why have it lying on
19 the ground causing dangerous risks?

20 WIPP is an underground facility situated 2150 feet

21 blow the earth's surface. It will facilitate a safe

22 permanent disposal of transuranic waste.

23 Most of the storage sites are not suitable for long

24 term disposal. WIPP is long term. For the safety of our

25 people and our country, I ask you today to issue our

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1 compliance certification, and bring it on down to Carlsbad
2 we're ready for it.

3 PRESIDING OFFICER: Okay, thank you.

4 Next is Henry Castaneda.

5 HENRY CASTANEDA: My name is Henry Castaneda. I'm
6 here to represent Carlsbad and the community.

7 I'm employed with the Carlsbad Association for
8 Retarded Citizens. The use of Westinghouse, they started
9 employment process there back in 1990. Today its got about
10 five apartments.

11 The Carlsbad Association for Retarded Citizens has
12 severely mentally retarded or physically disabled consumers.
13 Westinghouse has opened their doors where otherwise the
14 mentally retarded and disabled would be shunned. They opened
15 their doors to employment. They have approximately 16
16 employees there.

17 Their use there is known. The doors aren't shut. I
18 can go to a community or store or anything like that today
19 and look and see people shunning mentally retarded or the
20 physically disabled. It is a shame that people will stand

21 here and put down our community, the Westinghouse WIPP
22 project and all the good it has brought to our community.

23 I moved back there two-and-a-half years ago. I
24 spent ten years here in Albuquerque. I rolled the streets of
25 Santa Fe, Pojoaque, Tesuque, Santa Ana, San Felipe Pueblo,

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1 Cuba, Taos, all of these communities, Los Alamos and White
2 rock. Never did I get any pollution.

3 The only pollution that I did get, and it disgusted
4 me, was the fact that I was able to drive into these pueblos
5 and see our Natives with other people moving in. They have
6 buses, they have cardboard boxes for homes, they had camper
7 trailers for their homes and no out houses. That's
8 pollution.

9 For them to sit up here and say that they are going
10 to pollute the streets, it's being polluted right now, and
11 people have to realize that. I seen it. I seen it every
12 time I drove these streets, the roads. It was an
13 embarrassment.

14 Westinghouse has done everything they could do when
15 they started -- I left ten years ago and our community -- I
16 was able to move back two-and-a-half years ago. I told
17 myself I'd never go back to raise my children. I'm a
18 husband, I have a wife, I've got four kids. I won't move
19 again. They'll have an opportunity to move out, go to
20 school, and with everything protected as it is today, they'll

21 be able to come back and make a living and raise their
22 children. That's what I'm looking forward to.

23 Westinghouse has been an improvement, will remain
24 an improvement, and I don't see anything wrong with what
25 they've done or they will do in traveling the streets. We

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1 need to look at the DWI's in the community. If the crash,
2 let's not spend thousands of dollars to get them off. Let
3 them serve their time for killing people on the streets.
4 Let's prevent crashes, let's get out of the way. Let's give
5 the Natives back their land that's not polluted anymore.
6 Clear out the top of the land where those barrels are being
7 stored. Let's put them underground. Let's not pollute the
8 people or our air. Thank you.

9 PRESIDING OFFICER: Thank you.

10 Next is Greg Brown.

11 GREG BROWN: My name is Greg Brown and I'm from
12 Carlsbad also. I wanted to go over one the things i heard
13 today which is that almost everybody that's come up here
14 states that they are a parent. I think that's probably one
15 of the biggest responsibilities you can take on in your
16 lifetime. If any of these people had the opportunity to go
17 to Carlsbad through the WIPP site we've been operating for
18 many years now, every single one of them would feel safe and
19 confident that something is being passed on, something that
20 is better than they had before.

21 That's really all I have to say. I hope you guys
22 stay focused on it and WIPP and viewing all the stuff you
23 have to do. It is very emotional, but I think the facts
24 speak for themselves.
25 PRESIDING OFFICER: Thank you.

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1 Rachel Garwell.

2 RACHEL DARNELL: My name is Rachel Darnell and I
3 live in Santa Fe. I'm not a profiteer. I moved here because
4 I wanted to live here.

5 I have a grandfather that was a geologist and
6 engineer, and I have an uncle that's a marine biologist and
7 I've heard from both of them that WIPP won't work.

8 I don't want to talk about numbers or politics, I
9 want to talk about the big picture, the history of New
10 Mexico. There have been people living and traveling through
11 this area for 20,000 years. They have respected the land
12 enough to preserve it so we can enjoy it today.

13 Within the last 50 years we have done more to harm
14 land than in the previous 20,000 years. The corporate and
15 individual pollution of our air, land and water, the worst of
16 which has been for military use.

17 From bombing in White Sands to nuclear and chemical
18 pollution in Los Alamos, the U. S. government has taken
19 advantage of New Mexico. It has used New Mexico like a
20 laboratory rat, testing its hazardous experiments on the

21 land of New Mexico for the last 50 years. This is

22 environmental racism.

23 Now the United States government wants to use New

24 Mexico as its dumping ground. It wants to use New Mexico as

25 it's nuclear toilet. This is environmental racism.

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1 I am calling on you today to say no. There is no
2 sure, proved way to transport the country's nuclear waste.
3 The nuclear waste should stay where it is until an
4 appropriate technology is found to deal with it in a safe
5 way. Im calling on you today to be good stewards of the
6 land. Put politics and power aside and think of New Mexico
7 as being a healthy place to live for us, for our children,
8 for our children's children. This is not our land.

9 We're here for a very short time, and one of the
10 things we are obligated to do while we are here is to keep
11 the land sacred for all future people. I don't know if you
12 know, but there already is a cemetery on St. Francis
13 Boulevard. We don't need another one.

14 PRESIDING OFFICER: Rick Paternoster.

15 (No response.)

16 PRESIDING OFFICER: Joan Hargrave.

17 JOAN HARGRAVE: Is the camera part of the
18 committee?

19 PRESIDING OFFICER: No.

20 JOAN HARGRAVE: I'd prefer not to have it on.

21 My name is Joan Hargrave. I almost didn't want to
22 say where I was from but I wil say now. I am from Carlsbad,
23 New Mexico. Please let me tell you that I have the greatest
24 respect for each and everyone of you for the attention you've
25 paid to us. I know how hard it must be.

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1 As far as coming from Carlsbad, I own a home care
2 business with my husband. Being in my 50's, I don't expect
3 to make a great deal of personal profit treating older
4 citizens in Carlsbad, but I am interested in WIPP. I have
5 watched it since it has just about inception. I have a son
6 that works in WIPP now, so I have a good chance, and I'm sure
7 each one of you have, to look at WIPP, to listen to the
8 people and to read the material on it.

9 I don't profess to know what's going to happen in
10 the future. The Environmental Protection Agency has been
11 part of our country for a long time. There were people
12 before you and there will be people after you that have to
13 make the decisions you're making.

14 I'd like to share a story with you that I read in
15 the Reader's Digest a few years ago dealing with
16 environmental protection about New York City. The committee
17 met and had to determine that something had to be done with
18 the congestion, the traffic was impossible, New York City
19 could no longer tolerate it, a decision had to be made
20 immediately, and something had to be done about the horse and

21 carriages. Something was done. There were people who call
22 in the future and were able to deal with that problem. If we
23 run into any problems with WIPP, those that come after us I
24 think will be able to deal with it. Thank you.
25 PRESIDING OFFICER: Thank you.

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1 Next is Lewis Hargrave.

2 LEWIS HARGRAVE: Good evening. My name is Lewis
3 Hargrave. I've been an independent businessman in Carlsbad
4 for 45 years. I'm not a member of the Mafia. I earn an
5 honest living and I've had the opportunity of visiting the
6 WIPP site and seeing on hand exactly what they've done on two
7 different occasions.

8 Having testified at hearings for the past 20 years,
9 there is nothing else that I can say to you anymore than what
10 you've already heard. I'm getting hungry and I'm not going
11 to take any more of your time, but please give it serious
12 consideration and get this open and get it going. Thank you.

13 PRESIDING OFFICER: Thank for coming.

14 Is Christy Bouseau her?

15 CHRISTY BOUSEAU: Yes, I am. Hi I'm Christy
16 Bouseau from Carlsbad. I work for a company called Commodore
17 Sciences, Incorporated.

18 When I came up here I had no idea I was going to be
19 speaking. I basically thought that I was going to be
20 listening, but when I found out that there was the

21 opportunity to speak, I thought I'm hearing everybody here

22 and I'd like to voice my opinion.

23 I started working for the WIPP in 1989. Before

24 that I worked for a bank, and I have remember one of my

25 colleagues leaving the bank, and I couldn't imagine her

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1 leaving the bank. I remember saying to her, oh, I'll
2 recognize, you'll be the one glowing in the dark. So I was
3 closed minded and naive to the WIPP process.

4 Since then I have been educated and they've trained
5 me, they have shown me what we're doing an what the purpose
6 is, and I believe that our focus should be on the problem.

7 I saw the site, basically they were dumps, and I
8 strongly believe that WIPP is the answer. I've never worked
9 for an organization that believed in safety so strongly as
10 Westinghouse and the WIPP organization. Not only that they
11 believe in training their people and educating them, and I
12 believe that's a very strong company to work for.

13 I have children, three, 17 through 7, and they have
14 also been educated through the school system about the waste.
15 And the little one understands the transportation route
16 because they educate them that way.

17 I compare the WIPP site to a first born. The
18 parents are harder, more stern, there are more rules and you
19 know that your siblings aren't going to deal with it. I'm an
20 oldest. And I believe that the WIPP, Westinghouse, all the

21 organizations, have gone through the obstacles. They have
22 proved that they are ready.

23 Every time there was a great success, it was a yes
24 for us. And I strongly hope that you all support us in this.
25 You all know your job. We can't tell you what your job is,

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1 and I think that documents that have supported us will
2 support your decision also. I appreciate very much being
3 here and I appreciate your time and everything else.

4 PRESIDING OFFICER: Thank you for coming.

5 Ruth Stogstad.

6 RUTH STOGSTAD: I'm Ruth Stogstad and I oppose the
7 opening of WIPP and the transporting of nuclear waste into
8 New Mexico. I don't believe that it has been demonstrated to
9 be safe. In fact, I think that the issues are seeming to
10 become more complex and the evidence of this safety is
11 becoming less convincing and the hazards aren't just to the
12 people of Carlsbad but to all the communities along the
13 transportation route.

14 Transportation, I believe, is an environmental
15 issue. Even under the best of circumstances, barring
16 accidents and terrorist acts, transportation could be
17 hazardous and accidents along the route could be catastrophic
18 to any community along the route.

19 I wish WIPP could solve our problems, but I believe
20 that our problems will only be exacerbated by the importation

21 of more nuclear waste into New Mexico. If the expenditure

22 has to be justified, let's just say we thought about what

23 won't work.

24 So I'm asking you to help us protect our

25 environment here in New Mexico and downstream in Texas and

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1 keep the nuclear waste in right where it can be dealt with by
2 appropriate and reasonable technologies. And as a taxpayer,
3 I personally would prefer to see my tax dollars used for the
4 development of those strategies.

5 So I'm asking you to consider the prevention of
6 opening WIPP your serious consideration, and I believe there
7 is more than a reasonable doubt that WIPP is ready to open
8 now.

9 If you do decide to go ahead and authorize the
10 opening,I would like you to maintain the most stringent
11 requirements, including the examination of what's in the
12 barrels, the characterization of what's in the barrels and
13 all of the more stringent requirements. Thank you.

14 PRESIDING OFFICER: Thank you.

15 Harrison Minor.

16 HARRISON MINOR: Hi. I'm Harrison Minor and I live
17 in Santa Fe and I'm not an expert. We've certainly heard a
18 lot of very impressive expert testimony on both sides of the
19 question tonight.

20 I've been reading about all of the reams of

21 material that is available including your beautiful brochure
22 that, gee, it makes the WIPP site look like a destination
23 resort. I'd like to go hang out there.

24 Certainly the people from Carlsbad have given us a
25 lot of impressive testimony as the technological marvels of

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1 their facility and assurances as to health and safety of the
2 processes.

3 I just want to ask have you all seen the movie
4 Titanic? If so, maybe you remember that that was touted as
5 the technological marvel of its era, and was absolutely
6 unsinkable. And certainly if all of us had toured that ship
7 at the time, we would have been convinced that there was
8 nothing that could possibly happen to that ship.

9 So here we are now making a decision which involves
10 many more people's lives than will ever be on an ocean liner.
11 I just don't think we've really proved that it's really safe.
12 It seems to me that the waste can't be contained every 10,000
13 years.

14 It's certainly been pointed out there's plenty of
15 water. There's a lot of scenarios that could lead to release
16 of radioactivity in the groundwater and certainly the
17 transportation issue is dubious.

18 I just don't see how you can call it environmental
19 protection to allow radioactive emitting vehicles on the
20 road. People get stuck in traffic next to those things. I

21 note from all your literature about the hazards of radiation
22 and the health risks that it's simply a matter of chance. If
23 you're exposed to radiation, some people are going to get
24 cancer from it.
25 So the more of these you have on the road and

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1 obviously this is just the start, you know. If this thing
2 gets off the ground and, you know, people are going to be
3 saying okay, we've figured out what to do with all this
4 waste, let's get it on the road and take it to the sites,
5 there's going to be a lot more of these things on the road.

6 We already have, it's been pointed out, 100,000
7 times, the radioactive levels, background levels in the
8 northern hemispheres and southern hemisphere due to all of
9 the nuclear activities that have taken place here. How much
10 more is that going to rise?. How many more cancers is that
11 going to lead to?

12 It seems it would be much cheaper in the short run
13 to leave the waste in place and figure out ways to stabilize
14 it where it is until a really good research is done. For one
15 thing, you should be able to transport this, if you have to
16 transport it, in a form that doesn't emit any radioactivity
17 to the general atmosphere.

18 I don't why they can't come up with that if they
19 have to transport. For another thing, it should be able to
20 be put into a form where it can't possibly dissolve in ground

21 water or migrating underground formations.

22 But in the third place, it seems like this stuff is

23 so dangerous it really should be kept in a facility where it

24 can be accessed and removed and monitored instead of just

25 trying to cover it up and forget about it, because we don't

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1 know what the future is going to bring in terms of
2 technological for this.

3 It should be maintained in a state where we can get
4 to it and we can deal with it once the sites progress further
5 than it has now. I think there's just a lot of pressure on
6 the, certainly on the people that are making the waste and on
7 the government to come up with a quick fix. And certainly
8 there's a lot of political pressure from the states where the
9 waste is stored now, and the Denver area, I'm sure, has a lot
10 of clout and wants to get it out of their area.

11 But it's better off where it is if it's kept,
12 contained and monitored closely until a better solution comes
13 up, because this ain't going to work. This is going to lead
14 to a lot of problems down the line. It's going to be very
15 expensive to fix. That's all I've got to say. Thank you.

16 PRESIDING OFFICER: Thank you.

17 Next is Debbie Benjamin.

18 DEBBIE BENJAMIN: Good evening. My name is Debbie
19 Benjamin and I'm here to speak in support of the
20 certification of the WIPP site.

21 On December 15, 1997, less than one month ago, I
22 assumed a new position as director of marketing for the
23 Carlsbad Chamber of Commerce. My marketing efforts will be
24 focused on tourism and increasing overnight stays in Carlsbad
25 and surrounding areas.

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1 I held a comparable position in Alton, Illinois,
2 which is situated in the St. Louis, Missouri metro area right
3 on the Mississippi River. I chose to leave a tourism
4 position in Illinois, a state that ranks the top five of the
5 nation for tourism advertising and promotion to move to
6 Carlsbad and back to New Mexico.

7 I was a resident of Albuquerque from 1982 to 1990,
8 and read and heard most of the media accounts of the WIPP
9 project. I moved back to New Mexico because of my great love
10 for the state.

11 I feel it is important for you to know my
12 background so you can put my remarks in perspective. Some of
13 you may remember national news accounts of the 500 year flood
14 of 1993 on the Mississippi river. During that flood my
15 city's water plant was forced to close for one week. In my
16 personal home, I survived that one week without running
17 water.

18 Though our local tourism was severely impacted, I
19 was more concerned with the drums and containers of various
20 unknown chemicals and waste that was fished out of the

21 receding flood waters. The experience from the flood of
22 1993 and subsequent flooding in 1995, when I was then forced
23 to move out of my office which was right across the street
24 from the river. Both incidents increased my awareness of
25 some of the unknown industrial and agricultural waste and

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1 by-products that have already infiltrated our major
2 waterways.

3 Those unknown environmental influences are of more
4 concern to me than the WIPP project which has been so rigidly
5 scrutinized. I feel the TRU packs are safe for
6 transportation through Santa Fe and throughout our nation.

7 I toured the WIPP facility in November before
8 assuming my current position, and I am impressed with the
9 scientific, intellectual and technological resources that
10 have been applied to insure both my personal and the public
11 safety.

12 Marketing a tourism destination can be challenging
13 enough without major flood that hit the international news
14 and without other controversial issues.

15 I carefully weighed my decision to relocate to
16 Carlsbad and concluded that the WIPP site is safe and has
17 both educational and public welfare potential. WIPP appears
18 to me to be a responsible solution to a known situation that
19 is not going to go away. I urge your certification of the
20 facility. Thank you.

21 PRESIDING OFFICER: Thank you very much.

22 Next is Bernice Boyd.

23 BERNICE BOYD: Good evening ladies and gentlemen.

24 I'm Bernice Fanning Boyd, and it is a great privilege to be

25 here today. I was born August 11, 1912. That's the year

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1 that New Mexico became a state. In other words, I'm 85 years
2 old.

3 I'm repeating, I was born August 11, 1912, to
4 Jasper and Lavonia Fanning at Lakewood. That's just a short
5 distance from Carlsbad. My grandfather, Martin Wessely
6 Fanning and grandmother, Sara Elizabeth Horn Fanning, came by
7 wagon train from Texas in 1879. My grandfather and his
8 brother, Joe Fanning, who settled in Hope, New Mexico, had
9 been Texas Rangers and had seen the tall grass in
10 southeastern New Mexico.

11 One thing about growing older, you have seen and
12 enjoyed many of God's miracles such as Carlsbad caverns, and
13 these salt beds, which are a natural for WIPP.

14 I have lived at Potash Company of America in the
15 mid 30's and was privileged to see the underground activity.
16 Naturally I wanted to tour the WIPP site and did so when I
17 attended a Quality of New Mexico seminar about two years ago.

18 My middle daughter, Maurete Boyd, is dean of
19 technology at Triton College in Chicago, which is located not
20 far from Argon National Laboratory. Argon will be shipping

21 transuranic waste to the WIPP site.

22 I feel that the waste materials as they are

23 currently stored at Argon and other governmental facilities

24 are far more dangerous to heavily populated areas such as

25 Chicago and its expansive suburbs than they will be at the

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1 WIPP site with all of its safety and security.

2 Since I have spoken about my family, and
3 southeastern New Mexico, I will also share that my youngest
4 daughter, Beth, works for Boeing. Sheila, the oldest lives
5 in San Antonio, Texas, and with my heritage of my
6 grandparents, I just hope this younger generation will be as
7 honorable and also not fear.

8 I'm speaking to you both as a retiree who chose to
9 relocate in 1976, that's back to my hometown of Carlsbad.
10 And as a person with deep concern for the environment, I have
11 known the WIPP locks for years and am confident that the WIPP
12 site is safe.

13 As a volunteer at the Living Desert Park And Zoo, I
14 meet people from all over the world, many of whom are
15 interested in moving to southeastern, New Mexico. Those
16 people with whom I have discussed with have expressed to me
17 that they feel all necessary safety measures have been taken.

18 I urge you, I urge you to certify this site so that
19 it can begin the work it is so prepared to handle. Thank
20 you.

21 PRESIDING OFFICER: Thank you for coming in.

22 UNIDENTIFIED SPEAKER: Excuse me, my family is

23 expecting me to fix dinner by 7:30 this evening, and I was

24 told that I was scheduled to speak at 5:55, and I wonder if

25 the next speaker might defer to me. I will be quite brief.

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1 UNIDENTIFIED SPEAKER: Why don't you go ahead.

2 RICHARD BALICCI: Am I even on there? When I got
3 here, someone told me that I had been accidentally scheduled
4 to speak at 4:55 yesterday, but I expected to speak today.

5 PRESIDING OFFICER: Go ahead.

6 RICHARD BALICCI: My name Richard Balicci, and I've
7 lived in Santa Fe for over 30 years. I am president of the
8 Santa Fe Teen Arts Center here in Santa Fe. I'm also a book
9 publisher and have a background in newspaper magazine
10 journalism.

11 This year I'm running for city council here in
12 Santa Fe and hope to be serving for District I beginning on
13 March 3.

14 There is a real difference of opinion between
15 people who have testified who live in northern New Mexico and
16 those from the Carlsbad area, and it might be based on a real
17 different of experience. We have been living up here in
18 northern New Mexico with the nuclear cloud over our head
19 since the 1940's. If this were 1946 or 1948, our views might
20 be very much the same as yours, but I think that those long

21 years of experience of having dealt with the problem of
22 nuclear safety have led us to the position we're taking.
23 When I hear folks speak in favor of WIPP, mainly
24 what I've heard today has been economic gain in terms of
25 short-term economic gain, in light of the total span of this

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1 project, a generation or two, perhaps.

2 While transuranic waste is still sitting down
3 there, seven generations from now, there will be no more
4 dollars, it will be something else. It may not be in
5 Carlsbad, it may not even be in the United States, but there
6 will be people living on the planet.

7 Your job is not to look after the economic
8 well-being short term. You're the Environmental Protection
9 Agency. As you know, your job is to protect the environment
10 for all Americans.

11 In this particular case, your task is unique and it
12 is daunting, because you need to protect the environment, not
13 only for us and our children and your children, but for
14 hundreds and hundreds of generations to follow of Americans
15 yet to be born. I'm aware of the pressures that you must be
16 feeling. You're dealing with the limits of an incomplete
17 science. Nuclear safety as a discipline is barely one
18 generation old. You are also dealing with a lot of pressure
19 from congress, from the DOE, perhaps from people in the
20 administration to open this site expeditiously.

21 Please, all I ask is that you do the job right the
22 first time. At least 400 generations will be affected by
23 what you do. Don't bow to expediency or be cowed by
24 political pressure. In fact, if you must error, please error
25 on the side of extreme caution, for you will likely be cursed

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1 or praised for your courage and foresight or lack of it.

2 Down through the ages they will curse your name of they will

3 praise your name. This must be a sobering thought and I

4 don't envy your position.

5 If there was ever a moment for true courage, this

6 is it. Thank you.

7 PRESIDING OFFICER: Thank you.

8 John Hoag.

9 JOHN HOAG: Thank you. John Hoag is my name from

10 Carlsbad. It is both a pleasure and honor for me to be able

11 to speak as part of the process to certify the WIPP site.

12 The position I have is a vicarious one. As an engineer, I

13 have been involved in the project development my entire

14 career. I have an inkling of all the difficulties the

15 technical staff faced to developing an 83,000 page

16 certification document.

17 I also have to side with them and need to respond

18 to every conceivable and possibly some inconceivable threat

19 to the operational safety of the site and the internment

20 process.

21 It is a pleasure for me to see this milestone
22 reached, particularly in such an exemplary manner. It is
23 also an honor for me to be able to endorse the creative work
24 of so many over such a long time and covering so many complex
25 issues.

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1 I wouldn't be able to provide this endorsement if I
2 didn't wholeheartedly support and trust the certification
3 process. Honorable men and honorable women working together
4 produce an honorable result.

5 I am not blind to the fact that problems will
6 continue to present themselves after the facility is open.
7 Similarly, I am not blind to the reality that these same men
8 and women, once again working together but this time in an
9 operational environment, will find reasonable and timely
10 solutions to even the most complex threats to safety.

11 I also want to say one further thing in my allotted
12 time and that is concerning responsibility. As a citizen of
13 this country, I have reaped its bounty in many ways over my
14 lifetime. Some ways are more self evident, others are less
15 direct.

16 A decision was made a long time ago that resulted
17 in the waste that now must be interned. The extent of the
18 benefits that resulted from the scientific exploration are
19 argumentative at least. I nonetheless, as a responsible
20 citizen, feel a responsibility to endorse the process that

21 will eliminate the nuclear waste that are currently stored in

22 23 temporary locations across the nation.

23 Some of these waste sites threaten population

24 centers. All threaten the biosphere. In my opinion, the

25 internment of the waste 2100 feet below the surface of the

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1 earth in a single salt cavern is a far better alternative
2 than threat to the biosphere is effectively eliminated.

3 Furthermore, the maintenance of the sites will no
4 longer be subject to the variances of the political process.

5 I therefore urge certification and the timely
6 opening of the transuranic waste depository early this
7 spring. Thank you.

8 PRESIDING OFFICER: Thank you.

9 Next is Jim Hotch.

10 JAMES HOTCH: Good evening. My name is James Hotch
11 and I reside at 1015 Pecos Street, Carlsbad, New Mexico.
12 I've been a resident of New Mexico since 1949. I worked for
13 a local mining company for 15 years, became familiar with
14 mining activity and the geology of the site.

15 I owned and operated my own business for 25 years
16 and served in the New Mexico legislature for 12 years.
17 During my tenure in the legislature, I chaired various
18 committees, including the taxation and revenue, business and
19 industry, the governmental affairs, and for eight years was
20 either chairman or vice chairman of radioactive and hazardous

21 materials committee.

22 During that eight years the committee heard many
23 hours of testimony from Department of Energy officials,
24 Department of Transportation officials, the BLM officials,
25 and other states and several officials, Environmental

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1 Evaluation Group, environmental groups, including Citizens
2 Against Radioactive Dumping, Southwest Research and
3 Information Center, and other concerned citizens.

4 I might add that I heard many false or unproven
5 statements by those who may oppose WIPP, but never an offer
6 for a better solution.

7 I've attended hearings in Washington, D.C. and
8 throughout New Mexico, including the BLM Land Withdrawal
9 Hearing for WIPP in July of 1981. Also in 1978, a panel of
10 experts organized by the National Research Council, which
11 serves as an agent for the National Academy of Sciences,
12 began extensive technical documentation and briefing for
13 reviving DOE on the sites ability of suitability and design
14 of the WIPP facility.

15 There were also lawsuits that were filed by then
16 Attorney General Jeff Bingaman that resulted in a
17 consultation and cooperation agreement between the DOE and
18 the state of New Mexico signed in July of 1981. Since that
19 time, many hearings have been held for public comment. Much
20 research has been done and the construction of the project

21 has now taken place.

22 There may be some who oppose the project because

23 they are seeking a perfect solution which doesn't exist.

24 Others may oppose the project because of a political agenda,

25 and still others may oppose it because of misinformation.

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1 However, I believe that a vast majority of the
2 people, when properly informed, would prefer the TRU waste be
3 placed in the WIPP repository rather than having it sitting
4 in barrels in locations throughout the United States.

5 I live in the area. I represent the people in the
6 area. My mother and other relatives of mine live in the
7 area. My children and grandchildren visit me in the area,
8 and I would not jeopardize their health or mine if I didn't
9 believe in the safety of the facility or the safe
10 transportation of the waste.

11 With all the years of scientific study and
12 evaluation, and with the recommendation of leading experts in
13 the field, I urge you to give final approval to this project
14 rather than to allow new or hidden agendas stop or delay this
15 facility. Thank you very much.

16 PRESIDING OFFICER: Thank you.

17 Next is Al Mattenheart.

18 (No response.)

19 PRESIDING OFFICER: Joe Sharpe.

20 JOE SHARPE: My name is Joe Sharpe. I'm the

21 elected president of the Carlsbad Board of Education. I was
22 here last year before this panel, and I'd like to say that as
23 citizen I'm very happy to see the same panel members here
24 this year dealing with the same issue we were dealing with
25 last year. To maintain that continuity and to maintain that

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1 sense of knowledge and history of this process and this
2 proceeding, I think is very important as a citizen that's
3 happening at the EPA.

4 As you know from testimony last year, I'm a veteran
5 of the nuclear industry, Missouri in the 70's, the crucial
6 nuclear site Yugoslavia in 1979, plants here in the United
7 States, five years in the South Korean nuclear projects.

8 I transferred to WIPP 11 years ago and left
9 Westinghouse in 1991, and now I'm a small business owner at
10 Carlsbad, Artesia, New Mexico.

11 What I would like to talk about today is a few
12 months ago the League of Women Voters asked me in Washington,
13 D.C. and in Seattle to be an expert panelist on the first
14 ever nuclear waste dialogue in this country. It was
15 sponsored by the Department of Energy and was put on by the
16 League of Women Voters, and it was very important.

17 We spent a week in Portland, Richland, Spokane and
18 Seattle and it was very important dialogue.

19 If there's anything at all that I learned being a
20 panelist there is that this problem of nuclear waste is

21 enormous. I mean I know that from being in the industry for
22 a long time, but also WIPP is probably the first domino in a
23 series of dominoes that it needs to fall over, needs to go
24 ahead and start in order for the country to go ahead and
25 permanently deal with the radioactive waste problem that we

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1 have in this country.

2 The Columbia River Basin is a mess and it's getting
3 bad very, very rapidly. The nuclear waste problem is a
4 horrible problem and it needs to be cleaned up and it needs
5 to be cleaned up very quickly.

6 WIPP is the first thing that came up at every one
7 of those meetings out there. WIPP is the first thing that
8 has to happen, the first shipments, and oddly enough, it is
9 the lowest level of radioactive waste. We have problems that
10 are enormous compared to transuranic waste in the country,
11 WIPP is the first domino in a series of dominoes that has to
12 go ahead and fall in order for us to go ahead and proceed to
13 begin to solve some of this nation's problem.

14 So please, take a look at it. We have wonderful
15 science here, as I mentioned last year. You can read and
16 read and read and never stop reading, but give it careful
17 consideration. Please, let's go ahead and take that first
18 domino, and let's go ahead and attach the bigger problems we
19 have, the more pressing problem, the contamination of our
20 rivers and streams that really, really need all of our

21 attention and all of our help. Thank you very much.

22 PRESIDING OFFICER: Thank you.

23 JONATHAN SHARPE: Hello. My name is Jonathan

24 Sharpe, and I'm a sixth-grade student at Alta Vista Middle

25 School in Carlsbad, New Mexico.

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1 I believe that the WIPP project had been good for
2 our community and especially good for our schools.

3 Having a scientific project in our community gives
4 our schools access to some of the world's top scientists and
5 engineers. Our school science programs have benefitted
6 tremendously by this participation.

7 I believe these people who have lived in our
8 community for many years and whose children are my
9 schoolmates are doing their best and assure that WIPP is a
10 safe facility.

11 Thank you for your time. It was good to stand
12 before you again this year, and I hope I don't have to be
13 here next year. Thank you.

14 PRESIDING OFFICER: Thank you. I hope your dad
15 let's your teachers know you participated in this.

16 Jim Moore.

17 UNIDENTIFIED SPEAKER: He's not here.

18 PRESIDING OFFICER: Eddie Lyons.

19 EDDIE LYONS: My name is Eddie Lyons. I live in
20 Carlsbad and have lived their since 1950. I've been

21 associated with the WIPP project since 1975, and served 12
22 years with the Department of Development and have attended
23 and testified at hearings in New Mexico, Texas, Colorado.

24 I've worked very closely with the Department of
25 Energy, Westinghouse and the many contractors and

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1 subcontractors over the years and have found each of them to
2 have qualified people who are very conscientious in their
3 approach to their work.

4 I have attended the legislature over the past,
5 since 1975, and attended the committee meetings on anything
6 that had anything to do with WIPP, so I feel like that I have
7 been close enough to it while not being a scientist that I am
8 aware of what has been going on.

9 They have done everything possible to comply with
10 all of the requests. In the late hour I would just ask you
11 to please certify so they can get on with it. We need it.
12 It's for the good of the country. Thank you.

13 PRESIDING OFFICER: Thank you.

14 Next is Mary Lou cook. She did already, that's
15 right.

16 Elliott Skinner.

17 ELLIOTT SKINNER: My name is Elliott Skinner. I
18 live in Santa Fe, New Mexico. I've lived here since 1965.
19 Richard Balacci spoke about a different path of experience
20 with the nuclear industry. I was born in Boulder, Colorado

21 and grew up next to what we called in those days the Rocky
22 Mountain arsenal, which had, as you probably know, barrels of
23 nerve gas. I was pretty close the airport. And then we had,
24 of course, Rocky Flats, and having been here in Santa Fe for
25 all of these years so close to Los Alamos which when I first

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1 came was a rather strange city which I could see every day
2 out of our living room and kitchen window. Across the valley
3 it's not so far, it's as the birds fly.

4 I thought until actually this year that as I looked
5 out, and as you'll see when you look, and you'll see some
6 lights over to the right that are fairly dim, and then a
7 whole lot of lights to the left. And I thought those whole
8 lots of lights were White Rock, a subdivision up there, and
9 actually this last spring the people from the laboratories
10 and some of us here in Santa Fe meet once a month at St.
11 John's College and have a seminar, and we were standing out
12 on the balcony looking out because it was that comet was just
13 starting to appear.

14 And so I made some remark about Los Alamos and
15 White Rock and I was told by one of our friends from DOE,
16 that's not White Rock, that's TA-55. It's a huge area with
17 the lights blazing all night. So we here, all our Carlsbad
18 friends left and went to get dinner, we here in northern New
19 Mexico have lived very close to this industry.

20 And I've seen tonight, I am a veteran of these

21 hearings, and I can remember when we had coffee and cookies,
22 and then the cookies disappeared and we had coffee, and then
23 the coffee disappeared and we had water and now there's not
24 even water. Today there doesn't even seem to be enough heat,
25 so, I guess we're approaching the end of some process here or

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1 where economy the is finally settling in with this million
2 dollar project.

3 But those of us who have been to these hearings, I
4 was there at the one that was referred to earlier on this
5 evening with so many people attending from this area. I
6 heard later it was the largest number of people in the United
7 States that had come to a public hearing at that time. A
8 huge number from this area, not so many trucking up from
9 Carlsbad, as I remember, in those days although there were
10 some, or even down from the labs.

11 Over the years this has been a real element in our
12 culture here in Santa Fe and the reason of these hearings,
13 and in one way I'm appreciative of the hearings. We've had a
14 chance to learn, in a sense, to speak publically which is
15 surprisingly difficult for Americans. It's surprisingly
16 difficult talking to their own fellow citizens. People get
17 up and shake and so on. Why is that, I think there are many
18 reasons.

19 I think that maybe why there are fewer people that
20 come to these hearings now from this region is just plain

21 discouragement. I don't think it's education. I think a lot
22 of people here have gotten very well educated about all
23 these issues. And a lot of people in this region that this
24 education has made them even more worried about the
25 situation.

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1 We live here in an area we've lived with, as you
2 know, a lot of lies, a lot of deception. Our young people in
3 the schools that haven't had the benefit, I guess, of this
4 education that the young people in Carlsbad are receiving,
5 and the people who are discouraged and we're very worried.

6 Not long ago the forest fire, we'd sit here and
7 watch it after being told, don't worry, nothings coming over
8 here, even though the smokes coming this way. And the news
9 report keep coming out okay, it's not dangerous, so on, and
10 we really have a fear that if there were to be an accident,
11 major release of Los Alamos, we don't know how long it would
12 be before we would be told. We have no confidence in that.

13 I feel our friends from Carlsbad, it's clear that
14 they have this short-term monetary interest that seems to be
15 primary. I think there is a terrible need for some type of
16 industry in that community, I'm sorry it has to be WIPP, BUT
17 I THINK that a lot of people you heard over the years speak
18 from this region, are speaking from a different field of
19 experience. And there's something kind of naive and fresh
20 and enthusiastic about this Chamber of Commerce booster

21 mentality that we've heard here.

22 But it's also rather sad because it is a nasty

23 project they are taking on. There could be releases or

24 dangers or accidents and I'm not as sure that they'll be told

25 right away. I don't have the confidence they do.

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1 I wanted to say that at the hearing last spring,
2 and it was a rather analogous situation towards the end, most
3 people had left. In the DOE report there's an estimated
4 three deaths that will result through the course of the
5 transport.

6 There was testimony, a reminder to us, of a young
7 woman in our community who was pregnant who was driving home
8 to Lamy, south of here not very far by the railroad station,
9 and a culvert had been put into the road because that's on
10 the WIPP route, and a stronger culvert had been put in. And
11 the culvert collapsed and she was killed.

12 Then that evening, this is just last spring, a
13 woman from Taos testified, and she said it was the first time
14 she had testified at one of these hearings. The reason she
15 came to testify was that her son and daughter, who were
16 teenagers and married and lived in Taos and had troubles and
17 problems, went to the Rio Grande Bridge, which is the second
18 highest bridge in the United States across the Rio Grande,
19 and climbed up on the railing holding hands and jumped off.

20 It was her belief that the reason a significant

21 part -- this is in the testimony, you probably have read
22 it -- a significant part of their situation was living in
23 this place and the pressure and discouragement that they felt
24 living next to a city of death, Los Alamos, which is
25 expanding it's operations and it's known, living in a culture

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1 of lies and deceit.

2 And she felt she had to come and speak for her
3 children. So in a sense you've already had your three deaths
4 from the WIPP project. It's already happened. So the
5 gentleman who spoke from Carlsbad, the sociologist, while I
6 appreciated what he was saying and I do think that he's right
7 that the scope, this process has been flawed from the
8 beginning because the universe of discourse has been so
9 trodden, which is a standard procedure in institutional
10 structures to make a very limited scope and say oh, that's
11 outside our range, that's irrelevant, so on, we all know
12 about that.

13 So then when somebody wants to say such as I, I
14 don't want WIPP for one reason because I don't want to
15 encourage further plutonium production. In Los Alamos then
16 our friends here will say that's a hidden agenda, it's
17 outside source, its a border. There are no borders in life
18 and you know it, you as environmentalists know this.

19 And I appreciate his suggestion that your
20 consideration will have to include the socioeconomic impacts

21 and include that young woman and her unborn child and that
22 young couple.

23 To realize that certification of WIPP is going to
24 be a continuation of a process of an industry of fear and
25 threat and an industry which is incompatible with our

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1 American way of life which should be an open community. And
2 those borders cannot exist.

3 The gentleman from Carlsbad said, I want you to
4 open WIPP, and then, it's your job to consider the larger
5 socioeconomic impacts. I would make the same suggestion of
6 those but let's change the order. I don't this is rush.

7 That stuff where it is. It can be monitored. Where it is on
8 site we're making some progress in the possibility of at
9 least putting in flats or transportation.

10 I've been discussing at seminars with colleagues
11 and friends in Los Alamos. And when I say we, these are
12 people in Santa Fe often picked as the people who are these
13 fanatic and informed people against the nuclear industry.
14 And so we know that there is possibility. We have time. We
15 really have time.

16 We have time to leave that stuff where it is, the
17 \$2 billion spent, that's happened but that's not your
18 consideration to keep that going. We can work to try to get
19 some other kind of jobs for those folks in Carlsbad.

20 I think I just want to end by saying how grateful

21 and thankful for all the people in our community and this
22 region who have shown up year after year after year, who have
23 read the reports and read the studies and involved themselves
24 in these issues, and we really have matured as a community
25 here because of this dreadful industry. Thank you very much.

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1 PRESIDING OFFICER: Thank you.

2 I gather WIPPY is here. Do you want to testify?

3 I would like to.

4 WIPPY THE CLOWN: My name is WIPPY the Clown. I

5 appreciate the opportunity to speak here tonight. I know

6 that my testimony will be taken as seriously in the final

7 consideration as the rest of the testimony that was given

8 today.

9 Our organization is called Santa Feans for

10 Radioactive Tomorrow, and unlike many of the Santa Feans that

11 were moping here, we support radiation.

12 We see radiation as an opportunity for mutation

13 which could lead to creative evolution, and we believe that

14 WIPP is going to lead the way to it.

15 The Department Of Energy, by the way, has done an

16 exemplary job of releasing radiation and other toxins into

17 the environment, and we know we can count on them to continue

18 to do so in the future.

19 I wanted to demonstrate a few of the advantages of

20 mutation. My son here, Heads Up, will show that two heads

21 are, in fact, better than one, and it will always be good to
22 have an extra hand when you need one. And he can certainly
23 dance with two left feet. We could have a real third eye and
24 exciting body parts and so forth.

25 There are mean advantages we feel to WIPP that

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1 haven't been discussed today, for example, a lot of
2 environmentalists complain about using natural resources, but
3 with something like the WIPP truck going through, anything
4 that leads on the street will just light the street itself.

5 A lot of the business people in Carlsbad are
6 looking for tourist attractions, and if this should leak, it
7 would be another radiant hot springs, right in Carlsbad.

8 Also there is a great interest in the lottery in
9 the state of New Mexico, and who knows when the WIPP canister
10 will start leaking and breaking open. And although the odds
11 are small, they are still there, and they are as good as
12 winning the lottery.

13 I just want to say that there's no point in letting
14 annoying scientific facts get in the way. WIPP should happen
15 so that the radioactivity can go on. Our tax dollars are
16 really hard at work.

17 And finally I'd like to just conclude by saying
18 that I, as a parent, I spent a lot of time cleaning up the
19 mess of both of my children, but this is going to be payback
20 because they will be cleaning up our mess for years to come.

21 Thank you very much.

22 PRESIDING OFFICER: Sherry McGee.

23 (No response.)

24 PRESIDING OFFICER: John Bateman.

25 (No response.)

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1 PRESIDING OFFICER: That's the end of my list.

2 Have I missed anybody who planned to speak?

3 (No response.)

4 PRESIDING OFFICER: Lyndia Rollins, did you want to
5 say something?

6 LYNDIA ROLLINS: Hello, my name is Lyndia Rollins.

7 I had left and came back. I was persuaded by WIPPY the Clown
8 that everyone's voice is important in this, so I will speak.

9 I am a resident of Santa Fe. I've lived here for
10 three years and I'm speaking to protest WIPP, and also in
11 particular to protest the thinking that went into the plan
12 bring radioactive waste through one the most heavily
13 trafficked and busy thoroughfares in what is a rapidly
14 developing urban center.

15 But, in particular, when I thought about what I
16 wanted to say, I realized what I wanted to talk about mostly
17 is cynicism, what I find has been an enormous cynicism of the
18 relationship between the DOE and taxpayers, educated people
19 in America.

20 I was troubled to find that the situation we're

21 facing now is very similar to a battle I fought a number of
22 years ago when I lived in New York City. I had the privilege
23 at that time of heading up a national lobbying campaign that
24 tried to stop the Navy from building 13 nuclear armed ports
25 around the country, the home port situation.

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1 In particular, I lived in New York and the first
2 port that was scheduled to be built was going to be in Staten
3 Island which for people who don't know, is directly in the
4 center of the shipping lanes of the busiest harbor in the
5 country.

6 And one of the things we found out from the EIS
7 from the numerous studies done, is that there's an average of
8 maybe eight to 10 accidents every day in that harbor, little
9 bumps, little collisions between the ships on the shipping
10 lanes, but when you add the impact of having nuclear armed
11 ships there, we thought it was something to be concerned
12 about.

13 The Navy would neither confirm nor deny whether
14 there were going to be nuclear weapons on this ship. That's
15 standard policy. But our supports in Congress and in the
16 military assured us that for that kind of carrier group,
17 nuclear weapons were to be expected.

18 One of the things that the EIS, that was important
19 is that they told us that if there was a danger of a nuclear
20 spill, we should take a dampened handkerchief and put it over

21 our nose and mouth and that would protect us from the danger

22 of plutonium.

23 So to that end when I went to those hearings in New

24 York, I made these up. It says it's the Official New York

25 City Anti-Plutonium Device and gave them out to everybody

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1 because I was severely concerned. The Navy thought this was
2 going to help, I thought it was important.

3 Maybe we thought it was a joke in New York, but
4 just recently, in fact maybe two weeks ago, an article in The
5 Reporter told us that the official response now is that if
6 there's all that plutonium swirling around outside, to close
7 your windows.

8 This is the kind of cynicism I'm talking about. I
9 think most of us saw the films that were made for World War
10 II when the Army or DOE, whatever branch, suggested that if
11 any kind of radiation gets on Jeep's maybe just washing them
12 down would be enough.

13 These lies have gone on for the last 50 some odd
14 years, and I encourage you and the people you represent to at
15 least start looking at how we've been made -- lead to believe
16 or asked to believe things that everyone knows isn't true,
17 and this again is a cynicism that I find rampant and so
18 troubling.

19 I don't think anyone, I can't imagine if any of you
20 were faced with a situation where there's a possibility of

21 plutonium leaking you would feel safe with this or with
22 closing your windows and hosing your car down, and neither do
23 any of us.

24 In conclusion, just to follow up on the campaign I
25 led, although we did slow the Navy down, it took six years

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1 for the implementation of a project that then Secretary of
2 the Navy layman thought was a done deal. We didn't prevail.
3 The home part was built, however, after three years it was
4 excised at a cost of \$30 million.

5 It's horrifying to me to see that in my new
6 hometown, in my new home state the same kind of blind -- I
7 don't even know what to call it -- just blind thinking, and
8 that I'm asked to believe that these things make sense.

9 What I'd like to say is there is still a chance to
10 say no to it. It's an honorable way to go and the \$30
11 million in New York could have been used for so many things
12 to improve the quality of life there. And I would like to
13 think that the millions that are going to be spent in opening
14 this and eventually closing it and trying to tap on a new
15 solution could be better used. Thank you.

16 PRESIDING OFFICER: Thank you.

17 Is there anybody else here?

18 GLORIA BARNES: My name is Gloria Barnes, and I'm
19 legal counsel for Westinghouse at the Waste Isolation
20 Division. The Department of Energy, Westinghouse, Sandia and

21 the other participants have worked diligently to comply with
22 all requirements applicable to WIPP.

23 The WIPP site has been closely scrutinized by top
24 scientists of the United States. Our National Academy of
25 Sciences recommended in 1957, and that's 41 years ago, that

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1 radioactive waste would best be permanently disposed in salt
2 beds.

3 In 1998, the national academy of Sciences still
4 recommends disposal of radioactive waste in salt beds, namely
5 disposal of transuranic waste at WIPP.

6 Forty-one years is a long time for our country to
7 take to make a final decision to follow the advice of this
8 most prestigious science. WIPP has demonstrated compliance
9 with the EPA requirements and I strongly urge the EPA to act
10 expeditiously to certify the WIPP facility to begin the
11 process of permanent isolation of our nation's transuranic
12 waste. Thank you very much.

13 PRESIDING OFFICER: Thank you.

14 A couple of points, I guess, before we close.
15 First of all I want to publicly thank the other members of
16 the panel, the EPA staff, particularly our contractors and
17 reporters who have obviously been away from home for a week
18 and spent long hours obviously, because we care about this
19 issue.

20 I'm sorry we didn't have more time to enjoy the

21 beauties of your state, but we appreciate the hospitality.
22 We appreciate the help from the state of New Mexico and
23 finding us places for the hearings, and the officers of the
24 New Mexico State Police who helped us with security, for
25 everyone who was involved in the hearings, for those of you

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1 who testified, for those of you who just came to listen.

2 It's an issue clearly where there are strong
3 differences of opinion, but I think everybody who testified
4 showed thoughtful consideration of the issues and also was
5 placed, for the most part at least, that we were able to have
6 the hearings with everybody showing consideration of
7 everybody else's testimony, whether you agreed with it or
8 not.

9 We'll have a transcript of these hearings in two or
10 three weeks. They will be available on the Internet and in
11 the dockets around the state.

12 The record is open through the end of February, so
13 if anybody of you have additional thoughts, materials to
14 comment on, comments on what other people said, please get
15 them to us by February 27.

16 With that and with thanks for all of you for taking
17 the time to give us your views, we'll close this hearing.
18 Thank you.

19 (The hearing was concluded at 8:00 PM.)

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